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1. LEGAL BASE

The Virginia Energy Assistance Program (EAP) was established in accordance with the Low-Income Home Energy Assistance Act **(**LIHEAP) of 1981 (Title XXVI of Public Law 97-35) and Title III of the Human Services Amendments of 1994 (Public Law 103-252) and amendments which authorize grants to states to assist eligible households to meet the costs of home energy. The Act also established a Leveraging Incentive Program

The State Department of Social Services (VDSS) has been designated to administer the EAP in the Commonwealth of Virginia. Most determinations of eligibility will be made by the VDSS computer for all components of the EAP. Virginia EAP regulations can be found on the internet at http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+22VAC40-680.

2. PURPOSE OF PROGRAM

The EAP consists of three components: Fuel Assistance, Crisis Assistance and Cooling Assistance. The Program purpose is federally defined.

The federally defined purpose of the Fuel Assistance Component is to assist low-income households, particularly those with the lowest incomes, which pay a high proportion of household income for home energy, primarily in meeting their immediate home energy needs. The benefit is not intended to meet the household's total home energy cost during the heating season.

The purpose of the Crisis Assistance Component is to assist households with energy related emergencies that cannot be met by Fuel Assistance or other resources.

The purpose of the Cooling Assistance Component is to assist households in acquiring or repairing cooling equipment or payment of electric bills to operate cooling equipment.

Assistance for all components will be provided through vendor payments or direct payments to eligible households. Benefits received through the EAP will not be counted as income in determining **Supplemental Nutrition Assistance Program (SNAP)**, public assistance, or Medicaid eligibility.

3. OUTREACH AND PUBLIC INFORMATION

The provision of outreach services and the dissemination of public information are required by federal law. The state department of social services (VDSS) and the local departments of social services (LDSS) partner to fulfill this responsibility. Outreach services and public information provided may include the distribution of new releases, the publicizing of websites and public service announcements, the distribution of informational brochures, fact sheets, posters, and a referral to a toll-free assistance line, government entity or community based organization. An eligibility screening tool is available to the public on the internet https://commonhelp.virginia.gov/access/.

The availability of EAP public information at the state and local level will increase program visibility and public access across the state.

By making program information available, the Program will be reaching low income persons who have transportation problems, have frequent changes of residence, have communication problems, or are seriously threatened by energy emergencies. For the hearing and speech -impaired, no cost service is available through the Virginia Relay Center, by dialing 7-1-1. This service will assure that the information on the program is available to eligible households and that households with priority status for the Program are reached. Priority status includes the aged, the disabled, child under 6 and households with the lowest income and highest energy costs.

LDSS should post information in the waiting areas and in other highly visible areas. Localities may have other resources that can be used to distribute information to the public. VDSS normally contacts the press about the Program. LDSS may also want to have information regarding program dates reported in local newspapers.

4. WEATHERIZATION AND ENERGY CONSERVATION

The EAP must be coordinated with weatherization and conservation programs, including the Virginia Weatherization Program, which is funded by the U.S. Departments of Energy and Health and Human Services. LDSS shall identify local conservation programs and provide applicants with information on these programs. Contact your local weatherization office to determine appropriate referrals for your locality. **Weatherization agencies can be found on the internet at** http://www.dhcd.virginia.gov/images/Housing/Weatherization-Provider-List.pdf

The VDSS will provide a report of all approved households to the Weatherization Program. All applicants should be informed that their name might be referred to the Weatherization Program.

5. OTHER RESOURCES

Since the EAP will not be able to meet all energy and emergency needs, LDSS should assume the lead in identifying and planning for the utilization of other available LDSS and community resources. For example, community groups may be able to assist LDSS by providing outreach or transportation and completing applications for homebound individuals**.** The 2-1-1 VIRGINIA Information & Referral program is now available. The scope of services offered by 2-1-1 VIRGINIA is statewide, providing assistance to those individuals requesting health and human services information. The 2-1-1 VIRGINIA database includes many community partners, action agencies and nonprofits across the Commonwealth.

LDSS must coordinate services provided with community agencies and other nonprofit organizations to assure that energy and emergency needs are met and that services are not duplicated. Households found ineligible for Fuel Assistance should be referred to other agencies or utility companies in the appropriate service area, such as EnergyShare (http://www.dom.com/about/community/energyshare.jsp), Neighbor to Neighbor or HeatShare, if the household appears potentially eligible.

6. VENDOR SYSTEM

VDSS will obtain and negotiate the Fuel, Crisis, and Cooling Vendor Agreements which are located on the intranet at: http://spark.dss.virginia.gov/divisions/bp/ea/. Prior to each Energy Assistance Program year, vendors may be required to attend meetings to receive information on changes to the Program. VDSS staff will conduct vendor meetings. VDSS negotiated Vendor Agreements cannot be amended. Additional criteria cannot be added to this agreement by LDSS.

Vendors are used to provide services to eligible households. Reasons for use of vendors include assurances by the vendor not to discriminate or adversely treat any eligible household in regard to terms and conditions of sale, credit, delivery or service. VDSS negotiates agreements for services with vendors for all Energy Assistance Program components.

The Vendor List is located in the Energy Assistance system. This list is available to be accessed by local eligibility workers and supervisors. Applicants for Energy Assistance Programs must be given the opportunity to select their vendor from this list. The Vendor List includes vendor name, address, telephone number, vendor number, localities served and types of services provided. The Vendor List should be checked daily at the beginning of each component due to frequently occurring updates.

Responsibilities relative to the vendor system are divided as follows:

Vendors must:

- Adhere to all conditions on the Fuel, Crisis or Cooling Assistance Vendor Agreements.
- Submit Fuel Assistance credit authorizations to VDSS for payment. Complete and submit accurate Crisis/Cooling Assistance credit authorizations to the LDSS for payment.
- Submit bills and credit authorizations within the time frames specified in the agreement. Bills should be submitted as soon as deliveries are made.
- Notify VDSS of any problems that arise including incorrect or late fuel payments. Maintain records of payments received for audit and tax purposes.

LDSS responsibilities include:

- Providing customers the opportunity to select a vendor from the Approved Vendor List.
- Advising new or interested vendors to call 804-726-7379 about program participation.
- Referring all complaints/concerns regarding vendors to VDSS.

- Ensuring that Crisis/Cooling credit authorizations are complete and signed and that participating vendors prior to payment submit accurate and complete delivery tickets or itemized bills.

- Entering bills to ensure proper payments.

VDSS responsibilities:

- Ensuring that participating vendors correctly complete and sign the credit authorization and submit accurate and complete delivery tickets as appropriate prior to payment.

- Researching and answer all inquiries pertaining to fuel credit authorizations and payments to vendors.

- Terminating participating Energy Assistance vendors for just and reasonable cause.

- Assigning vendor numbers to all vendors.

7. LEVERAGING

Leveraging means using contributions and donations related to the provision of energy resources to low-income households to generate additional federal funds and expand the program**.** VDSS negotiates and develops energy resources that are available to low income households at no cost or a reduced cost to help them meet their energy needs. Current leveraging initiatives with vendors provide benefits at no cost to the program**.**

8. CONTRACTING WITH OTHER AGENCIES

A LDSS may contract for the 1) taking of applications or 2) taking of applications and preparing for processing. Data entry of applications and changes to case information must continue in the LDSS as prescribed in the Quick Reference Guide.

LDSS retain responsibility for:

a. Training of guidance and procedures;
b. Provision of technical assistance to the contractor;
c. Appeal and audit issues;
d. Check return inquiry and update; and
e. Relaying program information/correspondence to contractor.

A copy of the contract must be sent to VDSS.

The maximum amount a LDSS may pay per application received from the contracting agency is $8; however, the LDSS must remain within their administrative allocation. Contracts may be negotiated with any not-for-profit or for-profit third party vendor. Legal counsel should be consulted when contracting. Errors made by the contractor are considered LDSS errors.

9. APPLICATIONS

An opportunity to apply must be given to all individuals during their initial contact with the LDSS, regardless of whether an application was mailed to the household. An individual cannot be required to make an appointment to receive an application or to have a face-to-face interview to receive assistance. An application and Fact Sheet must be available during LDSS work hours. Requests for applications may be made in person, by telephone, by mail, by fax, or by a third party. If an applicant is homebound, the LDSS may need to make arrangements for a home visit.

An application may be completed by the applicant or an authorized representative (a person authorized in writing by the client to act on his/her behalf) and may be submitted at the time of initial contact or returned at a later date. The applicant or representative shall be given a Fact Sheet on the program.

Applications may be received by mail, in person, by fax, **by telephone (through the Enterprise Customer Service Center),** or online **(in CommonHelp)**. The LDSS must affix a date received to each application. In order for an application to be considered valid, it must be signed by the applicant or an authorized representative. The date of the application will be the date the signed application is received in the LDSS.

Applications and verifications dropped off, postmarked, submitted online, or faxed anytime the day of the deadline will be considered received by the deadline. (Note: Unless there are documented technical issues which prevented the submission of an application in CommonHelp, applications that were started in CommonHelp prior to the submission deadline but were not submitted until after the deadline, will not be considered received by the deadline.)

All EAP applications (Fuel, Crisis, and Cooling) must be entered in the eligibility system by Friday of the week the application is received, unless otherwise specified. The application must be placed in pending status unless ready for eligibility determination. If an application is not entered into the system, it will not be reflected in any management reports.

The application period for the Fuel Assistance component of the EAP is the second Tuesday in October until the second Friday in November. If the second Friday falls on a holiday, the LDSS shall accept applications through the next workday. A courtesy application is mailed to prior year recipients in late September.

Fuel Assistance applications received after the final date for applications but postmarked on or before the second Friday in November shall be date stamped as received on the last day for

acceptance.

Undeliverable, preprinted Fuel Assistance application forms returned to the LDSS should be alphabetized for quick retrieval if the potential applicant calls or comes into the office. If the preprinted Fuel Assistance Application form cannot be found or the applicant is new to the LDSS, a blank Fuel Assistance Application will be used.

The State determines automatic eligibility for Fuel Assistance for a number of households based on information available from other programs. **A** letter of approval **(VA EAP Notice of Approval for Fuel Assistance)** is sent to these households and a copy is sent to the LDSS. **This preapproval letter should be placed in the client's file in lieu of a Fuel Assistance application.**

Applications for Crisis Assistance will be accepted from November 1 through March 15, unless funds are depleted earlier. See Chapter G for more detail about timeframes and types of assistance.

Applications for Cooling Assistance will be accepted by LDSS from June 15 through August 15 regardless of the availability of funds. See Chapter J.

For case numbering procedures and handling of duplicate cases/case numbers, see Chapter E, Appendix A.

The VDSS will fill directly any request for 25 or more application forms from an individual or organization. The person requesting the forms should submit the request in writing to:

Energy Assistance Program
Division of Benefit Programs
Virginia Department of Social Services
801 East Main Street
Richmond, VA 23219-2901

10. CONFIDENTIALITY

Virginia law (Section 63.2-102 and 63.2-104 of the Code of Virginia) provides that all client records and statistical registries of the State Department of Social Services and of the local boards and other client information shall be confidential and shall not be disclosed except to persons explicitly authorized by statute and to persons having a legitimate interest in the information contained in social service records. The Privacy Protection Act of 1976 (Chapter 26 of Title 2.1) mandates that all LDSS agencies ensure that all personal information collected is accurate, relevant, and necessary; and that appropriate safeguards are maintained to prevent unauthorized disclosure of the information collected.

Upon initial contact with the client and at subsequent times when appropriate, the client should be advised of the confidentiality of the information provided and the fact that it will be used only for the purpose for which it is requested or as otherwise authorized by law.

11. FAMILY BASED SOCIAL SERVICES GUIDANCE

An effective social service and public assistance system is designed to meet the basic needs of citizens who need help. The system shall provide services within the needy citizen's home community and within an environment that promotes family stability whenever possible. In order to accomplish effective social and public assistance services within Virginia's locally administered, State supervised system; each LDSS must administer programs based upon a philosophy of family based social service delivery. Additional information on Family Based Social Services is contained in Volume I, Chapter E., and Volume VII, Section I, Chapter A.

Benefit programs are designed to provide income support benefits to assist families who are unable to provide the necessities of life and maintain minimum standards of health and well-being through their own efforts. Gathering relevant information about a family's situation and assessing that information against the eligibility for benefit programs are the basis for making the eligibility determinations. This process also includes an assessment of need for service programs and other resources to assist the family, which includes following the Practice Model contained in Appendix B of Chapter A. If other needs exist, the eligibility worker must refer the family for appropriate services or resources within the LDSS or community.

12. TECHNICAL ASSISTANCE AND TRAINING

LDSS in need of technical assistance for the EAP should contact the Regional Consultant. . LDSS requests for assistance will be acknowledged or addressed within three business days.

The on-line Energy Assistance Question and Answer (Q&A) website is http://spark.dss.virginia.gov/divisions/bp/ea/**.** This resource may be used for information regarding all aspects of the program including, Cooling Assistance, Crisis Assistance, Fuel Assistance, Reports and Vendors.

Additional technical assistance, training information and support is located at http://spark.dss.virginia.gov/divisions/bp/ea/index.cgi**.**

13. ENERGY ASSISTANCE PROGRAM FORMS

Forms are located at http://spark.dss.virginia.gov/divisions/dgs/warehouse.cgi. Appendix A provides a listing of all general program forms.

14. RETENTION OF RECORDS

EAP documents must be maintained for a minimum of three years from the month of the last benefit issuance or benefit determination of ineligibility. Some records require a longer retention period. This includes, but is not limited to, situations involving audits, investigations, and fraud. The retention period is dependent on the record type and activity related to the record. Annual systematic purging of material unrelated to legal, fiscal, administrative, or program administration is recommended.

Certification records must be retained for a minimum of three years from the month of origin of each record. Certification records may include any material that documents the basis for a determination of eligibility, ineligibility, and the benefit level. This includes documentation of verifications requested in order to process the application. Records needed to support claims collection activity must be kept until three years after the overpayment has been repaid in full.

Note: Information regarding the receipt of a security deposit is stored indefinitely in the EAP system. Warranty information is stored in the EAP system until the warranty expires. No additional documentation is required to be retained for either security deposits or warranties. However, the LDSS may choose to retain copies of warranties until the expiration of the warranty period when the LDSS has a copy of the warranty.

15. PRE-APPLICATION ELIGIBILITY DETERMINATION/DISCUSSION PROHIBITED

EAP eligibility guidance must be applied to the facts of a specific application submitted by a household; any additional information supplied by an applying household; and, when applicable, the interview with the household based on the submitted application. Prior to receipt of an application, LDSS employees must not provide advice or answers to hypothetical situations from applicants, potential applicants, or, those acting on behalf of others. Until a completed application is received by the LDSS and verifications are received, the LDSS cannot be sure it has all the relevant facts. It is appropriate, however, to explain program eligibility criteria.

The forms utilized in the EAP are identified below. Forms can be accessed through SPARK at: http://spark.dss.virginia.gov/divisions/bp/ea/ or at http://www.localagency.dss.state.va.us/divisions/dgs/warehouse.cgi. Instructions accompany forms

FORM NAME	FORM NUMBER
Affidavit on Check Endorsement	032-06-0118-09-eng (07/14)
Affidavit on Check Endorsement (Spanish)	032-06-0118-04-spa (02/04)
Appeal to State Department of Social Services	032-03-0024-09-chi (07/04)
Appeal to State Department of Social Services	032-03-0024-09-far (07/04)
Appeal to State Department of Social Services	032-03-0024-09-ara (07/04)
Appeal to State Department of Social Services	032-03-0024-10-eng (01/10)
Appeal to State Department of Social Services (Spanish)	032-03-0024-09-spa (10/09)
Benefit Programs Brochure	**B032-01-0002-20-eng (06/17)**
Checklist of Needed Verifications	032-03-0814-10-eng (09/11)
Checklist of Needed Verifications (Spanish)	**032-03-0814-10-spa (09/11)**
Confidentiality Form	032-01-0040-03-eng (09/04)
Cooling Assistance Application	**032-03-0657-14-eng (07/17)**
Cooling Assistance Application (Spanish)	**032-03-0657-09-spa (07/17)**
Correction of Payment (COPE)	032-03-0201-09-eng (10/08)
Crisis Assistance Application	**032-03-0651-11-eng (10/17)**
Crisis Assistance Application (Spanish)	**032-03-0651-06-spa (10/17)**
Energy Assistance Program Information Sheet	**032-03-0661-15-eng (10/17)**
Energy Assistance Program Information Sheet (Spanish)	**032-03-0661-15-eng (10/17)**

FORM NAME	FORM NUMBER
Energy Assistance Program Case Payment Adjustments	032-03-0183-09-eng (06/00)
Energy Assistance Program Check Cancellations	**032-03-0184-03-eng (02/17)**
Energy Assistance Program Historical Data Request	**032-03-0650-00 (02/17)**
Fuel Assistance Application	**032-03-0650-10-eng (10/17)**
Fuel Assistance Application (Spanish)	**032-03-650-05-spa (10/17)**
Notification of Eligibility for Crisis Assistance	032-03-0456-01-eng (11/16)
W-9 Request for Taxpayer Identification Number(s) and Certificate	032-06-0016-00-eng (02/07)
Virginia Energy Assistance Program Vendor Agreement	032-03-0678-03-eng (10/16)

Virginia Department of Social Services Practice Model

The Virginia Department of Social Services Practice Model sets forth our standards of professional practice and serves as a values framework that defines relationships, guides thinking and decision-making, and structures our beliefs about individuals, families, and communities. We approach our work every day based on various personal and professional experiences. While our experiences impact the choices we make, our Practice Model suggests a desired approach to working with others and provides a clear model of practice, inclusive of all LDSS programs and services, that outlines how our system successfully practices. Central to our practice is the family. Guided by this model, we strive to continuously improve the ways in which we deliver programs and services to Virginia's citizens.

1. All children, adults and communities deserve to be safe and stable.

- **Every child has the right to live in a safe home, attend a safe school and live in a safe community. Ensuring safety requires a collaborative effort among family, agency staff, and community partners and across all programs and services.**
- **Every adult has the right to live and work in a safe environment. We value all programs that address domestic and family violence and the abuse, neglect, and exploitation of older or incapacitated adults.**
- **We value individual and family strengths, perspectives, goals, and plans as central to creating and maintaining a safe environment. The meaningful engagement and participation of children, adults, extended family, and community stakeholders is a necessary component of assuring safety.**
- **When legal action is necessary to ensure the safety of a child and/or an adult, we use our authority with respect and sensitivity.**
- **Individuals are best served when services are person-centered, family-focused and community-based and aim to preserve the family unit and prevent family disruption.**

2. All individuals deserve a safe, stable and healthy family that supports them through their lifespan.

- **We believe mothers, fathers, and children thrive in safe, stable, healthy families. We value family structures that support the best interests of children; however, we believe that children do best when raised in intact, two-parent families.**
- **Both parents should be actively involved in the lives of their children, even if they are not the primary caregiver.**
- **Healthy, lifelong family connections are crucial to the development of children, the stability of the family and the support of infirm, dependent or aging adults. Through the services we provide, we seek out, promote, and preserve these healthy ties to family members and to others in the community to whom the family is connected or who may provide support.**

3. Self-sufficiency and personal accountability are essential for individual and family well-being.

- **Family members support each other in ways the social services system cannot. We value the intra-family resources and supports that are available within the context of any family as a pathway to self-sufficiency and personal accountability.**
- **We believe employment, training, and education are keys to self-sufficiency. We believe in employment and training programs that remove barriers and create opportunities for individuals and families.**
- **Individuals and families face unique challenges that impact their ability to maintain self-sufficiency. We value all programs and services that assist individuals and families to regain and maintain self-sufficiency and achieve personal accountability.**
- **Both custodial and noncustodial parents should provide necessary financial resources to support their children.**
- **We believe that parents and caregivers serve as role models in teaching the importance of self-sufficiency and personal accountability.**
- **We support asset development strategies to help individuals and families weather short-term emergencies and improve long-term stability.**

4. All individuals know themselves best and should be treated with dignity and respect.

- **All programs and services should be culturally and linguistically sensitive to all individuals.**
- **Individuals and families are empowered when they have access to information and resources.**
- **We support programs for vulnerable populations including children, the elderly, and individuals with disabilities.**
- **The measure of success differs with every individual. We strive to understand children, adults, and families within the context of their own values, traditions, history, and culture.**
- **The voices of children, individuals, and families are heard, valued, and included in decision-making processes related to programs and services.**

5. When partnering with others to support individual and family success, we use an integrated service approach.

- **Cooperation, coordination and collaboration within and outside of the social services system are essential to providing the most comprehensive services to families. We are committed to working across programs, divisions, agencies, stakeholder groups, and communities to improve outcomes for the children, individuals, families, and communities we serve.**
- **Through the development of policies, procedures, standards, and agreements across systems, we will share information, solve problems, and overcome barriers.**

- **We value prevention networks that link effective public and private programs and community-based organizations that identify individuals and families before they need services.**
- **We believe in partnering across programs and systems in order to provide a full array of services along the continuum of care. We are committed to working within and outside of the social services system to identify and address service gaps.**

6. How we do our work has a direct impact on the well-being of the individuals, families, and communities we serve.

- **Children, individuals and families deserve trained, skillful professionals to engage and assist them. We hire, develop and maintain a workforce that aligns with our practice model.**
- **Clear expectations, effective supervision, leadership and proper resource supports are critical for the workforce to do their job effectively.**
- **We believe in creating and maintaining a supportive working and learning environment with accountability at all levels.**
- **We value the provision of high-quality, timely, efficient, and effective services. We believe relationships and communication should be conducted with honesty, transparency, integrity, empathy, and respect within and outside of our social services system.**
- **The collection and sharing of accurate, outcome-driven data and evidence-based information is a critical part of how we continually learn and improve. We use data to inform, manage, improve practice, measure effectiveness and guide decisions.**
- **Continuous quality improvement is fundamental to our work.**

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1. PURPOSE

The purpose of the Fuel Assistance component is to assist eligible households in meeting their immediate home energy needs. The benefits are not intended to meet the household's total costs during the heating season.

2. PROGRAM DATES

The Fuel Assistance component will begin the second Tuesday in October in all localities. Checks or credit authorizations will be issued in December. **Home Office will specify the last date that services can be provided for each EAP year.**

3. APPLICATIONS

Households that can be automatically determined eligible will be approved for the Fuel Assistance component and will not need to submit an application. A letter of approval **(VA EAP Notice of Approval for Fuel Assistance)** is sent to these households and a copy is sent to the LDSS. **This preapproval letter should be placed in the client's file in lieu of a Fuel Assistance application.**

The VDSS will mail an application to certain households. The application will carry the return address of the LDSS in the locality where the potential applicant was last known to reside.

The date of application will be the date the signed application is received in the LDSS. In order for an application to be considered valid, it must be signed by the applicant or an authorized representative. The LDSS must affix a date received to each application. All applications received in the LDSS through the mail postmarked on or before the second Friday in November must be dated no later than the official closing date for acceptance of applications.

a. Supplemental Nutrition Assistance Program (SNAP) Households

Households that received assistance last year and are identified as single unit SNAP households but cannot be automatically approved will be sent an application containing preprinted demographic data, fuel type and vendor of record, and income and household size information taken from the SNAP database. Income information will be adjusted to reflect Energy Assistance programmatic income exemptions.

b. Fuel Assistance Households

Prior year Fuel Assistance households will be sent an application containing preprinted demographic data, and fuel type and vendor of record.

c. Other Households

Households that are not selected for a mailed application form will be allowed to pick up, be **mailed, complete the Energy Assistance application form on hand in the LDSS or printed from the VDSS public website, or complete an online application**. Applications will be accepted from walk-in applicants through the second Friday in November or the next business day if Friday is a holiday.

4. TIME STANDARDS

All Fuel Assistance applications must be processed (approved or denied) as soon as possible, but no later than the last day designated to process and enter all Fuel Assistance applications in the EAP system. The reasons an LDSS may deny a case are listed in Chapter D, Local Agency Denials.

5. HOUSEHOLDS

a. Definition

A household is defined as an individual or group of individuals who function as one economic unit, who share residential energy, and who have a heating expense. All three criteria must be met.

A heating expense exists even though the heating service has been disconnected. The heat source is considered shared if it is available to all persons in the household.

Public assistance is defined by the Code of Virginia as Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; Supplemental Nutrition Assistance Program (SNAP); employment services; child care; and general relief. A public assistance household is one in which all persons are recipients of public assistance (PA) or supplemental security income (SSI), or a combination of PA and SSI that meets the definition of a household.

b. Composition

Generally, all persons residing in the housing unit will be considered members of the same household. See Section 8.c. for the requirement of a Social Security Number.

Exceptions:

1) Live-in Attendants - Individuals who reside with a household to

provide necessary medical services and whose services are paid for in part or in full by a third party are not considered household members. Verification of payment by the third party is required in determining exempt status.

2) Persons living in multi-unit building - If a building contains more than one housing unit but has only one meter or tank that is shared by all the units, each unit may contain a separate household if each one functions as an economic unit and has a heating expense.

A person out of the home for reasons of employment, education, hospitalization, incarceration, etc. who continues to support or be supported by the unit and who intends to return to the unit **during the component period** will remain a member of the household.

NOTE: A person living in a nursing home who does not intend to return to the unit will not be considered a household member.

c. Types

1) The types of households that may be eligible to receive Fuel Assistance are:

a) Households who pay some or all of their heating expenses. Heating expense is defined as having a cost for the primary fuel needed to operate the heating equipment currently used in the household. The primary fuel will be one of the following: electricity, oil, kerosene, natural gas, LP gas, wood, or coal.

b) Households whose total heating expenses are included in their rent, except for those in subsidized housing.

c) Subsidized households that pay regular monthly heating costs. Households that pay energy costs out of pocket and receive housing assistance under one of the following statutes and programs are to be coded Living Arrangement Code G:

1) United States Housing Act of 1937 (includes Section 8 Rental Assistance);

2) National Housing Act;

3) Section 101 of the Housing and Urban Development Act of 1965 (includes Rent Supplement Program);

4) Section 202 of the Housing Act of 1959 (Elderly Housing Program); and

5) Title V of the Housing Act of 1949 (includes assisted housing programs administered by the Farmers Home Administration).

2) The types of households that are ineligible to receive Fuel Assistance are:

a) Subsidized households whose total heating costs are included in their rent.

b) Persons living in licensed facilities.

c) Persons living in group homes who have no heating expense or who pay a nominal fee to live there.

d) Subsidized households who are responsible for periodic payment of individual excess fuel usage charges even though heating expenses are included in their rent. (Living Arrangement Code F)

e) Persons who reside in only one room within a larger dwelling.

f) Persons who have no physical address.

g) Persons who are homeless.

Note: The EAP will define a homeless individual as Section 330 of the Public Health Service Act (42 U.S.C., 254b) does - "an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose primary residence during the night is a supervised public or private facility (e.g., shelters) that provides temporary living accommodations, and an individual who is a resident in transitional housing." A homeless person is an individual without permanent housing who may: live on the streets, a shelter, mission, single room occupancy facility, abandoned building or vehicle, or stay in any other unstable or non-permanent structure.

6. INCOME

The gross income, both earned and unearned, of each member of the household is to be considered in determining eligibility. The gross income of an individual who, due to a court order, is not included in the number of household members eligible for assistance is to be counted in determining eligibility for the household unit. Money that is paid to a household member by another household member is not considered income.

a. Income Levels

No eligible household shall exceed the income maximums set by the VDSS, except households in which all members are SSI recipients. If all household members receive SSI, follow instructions in the Interim Business Process (IBP) entitled "Energy Assistance Cases Incorrectly Denied for SSI Income" to approve the household. The maximum monthly countable income for each household size is:

Household Size	Maximum Income		Household Size	Maximum Income
1	**$1,383**		11	**$6,236**
2	**$1,868**		12	**$6,721**
3	**$2,353**		13	**$7,207**
4	**$2,839**		14	**$7,692**
5	**$3,324**		15	**$8,177**
6	**$3,809**		16	**$8,663**
7	**$4,295**		17	**$9,148**
8	**$4,780**		18	**$9,633**
9	**$5,265**		19	**$10,119**
10	**$5,751**		20	**$10,604**

b. Exempt Income

The following exemptions will be applied in establishing eligibility for any EAP component.

1) Home produce of the assistance unit utilized for their own consumption.

2) The value of SNAP benefits.

3) The value of foods donated under the U.S.D.A. Commodity Distribution Program, including those furnished through school meal programs.

4) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of l970.

5) **Any benefits received from the Community Service Employment Program (previously** the Older Americans Act of 1965, as amended**).**

6) Wages, allowances, or reimbursement for transportation and attendant care costs provided by Vocational Rehabilitation (VR) for persons participating in Vocational Rehabilitation Programs.

   The disregard is not applicable to benefits provided by VR to the family of the participating individual.

7) Reimbursements and cash advances for expenses paid to participants in the Virginia Initiative for Employment not Welfare (VIEW) formerly the Employment Services Program (ESP).

8) Payments to Vista Volunteers under Title I; payments for services or reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, senior companions, or to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) or other programs under Titles II and III, of Public Law 93-113, the Domestic Volunteer Service Act of 1973.

9) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act (WIA) of Public Law 105-220.

10) Payments or benefits received under Crisis Assistance.

11) Income tax refunds, including the Earned Income Tax Credit (EITC).

12) The value of supplemental food assistance received under the Child Nutrition Act of 1966. This includes all school meal programs; the Women, Infants and Children (WIC) program; and the Child Care food programs.

13) Loans. Loans are funds provided to an individual with the understanding that the money will be repaid.

    The HUD-Insured Home Equity Conversion Mortgage (HECM) commonly known as a reverse mortgage is considered a loan for EAP purposes.

14) Scholarships, grants or work study.

15) Part B and D Medicare Premiums when deducted from Social Security or Railroad Retirement checks or when the household member is responsible for payment of the premium. NOTE: This is not an automatic exemption and therefore must be manually deducted from gross income. The client's statement is accepted as to the amount of the premium.

16) Reimbursement for expenses incurred in employment, such as job travel expenses reimbursed by the employer.

17) Reimbursement for incurred expenses, such as insurance payments for medical bills.

18) Payments made to others on the household's behalf.

19) Non-recurring one-time income such as gifts, one-time earnings, or insurance payments.

20) Earned income (regardless of amount) of dependent children under 18 years of age (in or out of school) living with a parent or guardian.

21) Patient pay amount for an individual who is a recipient of home and community based care through the Medicaid Program. The actual patient pay amount will be exempted from the individual's gross income. The amount to exempt may be obtained from the Medicaid worker or Medicaid case record.

22) Allowances paid directly to the household to assist with utility or rental costs.

23) Benefits received for attendant care from the Veterans Administration as an Aid and Attendance Allowance.

24) Foster care payments.

25) Income, both earned and unearned, that is considered exempt in the Supplemental Nutrition Assistance Program

26) The value of childcare paid under the Child Care and Development Block Grant (CCDBG).

27) Payments through the Department of Veteran Affairs to children of Vietnam veterans who are born with congenital spina bifida and

payments to children of female Vietnam veterans who are born with certain birth defects (P.L. 104-204 and P.L. 106-419).

c. Income Disregard/Medical Deduction

$50.00 per elderly or disabled individual is deducted from the total gross income of the household for out-of-pocket medical expenses. This medical deduction is considered a programmatic income disregard and is applicable only to the EAP. The system calculates and deducts the appropriate amount based on the number entered in the medical deduction field. An elderly person is 60 years of age or older. A disabled individual is a person who is receiving Social Security disability, Railroad Retirement disability, Supplemental Security Income as disabled, 100% Veterans Administration disability benefits, or who has been certified as permanently and totally disabled for Medicaid purposes. **If an individual is both aged and disabled, only one $50 deduction will be given for that individual.**

7. CITIZENSHIP and ALIEN STATUS

Federal law requires eligible Energy Assistance household members to be either a United States citizen or an alien in a qualified immigration status. An individual is not counted in the Energy Assistance household size, if he/she does not meet either of these criteria. However, his/her income is counted in the Energy Assistance household's total income. Alien status must be verified. See Chapter C.5.c. for documentation of alien statuses.

Eligible Energy Assistance household members must meet one of the following statuses.

a. Citizen - An individual is a United States (U.S.) citizen if he/she is:

1) born in the U.S., regardless of the citizenship of his/her parents; or

2) born outside of the U.S. of U.S. citizen parents (the mother if born out of wedlock); or

3) born outside the U.S. of alien parents and has been naturalized as a U.S. citizen. A child born outside the U.S. of alien parents automatically becomes a citizen after birth if his/her parents (the mother if born out of wedlock) are naturalized before he becomes age 16.

b. "Qualified" Alien - The Qualified alien statuses are listed below.

1) Lawful Permanent Resident - An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA).

2) Asylee - An alien granted asylum under Section 208 of the INA.

3) Refugees admitted to the U.S. under section 207 of the INA.

4) Alien admitted as an Amerasian immigrant.

5) Conditional Entrant - An alien admitted as conditional entrant under section 203(a)(7) of the INA as in effect prior to April 1980.

6) Parolee - An alien paroled into the U.S. under section 212(d)(5) for a period of at least one year.

7) Deportee--Deportation Withheld - An alien whose deportation is withheld under section 243(h) (as in effect prior to April 1, 1997) or section 241(b)(3) of the INA.

8) Cuban or Haitian Entrant - An alien who is a Cuban-Haiti entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

9) An alien, and/or alien parent of a child battered or subjected to extreme cruelty, and/or alien child of a battered parent who is battered or subjected to extreme cruelty, while in the U.S.

8. OTHER ELIGIBILITY CRITERIA

a. Applicants must reside in the locality in which they apply for any Energy Assistance component.

b. **An** eligible household that is found to have sold or is selling for profit fuel purchased by the EAP will be ineligible to receive further benefits for **a period of 12 months**. However, households may sell remaining fuel when the residence is changed or when the primary fuel type changes. If these households have remaining benefits they wish to receive, they must provide verification that the funds received from the sale of the fuel were used to purchase fuel for the new heating source.

c. A social security number must be provided for all household members who are 18 years of age or older that are not receiving public assistance and/or social security benefits, and/or do not hold a Qualified Alien status. All other household members for whom a social security number is not provided will not be counted in the EAP household; however, the income of such individuals must be included when calculating the total income used to determine household eligibility for the EAP. If a household member has provided a social security number as part of an earlier EAP application and the social security number is available in the EAP case file, a request to provide the social security number is not required.

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Receipt of assistance from the Fuel Assistance component is contingent upon a determination of eligibility resulting from submission of an application or an automatic enrollment by the State. The LDSS will not have to process an application for automatic enrollment cases, but they will be responsible for case maintenance activities.

1. HANDLING APPLICATIONS

The Fuel Assistance application is used for most households. Applications for Fuel Assistance are mailed by the State with preprinted information from either the Energy Assistance database or the SNAP database to households which received Fuel or Crisis Assistance the prior year or Cooling Assistance the same year.

Processing the application means: securing vendor designation and account number information when needed, entering codes for new or changed information in the system in order for the system to determine eligibility, establish benefit amounts and initiate the appropriate payment method. The LDSS must use the Worksheet/Evaluation form for the appropriate Energy Assistance component when processing an application.

LDSS are responsible for reviewing all applications for completeness and consistency. Household composition will be determined and the verification of information will be handled in accordance with the remainder of this chapter. The treatment of an application and the amount of information needing verification differs for a household in which all persons receive public assistance, none receive public assistance, or only some receive public assistance as defined in Chapter B.5. The LDSS must inform the applicant in writing of any verifications or other information (e.g. designation of a fuel vendor) that are required. A deadline of **10 calendar** days or less is to be provided for the return of verifications or information. Assistance necessary to obtain verifications will be provided by the LDSS. Required verifications and information may be submitted in various ways including in-person, by mail, by a third party, by fax or over the phone. If the applicant fails to provide the needed information prior to, or any time the day of, the deadline, it will be denied.

If the applicant provides the necessary verifications prior to benefit determination, even after the application period has ended, the agency has the discretion to determine eligibility based on the original application. This decision should be made at the beginning of the program and the LDSS must be consistent in applying the guidance to all applicants.

2. GENERAL VERIFICATIONS

The following rules apply when new or changed information is provided.

a. Any verification available in the LDSS' records must be used prior to requesting other verifications, unless the verification is questionable.

a. The applicant's statement or declaration is accepted for the following items: residence, age, social security number, citizenship, Medicare premium, heat included in the rent, and living arrangement. The actual living arrangement should be questioned when more than one living arrangement is circled on the application. Contact with the applicant or review of the prior year's living arrangement status contained in the case should clarify these situations. A case record review can only provide clarification if the applicant's address has not changed.

Note: Individuals participating in the Address Confidentiality Program (ACP) have an ACP authorization card that can be used to verify participation in the program. For these households, the only address that will be entered in the system is PO Box 1133, Richmond, VA 23218-1133.

b. Disability status is verified by the receipt of: social security disability, a Social Security Administration letter determining a disability exists, railroad retirement disability, supplemental security income (SSI) as disabled, 100% veterans administration disability, or certification as permanently and totally disabled for Medicaid purposes.

c. Significant Change

The LDSS should re-verify income if a significant change has occurred, or if the information obtained from the other case records in the LDSS is questionable. A change is considered significant if it causes either eligibility or ineligibility. A significant change can be determined in a number of ways including, but not limited to, comparing new or additional income to the maximum income chart in Chapter B.6.a., or by running a matrix point recalculation. Verification of the change is needed only if the eligibility status for this program is affected. Any change should be reported to other programs from which assistance is received.

2. SELECTED SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) HOUSEHOLDS

A SNAP case that also received Fuel Assistance in the prior year is selected to receive a Fuel Assistance application by mail if it is not automatically approved by the system. The application will be preprinted with case number, case name, address, SSN, sex, race, ethnic background, gross countable monthly income, number of people in the household, fuel type, and vendor. SNAP cases that receive a preprinted application are assumed to be eligible based on income used to determine their SNAP eligibility for October and will be handled as follows:

a. Compare the preprinted number of people in the household with the number of people listed in the household by the applicant. If they are the same, no eligibility

verification of any kind is needed. If a significant change as defined above is made to the preprinted data refer to significant changes in section 2 d, otherwise the preprinted data should be used.

b. If the number of household members does not match, their income and all other eligibility factors must be determined in accordance with the procedures for other public assistance households or non-public assistance households, as appropriate.

c. The income codes in the system will be displayed for the type of income selected from the SNAP database and used to establish the income amount present on the document. Deduct the Medicare premium listed on the application from the preprinted income amount.

d. Some eligible SNAP households that received Fuel Assistance during the previous year are mailed an Approval Notice in October based on information contained in the two databases. These households are approved at the onset of the Fuel Assistance component and are requested to notify the LDSS only if household information has changed. The Approval Notice contains case number, case name, address, gross countable monthly income, number of people in the household, citizenship, living arrangement, vulnerability factors, heating equipment, fuel type, vendor and account number. Households that receive an Approval Notice and report changes will be handled in accordance with Chapter C, Appendix A.

3. OTHER PUBLIC ASSISTANCE HOUSEHOLDS

Chapter B.5 contains the definition for public assistance (PA) cases. Income, citizenship, etc. verification available in current**, open** PA records in the LDSS will be used to determine Energy Assistance eligibility for other PA households**. (For EAP only cases, the PA record can be used if the EAP case was approved during the current Federal Fiscal Year [October 1 – September 30].)** If verifications are not available in current agency records, the procedures for non-PA households must be used.

For households in which all of the members are current recipients of SNAP, the income verification in the SNAP record may be used.

4. NON PUBLIC ASSISTANCE HOUSEHOLDS

A Fuel Assistance application is mailed to prior year Fuel and Crisis Assistance recipients and current year Cooling Assistance recipients in September. The preprinted application contains case number, case name, address, phone number, SSN, sex, race and spouse's SSN. The income verification for any EAP household (such as households receiving a preprinted Fuel Assistance application that does not contain income, a new applicant household that is not known to the

LDSS or a combination household containing both PA recipients and non-PA recipients) will be handled as follows **for non-PA recipients**:

a. Income

Each household member's total monthly income is rounded to the nearest dollar amount in determining gross amounts. Forty-nine cents (49¢) and under will be rounded to the lower dollar and fifty cents (50¢) and up will be rounded to the higher dollar amount.

LDSS may require households claiming no income for all household members to provide a written statement from a reliable source. The LDSS may require a notarized statement if a reliable source is unobtainable.

An applicant's statement will be accepted for income over the maximum income level. If it is questionable that the income is over or it appears the income is under the maximum income level, verification must be obtained.

The income received by each household member who is not receiving public assistance will be verified as follows:

1) Regular Income

Regular earned and unearned income is scheduled predictable income for which a set pattern can be established. All income, including self-employment or seasonal income that meets this definition is considered regular income. NOTE: The income of school employees is considered regular earned income.

Whenever income is anticipated for every pay period in a month and it is received on a weekly or biweekly basis, the eligibility worker must convert the income to a monthly amount by multiplying the average weekly amount by 4.3 and average biweekly amount by 2.15.

Pay received on a daily basis must be converted to a weekly or biweekly amount and then converted to a monthly amount by multiplying the average weekly amount by 4.3 and the average biweekly amount by 2.15.

NOTE: Households receiving monthly or semi-monthly income, such as a state or federal assistance payment, or semi-monthly pay checks, must have the income assigned to the normal month of receipt, even if mailing cycles, weekends, or holidays cause the income to be received in a different month.

Verify and count regular income received in the calendar month prior to the month of application.

2) Irregular Income

Irregular earned and unearned income is unscheduled, erratic, unpredictable income for which no set pattern can be established. A monthly amount will be determined based on the average gross income received over a period immediately prior to application. The LDSS must inform the applicant of the method used to determine the income counted. If no reasonable period of averaging can be determined, the income received will be exempt. (Refer to Chapter B.6.b.19) under exempt income.)

Verify irregular income by using two or more calendar months prior to the month of application.

3) Countable Income

Anticipated receipt of earned or unearned income will not be used to determine eligibility. Countable income must be the combined total monthly income received by all members of the household. For example, if one household member has regular income and another has irregular income, the irregular income would be averaged to obtain a monthly amount and added to the monthly income of the household member who has regular income.

a) Gross earned income or gross pay (not the "take home" pay) regardless of deductions or garnisheed wages, withholding, or work expenses is the countable income.

b) Profit from self-employment is the countable income. Profit from self-employment means the total income received less the allowable business expenses directly related to producing the goods or services and without which the goods or services could not be produced.

c) Gross unearned income (regardless of deductions such as recoupments) received by individuals is the countable income.

4) Verification of Income

a) Earned income is verified by pay stubs, pay envelopes, or written statements from employers. If none of the aforementioned verifications can be obtained, telephone verification may be used. Adequate documentation must be recorded on **the appropriate Energy Assistance component Worksheet/Evaluation form.**

b) Self-employment profit is determined using the larger of the deductions used in other public assistance programs as follows:

1) Income from individuals (meals only)

An individual that takes meals in another individual's home but does not reside there and is not included in the economic unit. Profit is the monthly gross income from an individual or individuals, less a $194.00 food allowance per person. The individual may furnish verification of the payment or household records may be used.

2) Income from renters/roomers

A renter/roomer resides in the individual's home but takes meals elsewhere and is not part of the economic unit. If heat is furnished, profit is 65% of the monthly payment received from each renter/roomer. If heat is not furnished, the profit is 75% of the monthly payment received from each renter/roomer. The renter/roomer may furnish verification of the payment or the applicant’s records may be used.

3) Income from roomers/boarders

A roomer/boarder takes meals and resides in the individual's home but is not included in the economic unit. To determine the profit from roomers/boarders, subtract $194.00 food allowance per roomer/boarder from the monthly payment received and multiply the balance by 65% if the applicant furnishes heat or 75% if heat is not furnished. Verification of the amount paid may be obtained from the roomer/boarder or the applicant's records may be used.

4) Rental property

Income received from renters, roomers/boarders residing in rental property other than the applicant's home will be verified by the renter/roomer/boarder or the individuals' records may be used.

5) Income from children in family day care

When this service is provided in an individual's home to children other than those living in that home the cost of meals and snacks that were provided during the period the income was earned is not counted. Allow **$1.31** for breakfast for each child; **$2.46** for lunch/ supper for each child; and **$0.73** per snack for each child per day.

6) Other self-employment income

Verify the individual's gross income from self-employment bookkeeping records or Agriculture Stabilization and Conservation Service (ASCS) records, tax return or other appropriate information. Determine profit by subtracting business expenses or the cost of production from the gross income.

Business expenses do not include:

- payments on the principal of the purchase price of and loans for capital assets such as, real property, equipment, machinery and other goods of a durable nature;
- the principal and interest on loans for capital improvement of real property;
- net losses from previous periods;
- federal, state, and local taxes;
- money set aside for retirement purposes;
- personal expenses, entertainment expenses, and personal transportation; or
- depreciation on equipment, machinery, or other capital investments necessary to the self-employment enterprise.

c) Unearned income includes all other income received by the household that is not received in exchange for labor, services, or produce. Some examples of unearned income are: Social Security benefits, alimony and child support, cash contributions, lottery winnings, retirement benefits, and unemployment compensation.

Social Security and other benefits will be verified by an award letter, a benefit check, the SDX (State Data Exchange), the Bendex in MMIS (Medicaid Management Information System**),** SVES (State Verification Exchange System), and SPIDeR (Systems Partnering in a Demographic Repository).

Statutory income received by a designated payee and disbursed to a nonhousehold member in its entirety or the mandatory portion thereof is not counted as income in the payee's household. Statutory income is defined as income, which has been authorized to an individual by a legislative enactment, such as Social Security and Veteran's benefits.

Other cash income will be verified by documents in the applicant's possession or by a statement from the person or agency making the contribution.

b. Significant Income Changes

A significant income change is one that will change the eligibility status of the case. Unless there has been a significant change with the potential for causing eligibility or ineligibility, any verification available in current records in the LDSS will be used prior to requesting other verifications. Re-verification of income may be obtained if a significant change occurs having the potential to cause eligibility or ineligibility.

Examples:

- If the applicant was employed in September, but lost his job just prior to applying for Fuel Assistance, the worker would verify the current situation and enter that information into the system to determine eligibility.

- If the applicant just obtained a job, the worker would verify the current situation. If no income has been received, the income would be zero. If less than one month's income has been received, enter that amount into the system to determine eligibility.

- If the applicant's spouse dies, the worker would verify the applicant's current income and enter that information into the system.

5. Citizenship and Alien Status

a. Declaration of Citizenship and Alien Status

The applicant must indicate on the application that all individuals in the household have declared their citizenship/alien status. As long as the signed application reflects an unquestioned status of all household members, it will be considered accurate and current. Refusal by the applicant to declare the status of any individual will result in ineligibility for that individual. Any member of the household who has not declared his/her status or has been found ineligible for a reason below will not be included in the number of household members eligible for assistance. However, the gross income of that person will be counted in determining income eligibility for the household unit.

Documentation of the source of verification must be entered on the **appropriate Energy Assistance component Worksheet/Evaluation form.**

b. Ineligible Aliens

Any individual admitted into the United States who does not have a "qualified" alien status as defined by the Personal Responsibility and Work Opportunity Reconciliation Act **(PRWORA) Pub. L 104-193, 110 stat. 2105 enacted August 22, 1996** is not eligible for the EAP.

c. Aliens must meet a qualified status to be eligible for the EAP. Alien status must be verified. "Qualified" alien statuses and documentation of these statuses are listed below.

1) Lawful Permanent Resident (LPR) - An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA).

Documents verifying LPR status include:
- Alien Registration Receipt Card (Form I-151 or AR3a or I-551); or
- an unexpired temporary I-551 stamp on foreign passport; or
- an Arrival Departure Card (I-94).

A LPR who is an American Indian born in Canada and covered by Section 289 of the USCIS will have:
- Form I-551 with the code "S13"; or
- a letter or other tribal document certifying at least 50% American Indian blood combined with a birth certificate or other evidence of birth in Canada.

Note: Form I-151, Form AR-3, and AR3a are earlier versions of the I-551. Aliens with these versions should be referred to USCIS to apply for the I-551.

2) Asylee - An alien granted asylum under Section 208 of the INA.

Documents verifying an alien granted asylum include:
- Form I-94 with a stamp showing grant of asylum under Section 208 of INA; or
- Employment Authorization Card (I-688B) bearing "Provision of Law" citation 274a. 12 (a) (5); or
- Employment Authorization Document (I-766) annotated "A5"; or
- Grant letter from the Asylum Office of USCIS; or
- an order of an immigrant judge granting asylum.

3) Refugees admitted to the U.S. under section 207 of the INA.

Documents verifying these refugees include:
- I-94 annotated with a stamp showing admission under section 207 of the INA; or
- Employment Authorization Card (I-688B) bearing "Provision of Law" Citation 274a12(a)(3) or (4);
- Employment Authorization Document (I-766) annotated "A3"; or
- Refugee Travel Document (I-571).

4) Alien admitted as an Amerasian immigrant.

Documents verifying an Amerasian immigrant include:
- I-94 coded AMI, AM2, or AM3; or
- I-551 coded AM6, AM7, or AM8; or
- an unexpired temporary I-551 stamp in foreign passport.

5) Conditional Entrant - An alien admitted as conditional entrants under section 203(a)(7) of the INA as in effect prior to April 1980.

Documents verifying a conditional entrant include:
- I-94 with a stamp showing admission under Section 203(a)(7) of the INA; or
- Employment Authorization Card (I-688B) annotated "274a12(a)(3)"; or
- Employment Authorization Document (I-766) annotated "A3".

6) Parolee - An alien paroled into the U.S. under section 212(d)(5) for a period of at least one year.

Documents verifying these Parolees include:
- an I-94 with a stamp showing admission for at least one year under Section 212(d)(5) of the INA. (Alien cannot aggregate periods of admission for less than one year to meet the one-year requirement.)

7) Deportee--Deportation Withheld - An alien whose deportation is withheld under section 243(h) (as in effect prior to April 1, 1997) or section 241(b)(3) of the INA.

Documents verifying these deportees include:
- Employment Authorization Card (I-688B) annotated "274a12(a)(10)"; or

- Employment Authorization Document (I-766) annotated "A10"; or
- an Immigration Judge's order showing deportation withheld under section 243(h) of the INA, or removal withheld under section 241(b)(3) of the INA.

8) Cuban or Haitian Entrant - An alien who is a Cuban-Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

Documents verifying a Cuban-Haitian Entrant include:
- Alien Registration Receipt Card (I-551) with the code CU6, CU7, or CH6; or
- an unexpired temporary I-551 stamp in foreign passport; or
- an I-94 with stamp showing parole as "Cuba-Haitian Entrant" under 212(d)(5) of INA or with one or more of the following notations: humanitarian parole; public interest parole; or section 212(d)(5) parole; or
- Form I-589 filed.

9) An alien, and/or alien parent of a child battered or subjected to extreme cruelty, and/or alien child of a battered parent who is battered or subjected to extreme cruelty, while in the U.S.

The perpetrator is a spouse, parent or other household member of the spouse or parent's family who was residing in the home at the time of the incident but is no longer in the home.

The alien must not now be residing in the same household as the individual responsible for the battery or extreme cruelty.

The spouse or parent of the battered person consented or acquiesced to such battery or cruelty and the alien did not actively participate in such battery or cruelty.

The alien has a petition approved by or pending with INS for one of the following:
- status as an immediate relative (spouse or child) of a U.S. citizen;
- classification changed to immigrant;
- status as the spouse or child of lawful permanent resident alien (LPR); or
- suspension of deportation and adjustment to LPR status based on battery or extreme cruelty by a spouse or parent who is an U.S. citizen or LPR alien.

COMMONWEALTH OF VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Date

VIRGINIA ENERGY ASSISTANCE PROGRAM

NOTICE OF APPROVAL FOR FUEL ASSISTANCE

This year the Energy Assistance Program is making it easier for some Food Stamp households to receive Fuel Assistance. You have been determined eligible for Fuel Assistance for the winter of 20*XX-XX* based on the following information. Contact your worker *ONLY* if this information has changed.

Case # ADAPT # Worker #

There are_____people in your home; household members are/are not US citizens *(based on Citizenship Code)*.

There is/is NOT a child under age 6 in the home.
There is/is NOT a disabled person in the home.
There is/is NOT a person age 60 or older in the home.

You are (Living Arrangement).

Your daytime phone number is (area code + number).

Total income for everyone in your house is $_____.

Your fuel vendor is (Name), account # is_____.

You heat your home with (Fuel Type) using (Equipment Type).

*****IF THE ABOVE INFORMATION IS CORRECT, DO NOT CONTACT YOUR FUEL WORKER. *****

If you withhold information, fail to report changes promptly, or obtain assistance for which you are not eligible you may be breaking the law and could be prosecuted for perjury, larceny and/or fraud. Any benefits received must be used to heat your home. If you feel you have been discriminated against because of race, color, national origin, religion, sex, age, or handicap, you may file a complaint. The Department of Social Services reserves the right to obtain any verification needed to establish your eligibility for assistance or to give information in your case record to other organizations from which you have or may request assistance.

Agency name
Address
Address
City, state, zip

YOU'RE ALREADY APPROVED!

NO APPLICATION NEEDED!

NO NEED TO CALL SOCIAL SERVICES UNLESS YOUR ADDRESS OR THE INFORMATION ABOVE HAS CHANGED

YOU MUST REPORT CHANGES TO *(AGENCY PHONE NUMBER)*

Client Name
Address
Address
City, State, Zip

NOTICE OF YOUR BENEFIT AMOUNT WILL BE ISSUED IN LATE DECEMBER

BILL PAYMENTS BEGIN IN JANUARY

HANDLING APPROVAL NOTICE CHANGES

ELEMENT	VARIABLE	CHANGE in writing or by phone	ACTION NEEDED
# in HH	(1) There is one person in your home. (2)There are ___ people in your home.	Increase or decrease in number of people in household.	When # in household changes, income should also be reviewed for change. Enter new information in the system and ED the case.
Citizenship	(A) All household members are US citizens. (B) One or more are eligible aliens. (C) At least one person is an ineligible alien.	1. yes or no indicated 2. statement scratched out 3. call reporting change 4. new baby 5. moved in or out	A change in citizenship status requires a review of # of people in the household, gross income, vulnerability, and medical deduction. Record changed information in the system and ED the case.
Vulnerability	There is (or is not) a child under age 6 in the home. There is (or is not) a disabled person in the home. There is (or is not) a person age 60 or older in the home.	1. yes or no indicated 2. statement scratched out 3. call reporting change 4. new baby 5. moved in or out	A change in vulnerability status requires a review of # of people in the household, gross income, vulnerability, and medical deduction. Record changed information in the system and ED the case.
Living Arrangement	Homeowner and pay all heating costs. Rent and pay all heating costs. Heat is included in rent. Lives in government housing and pay heating costs. Lives rent free and pay all heating costs.	1. yes or no indicated 2. statement scratched out 3. call reporting change 4. moved	A change in living arrangement requires a review of # of people in the household, gross income, vulnerability, and medical deduction. Accuracy of address, fuel type, and vendor must also be reviewed. Record changed information in the system and ED the case.
Phone #	Area code + number	Scratched out or changed.	Record changed information in the system.

HANDLING APPROVAL NOTICE CHANGES CONTINUED

ELEMENT	VARIABLE	CHANGE	ACTION NEEDED
Income	Total income for everyone in the house is $_____.	1. yes or no indicated 2. statement scratched out 3. call reporting change 4. amount changed	Verify income unless the change would cause ineligibility. Accept the client's statement for income amounts in excess of allowable maximum.
Vendor	Vendor Name Account # No vendor.	1. no indicated 2. statement scratched out 3. call reporting change 4. moved 5. name changed	Entry or change of a vendor name requires checking the approved vendor list and confirming fuel type. Change the vendor number and fuel type in the system. If vendor is not on list, contact client and advise who is on the list.
Fuel Type	You heat your home with dyed kerosene; electricity; natural gas; oil; clear kerosene; coal; wood; bottled gas; or liquid propane	1. no indicated 2. statement scratched out 3. call reporting change 4. vendor changed 5. moved	Confirm vendor of record provides the changed fuel type. Change the fuel type and vendor if necessary in the system.
Equipment type	You heat with a: furnace; radiator; portable heater; vented space heater; baseboard heater; heat pump; fireplace; wood stove; or a coal stove. Your heat source is unknown.	1. no indicated 2. statement scratched out 3. call reporting change 4. vendor changed 5. moved	Entry or change of equipment type requires checking both fuel type and vendor. Change the equipment type as well as the vendor number and fuel type in the system if necessary.

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1. ASSISTANCE PROVIDED

Assistance from Fuel Assistance is to assist eligible households in meeting their immediate home energy needs attributable to the primary heating source and primary fuel currently used by the household.

The benefit is not intended to meet the household's total costs for the heating season, but to help offset the rising costs of home energy that are excessive in relation to income. Fuel Assistance benefit amounts are not entitlements. Benefit monies not used will revert to the State for program usage.

The following definitions apply in determining whether to provide assistance:

a. Primary Heat System

The primary heating system is the system that is currently used to heat the majority of the house.

b. Primary Fuel Type

The primary fuel type is the main fuel used to operate the primary heating system. The household must designate a primary fuel type for the EAP.

c. Heating Expense

A heating expense is one which is incurred directly or indirectly by the household for obtaining the primary fuel to heat the housing unit. Directly incurred expenses are those that are billed to a household. Indirectly incurred expenses are those such as: an undesignated portion of the rent or the cost of operating a chainsaw in areas where wood is used for home heating.

2. PENDING

All Fuel Applications must be entered in the system by Friday of the week the application is received. The application must be placed in pending status unless ready for eligibility determination (ED) or locally entered denial. If an application is not entered into the system, it will not be reflected in any management reports.

At LDSS option, the system will generate a turnaround document reflecting the action taken by the LDSS. Client notices will be generated only for negative actions prior to benefit determination.

Agencies will be notified of system availability dates to enter pending cases.

3. LDSS DENIALS

There are a number of reasons to deny an application which are not identified through the Energy Assistance Program system. Disposition codes for use by the local worker have been established for each of these reasons. Some codes may not be applicable in all components.

Once a code is entered a system generated turnaround document reflecting the new disposition will be printed in the LDSS. A Client Notice of Action will be mailed to the client from the Home Office. Messages to the client for each of the denial codes listed above can be found in Appendix C of this chapter. A copy of this notice will be sent to the LDSS to be filed in the case record.

DB	Household has received program maximum	DQ	Not responsible for energy bills or equipment
DE	Household currently has cooling equipment	DR	Applicants request
DI	Failed to provide income verification	DS	Assistance would not (ensure cooling/alleviate crisis)
DJ	Member of another household	DT	Application received after program deadline
DK	Assistance available once per program year	DU	Death of only eligible HH member
DM	No crisis exists	DV	Not a resident of this locality
DN	Other resources have met need	**DW**	**Application already on file for another member in the household (different case number)**
DO	Assistance requested not offered	DY	Failed to provide non-financial verification
DP	Moved or Unable to locate applicant	DZ	Your current balance on your electric bill is zero

4. ELIGIBILITY SCREENING

The system will screen each case entered without a denial disposition code. The following elements will be evaluated at this stage of processing:

Living Arrangement	Energy Expense
Citizenship	Monthly Income
Household Size	

The system will calculate the dollar value of the medical deduction for elderly and/or disabled individuals in the household unit and deduct this amount to determine the countable income for screening purposes.

The system will also deduct from the gross income of **SNAP** households who received an automated application form, any income that is exempt in Fuel but was counted in determining **SNAP** eligibility to determine gross countable income.

Cases that do not pass one element of the screening will be denied by the system. Cases that pass screening will be approved by the system. System generated turnaround documents will be printed in the LDSS. A Client Notice of Action will not be issued until benefits have been determined on approved cases. Denied cases receive notice at time of disposition.

5. BENEFIT DETERMINATIONS

Benefits amounts will be automatically determined by the system based on the following factors:

a) Number of people in household

b) Gross countable monthly income

c) Living Arrangements

d) Primary heat type

e) Climate Zone (Appendix A)

f) Vulnerability factors, such as:
   1) Person 60 years of age or older
   2) Disabled individual
   3) Child under 6 in home

g) Energy burden (average cost per fuel type divided by household income)

Each household will be assigned a number of points that will reflect the household's status with regards to the factors listed above. The more points a household has, the larger the benefit. Benefit amounts will be determined for all approved cases on a date designated by Home Office. Turnaround documents will be printed and sent to LDSS from Home Office.

6. AUTHORIZATIONS

A system generated Credit Authorization will be mailed from Home Office to the vendor**.** **An example of this document is provided in Appendix D.**

a. When benefit amounts are determined; or

b. When a vendor change is completed after benefits have been determined and the remaining benefit is $10.00 or larger.

7. NOTICES

a. Client Notice of Action

The system will generate a Notice of Action to the client when:

1) An application is denied;

2) The benefit amount has been determined;

3) A vendor number is changed and a credit authorization is issued;

4) Case eligibility status changes.

The notice will be mailed from Home Office. A copy will be sent to the LDSS to be filed in the case record. **Appendix E provides an example of this notice.**

b. Payment Notice

The system will generate a Payment Notice for vendor pay cases at the end of the program. The Payment Notice will be mailed to the client from Home Office with a copy sent to the LDSS to be filed in the case record. The Payment Notice will list all fuel payments made to vendors on behalf of the client and all fuel refunds and cancellation. **An example of the notice is provided in Appendix F.**

Payment Notices will not be generated for only direct payments to clients.

c. Turnaround Documents

Turnaround documents (TD) are optionally printed at the LDSS after the entry of data into the system. They are to be filed in the case record to verify completed actions.

If a transaction is entered on a case which initiates the 10 day automated vendor change process, a TD will be sent to the PID number of the terminal where the transaction was entered. When the printer for that terminal is activated, the LDSS will be able to print TDs for all transactions that have completed the vendor change process.

8. PAYMENTS

a. Fuel Vendors

Payments will usually be made directly to fuel vendors. Payments will only be made for the primary fuel type currently used in the house. All vendor payments for Fuel Assistance will be authorized by Home Office. The system will generate a credit authorization consisting of three vouchers when the automated benefit amount is determined. The credit authorization will be mailed to the vendor from Home Office. Vendors will submit all bills attached to signed credit authorization vouchers to Home Office for payment. **Payments will be provided after receipt of proper invoices and in accordance with the Virginia Prompt Pay Act.**

For individuals on a budget plan with a vendor, the amount of the payment will be the higher of the actual amount owed or the budget amount. If paying the higher amount would jeopardize the budget plan, pay the budgeted amount owed.

In addition to the actual cost of fuel, late charges, and delivery charges, the bill may include fees for restarting the furnace when the household has run out of fuel. The installation charges for fuel tanks, rental of propane tanks, and fees for connecting and reconnecting furnace and fuel lines may also be included on the bill. **Fuel Assistance cannot pay charges for unauthorized usage.**

All vendor bills with accompanying signed credit authorizations for Fuel Assistance must be received in Home Office by the **date specified by Home Office**. **Home Office will advise by broadcast the last day that payment data can be entered in the system.**

b. Households

Direct payments to clients will be issued in one lump sum. The vendor number 999999 is to be used for all direct pay cases.

Direct payments to the household will be made in the following situations:

1) Renters with Heat/Cooling Included

Payments will be made directly to the household when heat/cooling is included in the rent.

2) Other Households

Payments will be made directly to other households:

a) when no vendor contract for the fuel type exists for the locality; or

b) when the LDSS determines the household's fuel storage capacity is less than 100 gallons; or

c) when the household's primary fuel type is coal or wood; or

d) when the household's primary fuel is liquid propane provided by a non participating vendor; or

e) when the household's primary fuel is electricity or natural gas provided by a non participating vendor; or

f) when Home Office advises or an appeal decision requires it; or

g) when the household picks up oil/kerosene from an island pump; or

h) when the household's primary heating or cooling payments are automatically deducted or drafted monthly from a bank account or credit/debit card. The direct pay indicator "F" (Central Office Decision/Appeal) should be selected for this type of situation; or

i) when the household is participating in the Address Confidentiality Program (ACP).

NOTE: If the LDSS is making a direct payment to a client who has a protective payee for other assistance programs such as TANF, SSI, or Social Security, the LDSS may elect to have the fuel check sent to the payee or the LDSS rather than the client. This can be done by entering the payee or the LDSS address rather than the client's address **in the system**.

9. CHANGES

No change to increase or decrease the maximum benefit of an approved case will be made unless the change is the result of an LDSS error.

The following changes will be handled as indicated:

a. If an ineligible household's situation changes prior to benefit determination and the household requests eligibility be redetermined, the application may be updated and reevaluated.

b. When a household becomes ineligible for further assistance, e.g. the household moves from the State, the household requests termination of the benefit, or the household no longer meets eligibility criteria, close the case in the system. A Client Notice of Action will be sent to the client notifying him of the LDSS action.

c. Household Composition

1) When an eligible household divides, the remaining benefits will stay with the household whose name the application was in regardless of where the household resides. The remaining members of the household may make a new application if the application period has not ended. Benefits from the original household will not affect the eligibility of the new household.

2) When an eligible household combines:

a) If an eligible household combines with a household who has not received fuel benefits, the original maximum benefit will be continued upon verification that eligibility based on income of the new household still exists.

b) If two or more eligible households combine, the households must determine whose case will remain open and whose case(s) will be closed. Follow the appropriate case closure procedures based on the case payment method. Benefit amount will not be recalculated.

3) When the case name dies and that individual was the only person in the household, the case will be closed.

4) When the case name dies and other eligible individuals remain in the household, the case name will be changed to that of an eligible adult household member. The social security number will also be changed to that of the new case name. The case number and benefit amount will not be changed.

d. Household Moves In From Another State

When a household moves in from another state, assistance provided from the other state will not be counted in determining a benefit amount.

e. Household Moves Within Same Locality

1) Before Benefits Are Determined

a) The agency must change the address in the system.

b) If the case is in A1 or R1-R4 status, the LDSS must secure vendor and fuel type change information.

c) If the case is in R4 status, the LDSS must change the address and any other case information received when the change is reported.

d) If the case is denied or closed, note the changed information in the case record.

2) After Benefits Are Determined

a) Benefit amount will not be recalculated.

b) The LDSS must change the address in the system.

c) If appropriate, the LDSS must change a fuel type or vendor number.

f. Household Moves to New Locality

1) Before Benefits Are Determined

a) Original locality must deny the application in the system or if the application is approved, close the case.

b) New locality may accept new application during the application period.

2) After Benefits Are Determined

a) Original locality must close the case.

b) New locality must deny application.

The client will receive a Client Notice of Action providing the current status of the case.

If the household moves from one locality to another locality after benefits have been determined and the case is a vendor pay case, enter the closure information in the system. A turnaround document will print in the LDSS in 10 days when the case is closed by the system.

g. Fuel Type

Changes to the primary fuel type may only be made when:

1) The household moves within the same locality and the new residence has a different fuel type; or

2) An LDSS error occurs; or

3) A client error occurs; or

4) The primary fuel type is changed due to the replacement of heating equipment.

Fuel type changes will not result in a change to the benefit amount.

h. Vendor Number Change

1) Before Benefits Are Determined

a) The LDSS will enter the changed information in the system.

b) A turnaround document will print at the LDSS.

c) If the LDSS assisted the client in any way to negotiate with the vendor prior to benefit determination, the LDSS may be liable for payment of any monies due the vendor for fuel delivered or services provided.

2) After Benefits Are Determined

a) The LDSS will enter the changed information in the system unless the vendor number is to be changed to 999999. A written request to the Regional Consultant for changes to 999999 is required.

b) Once the transaction is accepted by the system, a final bill letter will be generated and mailed to the vendor from Home Office.

c) If a final bill is submitted in the established timeframe, it will be paid by the Centralized Payment Processing Unit (CPPU).

d) The system will process the requested change on the 10th day. If the requested change is to change the vendor to 999999, the system will generate a check to the client for the remaining benefit amount at the next check writing date after the 10th day.

e) A turnaround document will print at the local LDSS for filing in the case record when the change process is completed.

f) A credit authorization will be generated and mailed to the new vendor from Home Office.

g) A Notice of Action will be mailed to the client.

i. To Close a Case

1) Client Pay

The appropriate closure code will be written on the Input Document and entered in the system.

A turnaround document will print locally for filing in the case record.

2) Before Benefits Are Determined (Vendor Pay)

The LDSS will:

a) Enter the appropriate closure code on the Input Document for entry into the system.

b) When the transaction is accepted by the system, a turnaround document will print locally for filing in the case record.

3) After Benefits Are Determined (Vendor Pay)

a) The LDSS will enter the required information in the system.

b) Once the transaction is accepted by the system a final bill letter will be generated and mailed to the vendor from Home Office.

c) If a final bill is submitted in the established timeframe, it will be paid by CPPU.

d) The system will process the requested change on the 10th day.

e) A turnaround document will print locally for filing in the case record when the change process is completed.

j. Change from Direct Pay to Vendor Pay

1) Before Benefits Are Determined

a) Enter the correct information on the Input Document for entry into the system.

b) A turnaround document will print locally for filing in the case record.

c) A revised Client Notice of Action will be mailed to the client from Home Office.

2) After Benefits Are Determined

This transaction is not allowed. When benefits are determined, a check is written for the maximum benefit amount and mailed to the client.

k. Change from Vendor Pay to Direct Pay

1) Before Benefits are Determined

a) Change the vendor number to 999999 and enter into the system.

b) A turnaround document may be printed locally at the time of entry.

c) This change will be reflected on the Client Notice of Action and will result in a check being written at benefit determination.

2) After Benefits are Determined

a) Enter correct information in a request memo to the Regional Consultant.

b) The request will be evaluated for policy compliance. If approved, the Consultant will enter the change into the system. This will start the automated change process notifying the vendor to submit a final bill.

c) A final bill submitted timely will be paid by CPPU.

d) The change will be processed 10 days following acceptance of the entry.

e) A check will be issued to the client for the remaining benefit at the next check writing date after the 10 days have expired.

f) A turnaround document will be printed at the LDSS when the change process is completed.

10. APPEALS

The appeal procedures in Chapter F will be used for fuel applicants who request an appeal of the LDSS action.

CLIMATE ZONES

Western Piedmont

Albemarle	003	Patrick	141
Amherst	009	Pittsylvania	143
Appomattox	011		
Bedford *County*	019		
Campbell	031		
Charlotte	037	*Bedford City*	*515*
Franklin County	067	Charlottesville	540
Halifax	083	Danville	590
Henry	089	Lynchburg	680
Nelson	125	Martinsville	690

Northern

Arlington	013	Shenandoah	171
Clarke	043	Warren	187
Culpeper	047		
Fairfax County	059		
Fauquier	061		
Frederick	069	Alexandria	510
Greene	079	Fairfax City	600
Loudoun	107	Falls Church	610
Madison	113	Manassas	683
Orange	137	Manassas Park	685
Page	139	Winchester	840
Prince William	153		
Rappahannock	157		

Central Mountain

Alleghany	005	Buena Vista	530
Augusta	015	Clifton Forge	560
Bath	017	Covington	580
Botetourt	023	Harrisonburg	660
Craig	045	Lexington	678
Highland	091	Roanoke City	770
Roanoke County	161	*Salem*	*775*
Rockbridge	163	Staunton	790
Rockingham	165	Waynesboro	820

CLIMATE ZONES

Eastern Piedmont

Amelia	007	Colonial Heights	570
Brunswick	025	Fredericksburg	630
Buckingham	029	Petersburg	730
Caroline	033	Richmond City	760
Chesterfield	041		
Cumberland	049		
Dinwiddie	053		
Fluvanna	065		
Goochland	075		
Hanover	085		
Henrico	087		
Louisa	109		
Lunenburg	111		
Mecklenburg	117		
Nottoway	135		
Powhatan	145		
Prince Edward	147		
Spotsylvania	177		

Southwestern Mountain

Bland	021	Bristol	520
Buchanan	027	Galax	640
Carroll	035	Norton	720
Dickenson	051	Radford	750
Floyd	063		
Giles	071		
Grayson	077		
Lee	105		
Montgomery	121		
Pulaski	155		
Russell	167		
Scott	169		
Smyth	173		
Tazewell	185		
Washington	191		
Wise	195		
Wythe	197		

CLIMATE ZONES

Tidewater

Accomack	001	Chesapeake	550
Charles City	036	Emporia	595
Essex	057	Franklin City	620
Gloucester	073	Hampton	650
Greensville	081	Hopewell	670
Isle of Wight	093	Newport News	700
James City	095	Norfolk	710
King and Queen	097	Poquoson	735
King George	099	Portsmouth	740
King William	101	Suffolk	800
Lancaster	103	Virginia Beach	810
Mathews	115	Williamsburg	830
Middlesex	119		
New Kent	127		
Northampton	131		
Northumberland	133		
Prince George	149		
Richmond County	159		
Southampton	175		
Stafford	179		
Surry	181		
Sussex	183		
Westmoreland	193		
York	199		

BENEFIT DETERMINATION/POINT VALUES DETERMINATION

The values below remain constant from year to year.

HOUSEHOLD SIZE

No. of Persons	Points
6 or more	15
3 to 5	12
1 to 2	9

HOUSEHOLD INCOME

Income as % of Max Level	Points
0 to 19	25
20 to 29	20
30 to 39	18
40 to 49	15
50 to 59	13
60 to 69	10
70 to 79	8
80 to 89	5
90 to 94	3
95 to 100	1

Income levels based on 130% of the Poverty Income Guidelines are determined. The system calculates the percentage of the maximum income level for the household's income to determine the point assignment.

CLIMATE ZONES

Zone	Points
Central Mountain	20
Southwestern Mountain	18
Northern	16
Western Piedmont	13
Eastern Piedmont	12
Tidewater	8

VULNERABILITY

Condition	Points
Elderly	20
Disabled	15
Child under 6	12

Points are not cumulative, but are assigned by the system for the one condition present in the household with the highest point value.

LIVING ARRANGEMENTS

Living arrangement codes A, C, E, G, and P have a point value of 20.

PRIMARY FUEL

The point value for primary fuel changes on a yearly basis. An annual survey of vendors is conducted to determine the current price per fuel type. Consumption data is obtained from a Cost and Consumption study conducted by Virginia Tech. Costs are then calculated and ranked in order. The highest cost fuel type is assigned 20 points. All other fuel types are assigned points based on the cost of the fuel type as a percentage of all fuel **costs**.

ENERGY BURDEN

The average fuel cost obtained from the annual survey will be divided by the income of the household to determine the household's energy burden. The point assignment based on percentage of energy burden, is as follows:

Percentage	Points
0 - 19	0
20 - 29	5
30 - 39	8
40 - 49	10
50 - 69	13
70 - 79	18
80 - 89	20
90 - 94	24
95 - 100	25

CLIENT NOTICE MESSAGES
DENIALS

Denial codes are uniform for all components of the EAP. System generated codes are alpha numeric. Locally entered codes are double alpha. Some codes apply to only one component. Messages vary dependent on the component. The variables for each message are contained in parentheses and are italicized.

D1 = Income Exceeds Maximum Income Level

Your application for (*component)* assistance was denied. Your total household income is over the income limit for the number of people in your home.

D3 = Ineligible living arrangement

Your application for (*component)* assistance was denied. Your current housing situation does not qualify you for the Energy Assistance Program.

D4 = No energy expense

Your application for *(component*) assistance was denied. Your household does not have a *(heating or cooling)* expense.

D5 = Ineligible Alien Status

Your application for *(component)* assistance was denied. Your current alien status does not allow you to receive Energy Assistance.

D6 = No vulnerable person in household

Your application for *(cooling)* assistance was denied. In order to be eligible there must be someone living in your home who is aged 60 or older or under age 6 or who meets specific disability requirements.

D7 = Warranty in effect

Your application for *(cooling or crisis)* assistance was denied. This Program previously purchased equipment for your household and the warranty is still in effect. Contact the manufacturer for warranty coverage.

D8 = Denied, Security Deposit Previously Received

Your application for *(cooling or crisis)* assistance was denied. You received a security deposit for this type of energy in the past. You may only receive a security deposit for a specific type of energy once in a lifetime.

D9 = Out of funds

Your application for *(cooling or crisis)* assistance has been denied. You were found eligible for assistance but the Program is currently out of funds. If funding becomes available you will be notified of any assistance that can be provided.

DB = Denied, Household has received program maximum

Your application for (*cooling*) assistance was denied. Your household has received the program maximum for this type of assistance.

DE = Denied, Household currently has cooling equipment

Your application for (*cooling*) assistance was denied. Your household currently has cooling equipment.

DI = Failed to provide income verification

Your application for *(component*) assistance was denied for failure to provide income verification of all persons in the home.

DJ = Member of another household

Your application for *(component)* assistance was denied. You are considered a member of another eligible household.

DK = Assistance available once per program year.

Your application for *(cooling or crisis)* assistance has been denied. The type of assistance you requested is available only once per program year. Your household has already received assistance this program year.

DM = No crisis exists

Your application for (*crisis)* assistance has been denied. Your current situation is not considered a crisis in accordance with the rules of this Program. The Program is unable to help you at this time.

DN = Other resources have met need

Your application for *(cooling or crisis)* assistance has been denied. You have received help with your situation from other sources and are no longer in need of assistance from this Program.

DO = Assistance requested not offered

Your application for *(cooling or crisis)* assistance has been denied. The Energy Assistance Program does not offer the assistance you requested.

DP = Unable to locate applicant

Your application for *(component)* assistance has been denied. You have either moved from this locality or into someone else's home, or we have been unable to contact you.

DQ = Not responsible for heating bills or equipment

Your application for *(cooling or crisis)* assistance has been denied. You have not provided proof that you are responsible for *(cooling or heating)* your home.

DR = Applicants request

Your application for *(component)* assistance has been denied. You or a household member requested withdrawal of the application. If this information is incorrect, please contact the agency immediately.

DS = Assistance would not *(ensure cooling/alleviate crisis)*

Your application for *(cooling or crisis)* assistance has been denied. The maximum funds available for the type of assistance you requested would not *(ensure cooling for your home or alleviate your crisis situation*). The Program is unable to assist you at this time.

DT = Application received after program deadline

Your application for *(component)* assistance has been denied. This is a seasonal Program and the application period has ended. Your application was received after the Program application period ended.

DU = Death of only eligible HH member

The application for *(component)* assistance has been denied. A program eligible household member no longer resides in the home. Contact us if this information is incorrect.

DV = Not a resident of this locality

Your application for *(component)* assistance has been denied because you do not live in this locality. Please apply in the locality where you reside prior to the application deadline.

DW = Application already on file

Your application for (*component*) assistance has been denied because an application is already on file for another member in the household. (Note to LDSS: only use with a different case number)

DY = Failed to provide non-financial verification

Your application for *(component)* assistance has been denied for failure to provide requested verifications. Please contact the LDSS and provide the requested verification for possible re-evaluation of your situation.

DZ = Current balance on electric account is zero

Your application for (*cooling*) assistance was denied. Your current balance on your electric account is zero.

CLOSURES

Regardless of the number of components for which a household is approved or the number of different types of assistance for which a case is approved, the system considers it one case. Any eligibility determination subsequent to the first one renders a closure code if the case is ineligible. In essence a closure code serves as a denial in many instances.

C0 = Payment issued or security waived

No message sent to recipient

C1 = Income Exceeds Maximum Income Level

Your application for *(component)* assistance was denied. Your total household income is over the income limit for the number of people in your home.

C3 = Ineligible living arrangement

Your application for *(component)* assistance was denied. Your current housing situation does not qualify you for the Energy Assistance Program.

C4 = No energy expense

Your application for *(fuel or crisis)* assistance was denied. Your household does not have a heating expense.

C5 = Ineligible Alien Status

Your application for *(component*) assistance was denied. Your current alien status does not allow you to receive Energy Assistance.

C6 = No vulnerable person in household

Your application for *(cooling)* assistance was denied. In order to be eligible there must be someone living in your home who is aged 60 or older or under age 6 or who meets specific disability requirements.

C7 = Warranty in effect

Your application for *(cooling or crisis)* assistance was denied. This Program previously purchased equipment for your household and the warranty is still in effect. Contact the manufacturer for warranty coverage.

C8 = Denied, Security Deposit Previously Received

Your application for *(cooling or crisis)* assistance was denied. You received a security deposit for this type of energy in the past. You may only receive a security deposit for a specific type of energy once in a lifetime.

C9 = Out of funds

Your application for *(cooling or crisis)* assistance has been denied. You were found eligible for assistance but the Program is currently out of funds. If funding becomes available you will be notified of any assistance that can be provided.

CB = Household has received program maximum

Your application for *(cooling)* assistance was closed. Your household has received the program maximum for this type of assistance.

CE = Household currently has equipment

Your application for (*cooling*) assistance was closed. Your household currently has cooling equipment.

CI = Failed to provide income verification

Your application for *(component)* assistance was denied for failure to provide verification of all persons in the home.

CJ = Member of another household

Your application for *(component*) assistance was denied. You are considered a member of another eligible household.

CK = Assistance available once per program year.

Your application for *(cooling or crisis)* assistance has been denied. The type of assistance you requested is available only once per program year. Your household has already received assistance this program year.

CM = No crisis exists

Your application for *(crisis)* assistance has been denied. Your current situation is not considered a crisis in accordance with the rules of this Program. The Program is unable to help you at this time.

CN = Other resources have met need

Your application for *(cooling or crisis)* assistance has been denied. You have received help with your situation from other sources and are no longer in need of assistance from this Program.

CO = Assistance requested not offered

Your application for *(cooling or crisis)* assistance has been denied. The Energy Assistance Program does not offer the assistance you requested.

CP = Unable to locate applicant

Your application for *(component)* assistance has been denied. You have either moved from this locality or into someone else's home, or we have been unable to contact you.

CQ = Not responsible for heating bills or equipment

Your application for *(cooling or crisis)* assistance has been denied. You have not provided proof that you are responsible for *(cooling or heating)* your home.

CR = Applicants request

Your application for *(component)* assistance has been denied. You or a household member requested withdrawal of the application. If this information is incorrect, please contact the agency immediately.

CS = Assistance would not *(ensure cooling/alleviate crisis)*

Your application for *(cooling or crisis)* assistance has been denied. The maximum funds available for the type of assistance you requested would not *(ensure cooling for your home or alleviate your crisis situation)*. The Program is unable to assist you at this time.

CT = Application received after program deadline

Your application for *(component)* assistance has been denied. This is a seasonal Program and the application period has ended. Your application was received after the Program application period ended.

CU = Death of only eligible HH member

Your application for *(component)* assistance has been denied. A program eligible household member no longer resides in the home. Contact us if this information is incorrect.

CV = Not a resident of this locality

Your application for *(component*) assistance has been denied because you do not live in this locality. Please apply in the locality where you reside prior to the application deadline.

CW = Application already on file

Your application for (*component*) assistance has been denied because an application is already on file for another member in the household. (Note to LDSS: only use with a different case number)

CY = Failed to provide non-financial verification

Your application for *(component)* assistance has been denied for failure to provide requested verifications. Please contact the LDSS and provide the requested verification for possible re-evaluation of your situation.

CZ = Current balance on electric account is zero

Your application for *(cooling)* assistance was closed. Your current balance on your electric account is zero.

CREDIT AUTHORIZATION

COMPLETE FORM, ATTACH BILL & MAIL TO:
XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX

Locality : XXXXXXXXXXXXXXX (xxx)
Phone: XXX-XXX-XXXX

(barcode here)
XXXXXXX X XXXXXXXXXXXXXXX
XXXX XXXXXXXXXXXXXXXX XX
XXXXXXXXXXXXX, XX XXXXX-XXXX

032-03-081/2 (10/05) INCOMPLETE FORMS WILL BE RETURNED

You are AUTHORIZED to provide heating fuel in an amount NOT to EXCEED $XXX.XX to:
Name: XXXXXXX X XXXXXXXXXXXXXX
Address: XXXXXXXXXXXXXXXXXXX XX
XXXXXXXXXXXXX, XX XXXXX-XXXX
Phone: XXX-XXX-XXXX

ACCOUNT INFORMATION
Account #: XXXXXXXXXXXX Fuel: XXXXXXX
Account Name: XXXXXXXXXXXXXXXXXX
Case #: XXXXXXXXXXXX Vendor #: XXXXXX
To make a correction to the above information, line through printed data and make change in red ink.

COMPLETE THIS SECTION
Delivery/Bill Date ___/___/_____ Amount: _____

FOR KEROSENE DELIVERIES ONLY
Gallons Delivered: _____ Type: _____ Dyed (0): / Clear (4)

SIGNATURE CERTIFIES ACCURACY OF BILL
Signature: _____ Date: __/__/

COMPLETE FORM, ATTACH BILL & MAIL TO:
XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX

Locality : XXXXXXXXXXXXXXX (xxx)
Phone: XXX-XXX-XXXX

(barcode here)
XXXXXXX X XXXXXXXXXXXXXXX
XXXX XXXXXXXXXXXXXXXX XX
XXXXXXXXXXXXX, XX XXXXX-XXXX

032-03-081/2 (10/05) INCOMPLETE FORMS WILL BE RETURNED

You are AUTHORIZED to provide heating fuel in an amount NOT to EXCEED $XXX.XX to:
Name: XXXXXXX X XXXXXXXXXXXXXX
Address: XXXXXXXXXXXXXXXXXXX XX
XXXXXXXXXXXXX, XX XXXXX-XXXX
Phone: XXX-XXX-XXXX

ACCOUNT INFORMATION
Account #: XXXXXXXXXXXX Fuel: XXXXXXX
Account Name: XXXXXXXXXXXXXXXXXX
Case #: XXXXXXXXXXXX Vendor #: XXXXXX
To make a correction to the above information, line through printed data and make change in red ink.

COMPLETE THIS SECTION
Delivery/Bill Date ___/___/_____ Amount: _____

FOR KEROSENE DELIVERIES ONLY
Gallons Delivered: _____ Type: _____ Dyed (0): / Clear (4)

SIGNATURE CERTIFIES ACCURACY OF BILL
Signature: _____ Date: __/__/____

COMPLETE FORM, ATTACH BILL & MAIL TO:
XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX

Locality : XXXXXXXXXXXXXXX (xxx)
Phone: XXX-XXX-XXXX

(barcode here)
XXXXXXX X XXXXXXXXXXXXXXX
XXXX XXXXXXXXXXXXXXXX XX
XXXXXXXXXXXXX, XX XXXXX-XXXX

032-03-081/2 (10/05) INCOMPLETE FORMS WILL BE RETURNED

You are AUTHORIZED to provide heating fuel in an amount NOT to EXCEED $XXX.XX to:
Name: XXXXXXX X XXXXXXXXXXXXXX
Address: XXXXXXXXXXXXXXXXXXX XX
XXXXXXXXXXXXX, XX XXXXX-XXXX
Phone: XXX-XXX-XXXX

ACCOUNT INFORMATION
Account #: XXXXXXXXXXXX Fuel: XXXXXXX
Account Name: XXXXXXXXXXXXXXXXXX
Case #: XXXXXXXXXXXX Vendor #: XXXXXX
To make a correction to the above information, line through printed data and make change in red ink.

COMPLETE THIS SECTION
Delivery/Bill Date ___/___/_____ Amount: _____

FOR KEROSENE DELIVERIES ONLY
Gallons Delivered: _____ Type: _____ Dyed (0): / Clear (4)

SIGNATURE CERTIFIES ACCURACY OF BILL
Signature: _____ Date: / /

CLIENT NOTICE OF ACTION

XXXXXXX
XXXXXXX
XXXXX, XX 12345
XXXXXXXXXXXXXXX

111 XXXXXXXXXXX
XXXXXXXXXX, XX 54321

COMMONWEALTH OF VIRGINIA
ENERGY ASSISTANCE PROGRAM

DATE:
WORKER #
PHONE #:
CASE #:
CITY/COUNTY

CLIENT NOTICE OF ACTION
YOU HAVE BEEN APPROVED FOR $ IN FUEL ASSISTANCE BENEFITS. A CREDIT AUTHORIZATION WILL BE SENT TO:

AUTHORIZING PAYMENT BY FUEL ASSISTANCE UP TO THE MAXIMUM AMOUNT FOR HEATING EXPENSES PROVIDED TO YOUR HOUSEHOLD BY MARCH 31ST. YOU WILL BE RESPONSIBLE FOR PAYING ANY AMOUNT NOT PAID BY FUEL ASSISTANCE TO YOUR VENDOR. ANY MONIES NOT PAID TO YOUR VENDOR WILL REVERT TO THE STATE.
YOU ARE NOT ELIGIBLE TO RECEIVE ANY ADDITIONAL FUEL ASSISTANCE BENEFITS THIS YEAR. KEEP COPIES OF ALL FUEL BILLS AND ATTACH THEM TO NEXT YEARS FUEL APPLICATION.

IF YOU DO NOT AGREE WITH THE ACTION TAKEN ON YOUR APPLICATION OR CASE, YOU MAY REQUEST AN AGENCY CONFERENCE OR A HEARING. CALL YOUR WORKER AT THE PHONE NUMBER ON THE TOP OF THIS NOTICE FOR A CONFERENCE. IF YOU WOULD LIKE A HEARING, WRITE TO THE ADDRESS BELOW WITHIN 30 DAYS OF THE WRITTEN NOTICE OF ACTION TAKEN ON YOUR APPLICATION OR CASE.

MAIL TO: HEARING AND LEGAL SERVICES MANAGER
VIRGINIA DEPARTMENT OF SOCIAL SERVICES
801 EAST MAIN STREET
RICHMOND, VA. 23219-2901

PAYMENT NOTICE

XXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXX, XX 12345

XXXXXXXXXX
XXXXXXXXXXXXXX
XXX XXXXXXXXXXX
XXXXXXXXXX, XX 54321

COMMONWEALTH OF VIRGINIA
ENERGY ASSISTANCE PROGRAM

Date:
Worker #:
Phone #:
Case #:
City/County:

XX-XX Notice of Payments Made

The Energy Assistance Program made the following payments during the last heating or cooling season for your household. Any unused portion of your benefits is no longer available for payment.

TYPE	PAID TO	DATE	AMOUNT

If the payments listed are incorrect, notify your Local Department of Social Services.

Applications are accepted for Fuel Assistance between the 2nd Tuesday in October and the 2nd Friday in November; for Crisis Assistance between November 1st and March 15th; and for Cooling Assistance between June 15th and August 15th.

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1. FRAUD

a. Fraud is defined as a material representation relating to a past or an existing fact which is: false; made with knowledge of its falsity; or in reckless disregard of the truth.

Section 63.2-523 of the *Code of Virginia* states "Whoever knowingly and with intent to defraud transfers, acquires or uses benefits from the EAP, or possesses benefits from such Energy Assistance Program in any manner not authorized by law shall be deemed guilty of larceny and, upon conviction thereof, be punished accordingly."

With respect to receipt of Energy Assistance benefits fraud may consist of withholding information which would affect eligibility for Energy Assistance or the amount thereof. Fraud may also include giving false information in order to obtain or use benefits from the EAP. In either case, the criterion is the intent of the action or failure to act. To determine that fraud exists, it must be established that the giving of false information was done with knowledge of its falsity or that the withholding of information which would affect eligibility for assistance or the amount thereof was deliberate, with knowledge of its implications.

b. In relation to fraud, the local department has the following specific responsibilities:

1) The LDSS must ensure and document that a clear and full explanation is given to the client of the eligibility requirements for the type of assistance he is requesting or receiving; of his responsibility to give complete and accurate information related to his eligibility; and of the provisions of the law with respect to giving false information knowingly or deliberately withholding information which would affect his eligibility for assistance or the amount thereof. The worker must explain fully to the recipient what types of changes in his or her circumstances would affect his or her eligibility. The client has the responsibility to report any of these changes within five days of occurrence.

2) When an applicant or recipient of Energy Assistance provides incorrect information or withholds information which would affect eligibility for assistance or the amount thereof, or a participating vendor provides incorrect information or withholds information concerning fuel deliveries or services, it is the responsibility of the LDSS director **or designee (i.e. fraud investigator)** to determine whether or not there is deliberate misrepresentation with intent to defraud, and to assure the methods of investigation do not infringe on the legal rights of person(s) involved and are consistent with the principles recognized as affording due process of law.

The LDSS director or designee has a responsibility to cause a warrant or summons to be issued for every violation of which he/she

has knowledge. In discharging this responsibility, the LDSS director may seek the advice of **the** local **C**ommonwealth's Attorney to determine whether a violation occurred. **The LDSS director or designee** is to act upon the advice of the Commonwealth Attorney as to whether a charge of fraud is or is not justified by the evidence, but in the absence of such advice, the **LDSS director or designee** must decide whether the evidence requires him or her to cause a warrant or summons to be issued. The warrant or summons does not need be signed by the **LDSS director or designee** personally but may be signed by the person having direct knowledge of the case and facts.

c. A determination as to whether fraud occurred must be based on a careful consideration of the particular circumstances. Among the factors to be considered in deciding whether there **is** deliberate misrepresentation on the part of the client are:

1) the incorrect or unreported information affected eligibility;

2) the correct information was, in fact, known to the client; and

3) the client fully understood the eligibility requirements and his responsibility for reporting information, or

4) whether his failure to report facts was unintentional.

2. MONITORING

During the course of the Program, the VDSS will monitor localities' compliance with Program policies and procedures by reading case records and reviewing locality statistical reports. At the recommendation of VDSS staff, an LDSS Corrective Action Plan may be necessary. LDSS are responsible for correcting areas of concern to ensure that the program is effectively and efficiently administered at the local level.

3. IMPROPER AUTHORIZATIONS

An authorization is improper when:

a. The LDSS provides verbal or written authorization for any type of assistance and one of the following occurs:

1) the LDSS fails to enter the case information in the system; or

2) authorization is given prior to the determination of eligibility and the case is ineligible for assistance.

b. The authorization is greater or less than the amount for which the household is eligible.

c. The LDSS enters the wrong vendor information in the system when the correct information is on the application form.

d. The LDSS enters the wrong Crisis/Cooling type code in the system and this information is printed on the credit authorization.

Improper authorizations may occur as a result of LDSS errors or because of erroneous or incomplete information provided by the client.

If the authorization is the result of an LDSS error, the LDSS must honor the authorization by paying any bills incurred from local monies. The LDSS must take action to close the case in the system. Then the correct information can be entered into the system.

If the authorization is the result of a client error, the LDSS will contact the vendor and rescind the authorization if service has not been provided. The VDSS or LDSS will authorize payment for those deliveries/services which have been provided up to the maximum benefit. The LDSS will then close the case and follow procedures for improper payments.

4. IMPROPER PAYMENTS

a. A payment is improper when:

1) The household does not meet the eligibility criteria.

2) The payment is greater or less than the amount for which the household is eligible.

3) The LDSS has paid a bill that does not comply with the vendor agreement requirements.

4) The vendor has requested and received an amount to which he/she is not entitled.

5) Payment has been made to the wrong vendor due to an improper authorization (See 3.c.).

6) Payment has been made for the wrong type of assistance due to improper coding.

Improper payments may occur as a result of LDSS errors or because of erroneous or incomplete information supplied by the client or the vendor. Improper payments may be revealed by several sources, including: LDSS Reviews, case readings, Federal Program Reviews, or Hearings.

b. Responsibility for Error Correction

1) Client/Vendor Error

The LDSS must recover overpayments from the client or crisis vendor when the improper payment is the result of an error on the part of the client or vendor. The LDSS must also recover monies from the client in appeal cases as specified in Chapter F. The LDSS will make arrangements for voluntary repayment of the amount of the overpayment. If this fails, the LDSS will initiate action in accordance with the *Code of Virginia*, to collect the amount as a debt, unless the administrative cost of such action would exceed the amount of the overpayment.

The LDSS will not correct underpayments to the household based on client error. In cases of vendor or client fraud, the LDSS will follow the recovery procedures prescribed by the court.

2) LDSS Error

Provisions adopted by the Virginia General Assembly in the Appropriations Act require localities to reimburse the VDSS for payments made as a result of LDSS error. The standard procedures for reimbursement found in the VDSS Finance Guidelines Manual for LDSS will be followed upon identification of an improper payment by the VDSS or the LDSS.

If an LDSS error caused a payment to be less than the household's correct benefit, the LDSS must correct the payment with a local check payable to the client or vendor, as appropriate. The household will not be required to reimburse the VDSS or LDSS for improper payments resulting from LDSS error. When the Program is responsible for the overpayment the LDSS or VDSS may request reimbursement but cannot take action against the household to obtain reimbursement if the household chooses not to repay. The LDSS must repay the VDSS for LDSS caused overpayments.

c. Reporting Errors

1) Overpayments - Complete a Correction of Payment Errors (COPE) form and **an Energy Assistance Program Case Payment Adjustments form.**

If the overpayment is a result of an LDSS error a local check made payable to the Treasurer of Virginia and a Case Payment Adjustment form must accompany the COPE form. The COPE form and Case Payment Adjustment form must be completed in triplicate. **The original COPE form, the Energy Assistance Program Case Payment Adjustments form and the check for the overpayment should be sent to the Division of Finance. A copy of the COPE form, the Energy Assistance Program Case Payment Adjustments form and a copy of the check should also be sent to the Regional Consultant. A third copy should be retained by the LDSS for their records.**

2) Underpayments - Complete a COPE form.

A copy of the local check, made payable to the client or the vendor as appropriate, correcting the error must accompany the COPE form. The COPE form is to be completed in triplicate with the original COPE form and a copy of the check sent to the Regional Consultant, if the underpayment was for a client. A copy of the COPE form and a copy of the check are sent to the Vendor Coordinator if the underpayment was for a vendor. The LDSS should retain a copy of the COPE form and the local check for their records.

5. LOST AND STOLEN CHECK PROCEDURES

a. Client Checks (All EAP components)

1) Confirm that the check has been sent by checking the Inquiry on Payment History in the system. The seventh column on the screen will show either a "P" for pending payment or an "H" for history. If an "H" is indicated, the payment was issued on the date indicated in column four.

2) After the seventh mail delivery day, the fuel worker or an authorized person in the LDSS will have the client sign three original notarized affidavits stating the client has not endorsed the check and complete a W-9, Request for Taxpayer Identification Numbers and Certificate form (W-9 form). The Affidavit on Check Endorsement must be used for this purpose. A locality may also have a locally designed affidavit signed as a supplement to the VDSS form. The affidavit must contain the correct social security number (SSN) or the correct employer identification number (EIN).

3) The locality must obtain **two original affidavits, an original Stop Payment Request, and an original W-9 form. One original affidavit (including two original Affidavit of Check Fraud by Payee [Wells Fargo Bank] forms), the original Stop Payment Request**, and the original W-9 form must be sent to the Division of Finance, Processing Unit. In addition, one original affidavit and a copy of the Stop Payment Request form and a copy of the W-9 form will be retained in the case record. If the LDSS chooses, they may make additional originals or copies of the affidavit and/or the Stop Payment Request and the W-9 form for use in coordinating with other agencies or city/county personnel.

4) The LDSS will prepare a Stop Payment Request. The Stop Payment Request and Affidavit on Check Endorsement must contain the exact information reflected on the warrant register for the check, except for the address on the affidavit. The client must enter the current address on the affidavit. On the Stop Payment Request, if the client has moved, include the new address in the comment section along with other pertinent information.

5) When VDSS receives the Stop Payment Request form from the locality, a State Stop Payment Request will be initiated to go to the Comptroller who will issue a stop payment order.

An investigation will be initiated by the bank issuing the check to determine whether there is evidence of fraudulent activity. Upon completion of the investigation and determination of a legitimate claim, the VDSS will start the paperwork to issue a duplicate check. The issuance of a duplicate check will take from 30 to 60 days from the date of legitimate claim determination. LDSS should use discretion in issuing a local check as VDSS has no control over the bank's investigation period. If a duplicate check is issued, it will be made payable to the client and the Treasurer of the locality. The LDSS will keep the duplicate check, if a local check was issued. If a local check was not issued, ensure that the name and address are correct prior to mailing the duplicate check to the client.

NOTE: If the original check is found after the stop payment request has been initiated, the LDSS must send the check along with a note specifying that a stop payment request was made to the Division of Finance/Banking Unit. Do not complete a check cancellation form.

b. Vendor Checks

1) The vendor will report the check lost or stolen to the Vendor Coordinator at VDSS.

2) The vendor will be instructed to go to the nearest LDSS to sign the affidavits as specified in a. 2) above. If the LDSS has any questions about the information included on the affidavit, they must contact the Vendor Coordinator.

3) After the vendor has signed the affidavits, the LDSS must submit the three original affidavits to the Vendor Coordinator by courier pouch.

4) The Vendor Coordinator will then **submit** the affidavits to the Division of Finance, Banking Unit **who will then prepare the Stop Payment Request.**

5) The duplicate check will be made out to the vendor and sent to the vendor by the VDSS.

6. CANCELLED CHECKS

If a VDSS check needs to be cancelled, these procedures must be followed:

a. Client Checks (All Energy Assistance Components)

1) The LDSS will complete a Check Cancellation Form. Any cancellation form that is not completed correctly will be returned to the LDSS for correction.

2) The check along with the completed form must be sent by the courier pouch to the Division of Finance/Accounts Payable /Banking.

b. All Energy Assistance Components Vendor Checks

All vendor VDSS checks must be sent to the Vendor Coordinator for processing.

c. Reissue

If a cancelled check must subsequently be reissued, a written request must be submitted to the **Vendor Coordinator**.

7. UNDELIVERED CHECKS

All checks for the EAP will be mailed directly from the Department of Accounts. No changes can be made to checks prior to release and therefore, it is very important that all information be entered correctly on the input document and into the system.

LDSS will be notified of undelivered checks on a daily basis as checks are returned to the Division of Finance in VDSS. The returned check report is accessible from the Inquiry Screen of the Energy Assistance system. Localities should indicate the disposition status of each check immediately or the check will be automatically cancelled after 10 days. Disposition will be made by the locality by requesting, in the system, that the check be re-mailed to a new address or cancelled. If a cancelled check must subsequently be reissued, a written request must be submitted to the **Vendor Coordinator**.

8. MUTILATED CHECKS

If a VDSS check is mutilated regardless of the condition, it must be returned to the Virginia Department of Social Services following the procedures below. A check cancellation is not completed for mutilated checks.

a. Client Checks

1) The LDSS must send the mutilated check to Fiscal Processing along with the LDSS name and information that is not legible on the check (e.g. client name, case number, date of check, warrant number, and amount of check).

2) A replacement check will be issued made payable to the client and Treasurer of the locality and can be used to reimburse the LDSS if a local only check was issued.

b. Vendor Checks

1) The mutilated check must be sent to the Energy Assistance Unit, Vendor Coordinator.

2) A replacement check will be mailed to the vendor.

9. LOCAL CHECKS

a. Fuel Assistance Component
The Fuel Assistance component supplements the cost of purchasing primary fuel and is handled solely with VDSS issued checks except in situations of an appeal. A local check can only be written to meet the compliance requirements of an appeal decision. A written request to the VDSS is necessary to receive reimbursement but reimbursement will only be given if it was not an LDSS error. The request must accompany the warrant register.

b. Crisis or Cooling Assistance Components
Under specific conditions, locally issued checks to vendors may be used with the Crisis or Cooling Assistance components. The Crisis and Cooling Assistance components provide assistance with equipment repairs or purchases, payment of security deposits, or emergency shelter, etc. Local checks for Crisis or Cooling Assistance are rare and should only be written when time is of the essence. **Approval from your Regional Consultant is required prior to completing an 888888 transaction**. In order for the LDSS to receive reimbursement for providing assistance through local funds the following information must be entered on the Crisis/Cooling Add Change screen.

1) Enter 888888 in the vendor field in the EAP system.

2) Enter a “Y” in the agency issued field.

3) Enter the date of the locally issued check. This encumbers the monies for this case for reimbursement.

4) Complete a warrant register for approval and reimbursement. The classification should be Crisis or Cooling Reimbursable Expenditures. This language should also be used in the certification statement at the bottom of the warrant register. The warrant register must contain the case name and number, type of assistance provided, and amount to be reimbursed.

5) Attach a copy of the General Data screen and Crisis or Cooling screen for each case for which reimbursement is requested.

6) For reimbursement, submit a copy of the warrant register with attachments, along with the approval from the Regional Consultant to:

Vendor Coordinator
Energy Assistance Unit
801 East Main Street
Richmond, VA 23219-2901

7) VDSS will verify in the Energy Assistance system that the funds were encumbered for the case and the type of assistance for which reimbursement is being requested.

8) A manual check will be processed reimbursing the LDSS for the 888888 payment.

10. REFUNDS

a. Client Refunds (All Energy Assistance Components)

1) If the LDSS receives money from the client as repayment for an overpayment or fraud, it must be converted to a check payable to the Treasurer of Virginia.

2) An Energy Assistance Program Case Payment Adjustments form **and COPE** form must be completed indicating the year for which the refund applies.

3) The Energy Assistance Program Case Payment Adjustments form **and COPE** form along with the check is sent via courier pouch to Financial Management, Attention: Energy Refunds. Forms that are not completed correctly will be returned to the LDSS for correction.

4) The LDSS will receive a turnaround document for each client affected by the change. The turnaround document will reflect the change.

b. Vendor Refunds

1) All vendor refunds will be sent to the Vendor Coordinator in the Division of Benefit Programs.

2) The LDSS will attach an Energy Assistance Program Case Payment Adjustments form on Crisis and Cooling Vendor refunds indicating the year for which the refund applies.

3) VDSS will complete an Energy Assistance Program Case Payment Adjustments form on Fuel Vendor refunds indicating the year for which the refund applies.

4) Refunds will be sent to the Division of Finance.

11. IRS LEVIES

The Internal Revenue Service (IRS) may impose levies on EAP vendors as a result of the 1099's that are sent to the IRS and the vendors. The VDSS must respond to levies received on vendors who are participating in the EAP at the time the levy is received.

a. VDSS will verify all identifying information upon receipt of the lien request.

b. The mailing address for the vendor will be changed to P.O. Box 630, Richmond, Virginia **23219-0630**.

c. A copy of the letter notifying the vendor of the levy will be sent to the LDSS.

d. When a payment is generated for the vendor, the check will be retained at VDSS and the appropriate dollar amount sent to the IRS. A copy of the check stub listing the clients included in the payment will be filed with the copy of the lien information.

e. A copy of the check stub will be sent to the vendor along with a check for any remaining monies. If the total check is to be redirected to the IRS, the vendor will only receive a copy of the check stub along with a note emphasizing that the payments must be credited to the customer's account.

f. If it is determined that the vendor did not credit the client's accounts, the agreement with the vendor will be terminated.

CASE NUMBERING PROCEDURES

The procedures and definitions described are applicable only to Energy Assistance cases.

1. CASE NAME

Case name designation is to be used for the applicant or another adult recipient. The case name may be changed when:

a. the name legally changes as in marriage or divorce, or

b. there is an incorrect spelling or letter transposition, or

c. **the case name dies and other eligible individuals remain in the household.**

2. CASE NUMBER ASSIGNMENT

Case numbers must be assigned according to the following rules:

a. Use the ADAPT legacy number whenever possible.

b. When application or reapplication is made, determine whether each adult household member is associated with an existing case number. If anyone in the unit is associated with an existing case number, determine whether the existing case number can be used or a new case number must be assigned.

c. When a case number is assigned, the case number remains unchanged as long as the case remains in the State. Example: A number is assigned in York and the case later moves to Chesapeake. The Chesapeake LDSS would use the York number.

d. When a member other than the case name is disassociated from a case and applies for assistance in his/her own right, a new case number is assigned to the disassociated member. The remaining eligible member(s) retains the original case number.

3. CHANGES AFFECTING CASE NUMBERING

a. When an eligible household divides, the case number remains with the case name. The other household must apply and be assigned a different case number.

b. When an eligible household and a non Energy Assistance household combine, the new members are added to the existing case. A new case number will not be assigned.

c. When two eligible households combine, the households must determine whose case will stay open or be closed.

MULTIPLE CASE NUMBERS

An edit in the system prevents the mailing of more than one application form to households found in both data bases with the same case number.

To resolve multiple cases, the following steps must be followed:

1) Match the application forms and staple together.

2) Determine which case number is the correct one to use, based on case numbering procedures. **The legacy number attached to ADAPT cases should be used whenever possible.**

3) Once the decision in 2) above has been made, copy current information from the TD with the incorrect case number to the TD with the correct case number.

4) If the incorrect case number contains any security deposit or warranty information, the worker must request in writing to the **State that** this information be entered in the system to the correct case number when the case is activated.

5) The system will delete on a designated date any case in the Fuel data base which has not been activated during the program year and that does not contain security deposit or warranty data.

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1. RIGHT OF APPEAL

At the time of application, every applicant shall be informed in writing, of the right to a fair hearing, of the method by which a hearing may be obtained and of the right to be represented by others or by themselves. The informational handout, Energy Assistance Fact Sheet, must be given to each applicant when conducting a face-to-face interview at the time of the initial application.

The LDSS worker has the responsibility of informing the client orally of the right to appeal if the client is dissatisfied with any action taken by the LDSS or the failure to act in relation to his/her eligibility.

A household has the right to appeal and receive a fair hearing if the household does not agree with the action taken on their application or case.

Federal regulations requires that states provide an opportunity for a fair administrative hearing to individuals whose claims for assistance are denied or are not acted upon with reasonable promptness. The following criteria determine if an appeal request is valid.

2. LOCAL AGENCY CONFERENCE

When an applicant is denied assistance, he/she must be offered the opportunity to request an agency conference. Upon receipt of a request for such a conference, the LDSS must schedule the conference within ten working days from the date of the request. The client's failure to request a local agency conference has no affect upon the right to appeal. At the conference, an authorized representative, legal counsel, relative or friend may represent the client. The conference may be attended by the eligibility worker, but must be attended by an eligibility supervisor or the superintendent/director and the client or his/her representative. The conference with the LDSS is designed to allow the client to request and receive an explanation of the action taken. The intent of the conference is to avoid a lack of understanding on the part of the applicant. The applicant should be given the opportunity to verbalize his/her reasons for disagreeing with the LDSS. The LDSS shall respond to each reason given by the client, based on current guidance. The conference should reveal that the action is appropriate or that the action is inappropriate.

The local agency conference may or may not result in change in the LDSS decision regarding action. Regardless of the result of the conference, the client must be provided with the opportunity to request a fair hearing or, if an appeal has been filed, make a written withdrawal of the request. The client must be advised in writing of the LDSS decision. If the client is not satisfied with the LDSS action following the conference and wishes to request a fair hearing, the fact that the conference was held will in no way affect the appeal process.

3. DEFINITIONS

a. Claimant - A person who files an appeal.

b. Hearing Officer - An impartial representative of the State Agency to whom appeals are duly assigned and by whom they are heard. He/she must not have been involved in any way with the LDSS action on appeal. The hearing officer is given the authority to conduct and control hearings and to decide appeal cases.

c. State Hearing Authority - A comprehensive term used to designate the State Agency decision-maker in appeal cases; as such it includes the Commissioner and duly qualified hearing officers, including the Hearing and Legal Services Manager, of the State Department of Social Services, in whom the Commissioner has given full authority to make decisions in appeal cases in the name of the State Hearing Authority.

   Upon the request of either the applicant or the LDSS, the Commissioner may review a decision by a hearing officer.

d. State Agency - This term, for purposes of this Chapter, refers to the Home Office and to the five Regional Offices of the State Department of Social Services. It is the responsibility of the State agency to assure that appeal provisions are correctly administered and that decisions in appeal cases are consistent with established policies.

e. Hearing and Legal Services Manager - An individual who determines, promulgates and assures compliance with internal procedures, including processes for maintaining the Commissioner's review of fair hearings. This individual also trains and supervises the hearing officers, holds hearings, and renders decisions for the Commissioner.

4. APPEAL REQUEST

A fair hearing may be requested by a claimant or by a person acting as his/her authorized representative (such as a relative, friend, or attorney), if he/she wishes the opportunity to present his/her case to a higher authority because of dissatisfaction with the decision by an LDSS. This request must be in writing.

The Appeal to State Department of Social Services form is to be made available to the applicant when an appeal is requested. LDSS must help the claimant submit the request and prepare the case, if necessary. Although appeals to the State agency will normally be by use of the Appeal Form, a written request sent directly to the State agency by a claimant or his authorized representative, clearly indicating the wish to present his/her case to a higher authority will be considered a fair hearing request. The request may be submitted to the LDSS or directly to:

Hearing and Legal Services Manager
Appeals and Fair Hearings Unit
Virginia Department of Social Services
801 East Main Street
Richmond, VA 23219-3301

Upon request, the LDSS shall make available information from the case file for the applicant to determine whether a hearing should be requested or to prepare for a hearing, provided that confidential information is protected from release.

An appeal of the LDSS action must be made within 30 days following receipt by claimant of the written Client Notice of Action informing him/her of the action on his case.

The requirement of filing within the time limit is met if the request for appeal is received in the state or local department of social service or is postmarked by the end of the 31st day following the date of the LDSS notice.

5. DENIAL OR DISMISSAL OF HEARING REQUEST

A request for a hearing not filed within 30 days will be denied.

Every valid appeal shall be disposed of by a written decision, except in the following instances:

a. The claimant or his/her representative acting in his/her behalf may withdraw an appeal in writing.

b. The claimant may abandon an appeal. An appeal is considered abandoned if neither the claimant nor his/her representative appears at the time and place scheduled for the hearing without good cause. When the claimant or the representative fails to appear, the hearing officer will write to the claimant giving him/her an opportunity to explain why he/she did not appear. If there was a reasonable basis for the failure to appear, the hearing officer will arrange another hearing date.

c. Death of claimant in a one-member household constitutes abandonment of an appeal.

Such disposition of an appeal must be entered in the case record.

6. PREPARATION FOR HEARING

The appeal request, upon receipt by the Hearing and Legal Services Manager shall be assigned to a Regional hearing officer who will validate the appeal and acknowledge the request by letter to the claimant with a copy to the claimant's representative and the LDSS.

When the request is determined valid, the appropriate LDSS shall prepare a Summary of Facts of the case to be forwarded to the hearing officer no fewer than seven days prior to the hearing. A general outline of this summary follows, although the content may vary to fit the particular case situation. All statements made should be factual and phrased in a way not objectionable to the claimant.

The Summary of Facts includes the following:

Identifying Information

a. Name of LDSS
Name, address, and case number of claimant
Persons included in the household
Name, age, relationship to claimant
Other persons in household
Name, relationship

b. Date of Request and Reason for Appeal (quote claimant's own words in requesting hearing).

Statement of Agency Action

1) Give a brief, factual statement of the reason for LDSS action, or failure to act, and the nature and date of LDSS action. If the claimant requested a local agency conference, include date and result of conference. If LDSS error, negligence, or administrative breakdown was involved, say so.

2) Give citation and quotation from the Energy Assistance Manual of the guidance statement on which LDSS action was based.

c. The summary is to be signed and dated by the director or his/her authorized representative. The LDSS will retain a copy of the summary, which is the official document for presentation of its case at the hearing.

The LDSS shall mail to the claimant or his/her representative, when it is submitted to the hearing officer, a copy of the summary and any other documents and records which are to be used at the hearing.

7. THE HEARING

The hearing will be conducted by telephone unless a face-to-face hearing is requested at a time, date, and place convenient to the claimant(s). Adequate preliminary written notice will be given of the hearing. The claimant will be requested to advise the LDSS immediately if the scheduled date is inconvenient, but, without such notification it is assumed the arrangements are convenient.

Any material from the case record must be made available upon written request to the claimant and/or his/her representative. Confidential or other information, which the applicant or his/her representative does not have an opportunity to hear, see, and

respond to, shall not be introduced at the hearing, nor shall it become a part of the hearing record. It is within the discretion of the hearing officer to designate what is pertinent to an issue on appeal and admissible as evidence during the hearing, including the entire case record, if appropriate. Evidence admissible at the hearing shall be limited to data having bearing on the LDSS action or inaction on an application. No other issues or evidence shall be considered.

The claimant shall have the right to introduce evidence at the hearing. If the claimant was required by guidance to produce documentation or verification of eligibility criteria and the LDSS acts upon the question of eligibility where the claimant has failed to produce such documentation or verification, the LDSS shall not be reversed upon the basis of such documentation or verification being produced by the claimant at the hearing unless the LDSS:

a. was responsible for securing the evidence or information, but did not;

b. should not have acted without the evidence or information;

c. placed a demand on the claimant for evidence or information that it was beyond the capacity of the claimant to provide.

If, during the hearing process, need for adjustment in eligibility status in favor of claimant becomes evident, reconsideration or modification of the former decision will be made by the LDSS. For instance, an error may have occurred in computation of countable income.

8. HEARING ACTIVITIES

The hearing must be attended by an LDSS representative and the claimant or a representative. The client may also bring relatives or friends along if he/she so chooses. The hearing officer has the authority to limit the number of persons present. The hearing officer will coordinate the activities at the hearing.

The LDSS will have the opportunity to clarify or modify its statements contained in the summary and to question the claimant, his representative, or witnesses. The LDSS has the same rights as the claimant to examine documents, bring witnesses, advance arguments, question evidence and submit evidence.

9. HEARING DECISION

The decision of the hearing officer or the **Commissioner** as appropriate shall be based exclusively on evidence and the findings and conclusions of the hearing officer. This constitutes the exclusive record for decision and such record shall be available to claimant or his/her representative at any reasonable time at the State Regional Office serving the LDSS.

Except as follows the decision of the hearing officer shall be rendered within 60 days following the date the appeal request is received in Home Office. When the claimant or his/her representative requests an extension or otherwise occasions a delay in the hearing, the time limit is extended by the number of days the hearing is delayed. The maximum period of delay is 30 days. The hearing officer determines whether the provision of extension or delay is being abused and reserves the right to set a date beyond which the hearing and decision will not be further delayed. This constitutes prompt and definitive administrative action.

The claimant and the LDSS shall each be notified of the decision by a copy of the written official report of the decision.

At the time the official decision report is received, the claimant, the claimant's representative and the LDSS shall be given written notice of the right to request a review of the hearing officer's decision by the Commissioner. A request for review from a LDSS must be submitted by the director or his/her designee. To be timely the request for review must be received in Home Office or postmarked no later than the 12th calendar day following the date of the hearing decision. The request must include a statement of arguments. New evidence shall not be submitted since it will not be considered in reviewing the decision of the hearing officer.

A copy of the request shall be sent to the other party of the appeal and any representative when the request for review is submitted to Home Office. The other party must have any counter arguments in Home Office or postmarked within seven days of the date of the request for review. Only those counter arguments received timely will be considered during the review.

The State Hearing Authority, within a reasonable time, may reconsider any decision it has made if there is new evidence that the original decision was not a valid one. In this regard, the hearing officer's decision is also subject to review by the Hearings Manager.

All decisions are available for inspection and copying; if identifying names and addresses of individuals in the specific case and other members of the public are kept confidential.

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1. PURPOSE

Federal law (Section 2604(c) of the Low-Income Home Energy Assistance Act of 1981 [Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, as amended]) requires each state to provide energy crisis intervention. This intervention must resolve the energy crisis of eligible applicants within 48 hours, or 18 hours in a life-threatening situation. A crisis situation is considered life-threatening if 1) the temperature is projected to be 32 degrees or less and 2) the household includes at least one vulnerable person (an individual who is under age 6, age 60 or older, or disabled). **Temperatures of 32 degrees or less for the current and following day are established by verifying the projected temperature through a weather service (The Weather Channel, etc.).**

An energy crisis is defined as a situation in which the household has no heat or is in imminent danger of being without heat. Unlike an entitlement program with the ability to serve all eligible applicants, funding for Crisis Assistance is discretionary and limited. In Virginia, the Crisis Assistance component is designed to help households meet energy emergencies that cannot be met by other resources.

2. ADMINISTRATION

a. Contracting

LDSS may contract with other agencies to take and/or prepare for processing Crisis Assistance applications. If the contract is for taking applications only, the maximum cost per application is $8. If the contract is for taking and preparing applications for processing, the LDSS will negotiate a cost per case based on that agency's maximum amount of administrative funds available. The LDSS will retain responsibility for all case payments. See Chapter A. 8 for LDSS responsibility when contracting.

b. Program Dates

LDSS are required to take applications for Crisis Assistance and provide Crisis Assistance from November 1st through March 15th of the following year unless funds are depleted earlier. Home Office will notify LDSS if funds are not available to continue program operations.

c. Outreach and Public Information

Home Office will provide general information to the public via a media release prior to the beginning of the component. This information will include eligibility criteria.

LDSS must establish a formal procedure describing steps to take in the event of a weekend, holiday or after hours crisis. This procedure must be made known to all Crisis eligible households already known to the LDSS.

d. Community Resource Coordination

Each LDSS must identify what resources are available either in or outside the LDSS that provide assistance for energy emergencies. Other resources are defined as resources from other programs, such as local emergency funds, and other community programs, such as those administered by churches, community action agencies, utility companies, etc. Knowing in advance what resources are, or are not, available will enable the LDSS to assist the applicant when emergencies occur. Crisis Assistance can be provided along with another resource if the combination of those resources will prevent or alleviate the emergency.

3. ELIGIBILITY CRITERIA

In order to be eligible for Crisis Assistance, a household must meet all of the following criteria.

a. All of the criteria in Chapter B **sections 6-8** are applied to the individual or group of individuals who function as one economic unit and who share residential energy.

b. A household that applied for Fuel Assistance may or may not be eligible for Crisis Assistance depending on the living arrangement and the type of Crisis Assistance for which it is applying.

1) Households with heat included in the rent or those living in subsidized housing whose total heating costs are included in their rent (living arrangement codes E) are only eligible for emergency shelter or a space heater; or

2) **Households** temporarily living in a non-profit emergency shelter **and/or homeless** (living arrangement code Q) are only eligible for a security deposit.

c. If the household has been determined eligible for Fuel Assistance benefits, income does not need to be verified, unless a significant change (see Chapter C.2) has occurred. If eligibility for Fuel Assistance has not been determined, the agency must attempt to obtain verification of income within the allowable processing time period (see Section 5.a.). In addition to the methods of verifications listed in Chapter C, verifications may include telephone or collateral contacts or self-declaration for income. If self-declaration is used, the applicant must be requested to provide complete verification to confirm eligibility. The agency may recover improper payments from the client, as indicated in Chapter E, if verification proves that the applicant is ineligible.

d. The household must have an energy emergency such as no heat or an imminent utility cutoff or no single source of operable or safe heating equipment**.** A household whose only source of heat is a fireplace or a portable space heater is considered to be in a no heat situation.

e. Other community resources, as verified by the LDSS, cannot meet the need. If other community resources are available and can be used within the allowable processing time period, they must be used either in conjunction with or prior to providing assistance. If Crisis Assistance is provided in conjunction with other community services, the name of the resource provider and the amount of the resource must be documented in the case record and entered into the system. The case record must also contain documentation of client payment or arrangements with the vendor**.**

If no other resources are available or can be used within the allowable processing period, assistance can be provided if the applicant meets all other criteria.

f. Applicants must reside in the locality in which application is made.

g. Assistance available through the program must prevent or alleviate the emergency.

4. APPLICATIONS/REAPPLICATIONS

Applicants must complete the Crisis Assistance application. Forms and instructions are available at http://spark.dss.virginia.gov/divisions/bp/ea/. More than one type of assistance may be requested at the same time on the same application. Subsequent requests for assistance will require a new application. The applicant should select a vendor from the approved vendor list for the LDSS. **(**Note: For households participating in the Address Confidentiality Program [ACP] who request equipment that requires the customer to select a vendor, the LDSS will contact their Regional Consultant so a manual check can be generated by the Home Office.) All other guidance on taking applications is indicated in Chapter A, Section 9.

Applications may be received by mail, in person, by fax, **by telephone (through the Enterprise Customer Service Center),** or online **(in CommonHelp)**. A signature on the application is required. A face-to-face interview is not required.

Only one member of a household may make an application for assistance. This application is assumed to request assistance for all persons residing in the household.

5. PROCESSING APPLICATIONS

The LDSS must enter all Crisis Assistance applications in the system the day received. The application must be placed in pending status unless ready for eligibility determination (ED) or denial. At the close of the application period, the LDSS must have all client/case data for Crisis Assistance cases entered into the system and bills paid by a date to be specified by the Home Office. In processing applications, the LDSS must use the Crisis Assistance Worksheet/Evaluation Form.

a. Pending

If an application is pending and additional verifications or other information is needed, the LDSS must notify the applicant, in writing, what is required. A deadline of **10 calendar** days or less is to be provided for the return of verifications or information. The burden of proof rests with the applicant; however, if requested, assistance in obtaining verifications should be provided by the LDSS. Verifications and information that are readily available to the LDSS must be used. Required verifications and information may be submitted in various ways including in person, by mail, by a third party, by fax, or by phone prior to or anytime on the day of the deadline.

If the applicant fails to provide the needed information by the deadline date, the application is denied. Once all the required information has been received, every effort should be made to determine eligibility in the system that same day. Eligibility must be determined in the system no later than the end of the next business day.

b. Local Agency Denial

There are some reasons for denial of an application not recognized by the system. Those reasons require the denial to be determined and entered by the LDSS worker. If a manual/local denial is necessary, the worker must enter one of the denial codes found in Chapter D, 3. In all denial situations, a notice of denial will be issued to the applicant.

c. Eligibility Determination

The system will screen each case entered with an "ED" disposition code. The following elements will be evaluated at this stage of processing.

- Energy Expense
- Living Arrangement
- Citizenship

- Household Size
- Monthly Income

The system will calculate the dollar value of the medical deduction for the number of elderly and/or disabled individuals entered in the medical deduction field and deduct this amount to determine the countable income for screening purposes.

Cases that do not pass one element of the screening will be denied by the system. Cases that pass screening will be approved by the system. System generated turnaround documents will be printed in the LDSS. Credit authorizations and Client Notices will be mailed the next business day.

If there is a current warranty on heating equipment previously purchased through the EAP, the system will generate a denial notice. The warranty may be removed from the system if the household meets the requirements in Chapter G.7.b.2. To have a warranty removed, a written request must be submitted to the Regional Consultant, citing the reason for removal.

d. Notices

A system generated Client Notice of Action will be mailed by the VDSS to each applicant the next working day after action to determine eligibility, deny, or close an application/case is entered into the system. Additionally, the system will generate a payment notice to the applicant in May or June of each year to reflect payments, refunds, or cancellations made on a Crisis Assistance case. This notice must be filed in the case record.

6. AUTHORIZATIONS

Maximum authorizations are not entitlements. The maximum authorization for each type of assistance follows the special conditions for assistance. The VDSS will provide the amounts to be used for purchase of primary fuel or primary heat utility annually. If there is a bill, then the lesser of the bill amount or the maximum benefit amount is the amount authorized. If there is no bill, then the authorization is for the appropriate maximum. An example of a Crisis/Cooling Credit Authorization is provided in Appendix B.

If more than one type of emergency occurs for a household during a program year, the appropriate maximum authorization is available for use in alleviating each emergency. See Chapter G.9 for maximum allowable benefits when several types of assistance are needed.

All attempts should be made to pool all available resources to prevent or alleviate the emergency.

To ensure that the energy crisis has been resolved within the timeframes specified by federal law, a verbal, faxed, or emailed authorization for assistance/service **must** be issued by the LDSS, to the vendor, after the case has been approved in the system. The "Notification of Eligibility for Crisis Assistance" will be used for all fax or email correspondence.

Authorization for heating equipment replacement should be made only after a vendor has determined the equipment cannot be repaired or when there is no heating equipment in the home. Upon receipt of a call from a vendor indicating that it is more feasible to replace heating equipment than to repair, the LDSS must request return or destruction of the credit authorization, close the case, and reopen the case with the new crisis type and changed benefit amount. Closure and reopening can occur the same day. See the Quick Reference Guide for appropriate closure codes.

7. ASSISTANCE PROVIDED

The following types of assistance are available when the conditions for providing assistance are met and it will ensure heat for the household:

- Repair of Heating Equipment. (Nov. **1** - March 15)
- Replacement of Heating Equipment. (Nov. **1** - March 15)
- Provision of Supplemental Heating Equipment/Maintenance. (Nov. **1** - March 15)
- Once-per-lifetime payment of primary heat source utility security deposit per fuel type. (Nov. **1** - March 15)
- Payment for emergency shelter in no heat situations. (Nov. 1 - March 15)
- Purchase of a portable space heater for temporary use. (Nov. 1 - March 15)
- Purchase of primary home heating fuel. (First work day Jan. - March 15)
- Payment of primary heat utility bill. (First work day Jan. - March 15)

Each type of assistance has special conditions as indicated below.

a. Repair of Inoperable or Unsafe Heating Equipment (Code A)

1) This assistance can be provided when the following conditions exist:

a) The applicant, or a member of the household, owns or is responsible for the maintenance of the heating equipment. Responsibility of a renter for repair of heating equipment is determined by a lease, rental agreement, or statement in writing from the landlord that specifies the renter is responsible for the maintenance of the heating equipment. (NOTE: If the renter is not responsible for the maintenance of the heating equipment or responsibility cannot be determined, the LDSS

should consider providing other types of Crisis Assistance to alleviate the heating emergency.); and

b) The heating equipment to be repaired is the primary heating system used by the household; and

c) The heating equipment is inoperable or unsafe at the time of the request. Unsafe is defined as heating equipment that is dangerous or harmful to the health or safety of the household.

2) Assistance can be received more than once during the program year. If assistance was previously received during the program year, the LDSS must ensure vendor compliance with required repair guarantees. Additionally, the total amount authorized for heating equipment repairs may not exceed the maximum benefit amount for the program year.

3) Repairs authorized by the household are not reimbursable unless the emergency need occurred outside the LDSS' normal operating hours and the repair was required to prevent or alleviate a dangerous or harmful situation. In such cases, an application for assistance must be filed the next working day.

The maximum authorization per household per program year for the repair of heating equipment is the amount of the bill not to exceed $500. If the heating equipment cannot be repaired, or the cost to repair significantly exceeds the maximum, the equipment may be replaced.

If a visit is made and no work is, or will be, performed, the vendor may assess a trip charge not to exceed $50.

NOTE: Repair of heating equipment or combination of repair and trip charge cannot exceed $500.

b. Replacement or Purchase of Heating Equipment (Code B)

1) This assistance can be provided when the following conditions exist:

a) There is no primary heat source equipment in the home or a vendor has determined the equipment cannot be repaired; and

b) The applicant, or a member of the household, owns **the home** or is responsible for the provision of the heating equipment. (Note: The EAP does not purchase heating equipment for renters.); and

c) The heating equipment to be replaced or purchased is or will be the primary heating system used by the household; and

d) The furnace/heating unit is inoperable or unsafe at the time of the request. Unsafe is defined as heating equipment which is dangerous or harmful to the health or safety of the household; or

e) There is no primary heating equipment in the home and the only source of heat is provided with portable unvented space heaters.

2) One of the following conditions may also exist:

a) Equipment previously purchased through the EAP had no warranty, the warranty has expired, or the warranty cannot be adhered to for reasons beyond the household's control.

b) The EAP previously purchased equipment and the household has moved and could not take the heating equipment with them, or the equipment cannot be used in the new residence.

3) Assistance is contingent on warranty life. The LDSS has responsibility for determination if any applicable warranty exists in the Energy Assistance system on the heating equipment that is to be replaced.

4) If suitable heating equipment for the home cannot be purchased within the maximum benefit amount, the client has the option of making arrangements with the vendor or another source to pay the difference. Advise vendors that neither the LDSS, nor the VDSS assumes liability above the maximum benefit amount.

5) Heating equipment must have at least a two-year warranty on the burner and heat exchanger/combustion chamber or the firebox.

The maximum authorization for heating equipment replacement is $1,700. If a visit is made and no work performed, the vendor may assess a trip charge not to exceed $50.

NOTE: If providing equipment with supplemental equipment, refer to Chapter G, 8.d.

c. Provision of Supplemental Heating Equipment/Maintenance (Code T)

Maintenance on heating equipment may include inspection for and correction of cracks or holes in the heat exchanger and disconnected or loose vents or chimney vents. It also includes replacement of filters, clearing of obstructed ducts, chimney cleaning, clearing supply lines of obstructions and repairing leaks.

Supplemental equipment purchases include storage tanks inclusive of fuel at a volume only sufficient enough to test equipment, tank stands, mats, and any accessory necessary to complete installation or that is essential to the safe operation of the heating system. Other examples include chimneys, flues, lines, blowers, thermostats, etc.

1) This assistance can be provided when the following conditions exist:

a) The applicant, or a member of the household, owns or is responsible for the maintenance or provision of the heating equipment. A renter's responsibility for **the maintenance of the** heating equipment is determined by a lease, rental agreement, or statement in writing from the landlord which specifies the renter is responsible for the heating equipment. (NOTE: If the renter is not responsible for the **maintenance of the** heating equipment or responsibility cannot be determined, the LDSS should consider providing other types of Crisis Assistance to alleviate the heating emergency.); and

b) The maintenance need or the supplemental equipment is essential to the safe operation of the primary heating system used by the household; and

c) The heating equipment is inoperable or unsafe at the time of the request.

2) Assistance can be received more than once during the program year. If assistance was previously received during the program year, the LDSS must ensure vendor compliance with required repair guarantees and warranties. The total amount authorized may not exceed the maximum benefit amount for the program year.

3) The LDSS must determine if any applicable warranty exists in the Energy Assistance system on the heating equipment that is to be serviced/ replaced.

The maximum authorization for Supplemental Heating Equipment/Maintenance is $800.

NOTE: Supplemental equipment/maintenance or combination of repair of heating equipment repair, trip charge, maintenance or supplemental equipment cannot exceed $800**.**

d. A Security Deposit for Utility Distribution Services or LP Gas Tank (Code D)

A once-per-lifetime payment, per household, of primary heat system utility Security Deposit for gas, electricity, or LP gas tank from a distribution company is allowed if:

1) The service address on the account is the same as the applicants service address; and

2) the household has never received assistance with the type of security deposit requested; and

3) the applicant, in situations when the deposit is greater than the maximum allowed, provides verification that the difference between the deposit and the maximum has been paid or has been approved for payment by another agency; and

4) the primary heat system utility has been cut off and cannot be turned on unless a security deposit is paid, or there is a utility cut-off notice because of non-payment of the security deposit (a copy of a cut off notice for delinquent or new security deposit is required); or

5) the household has applied for service and payment of the security deposit is required prior to connection or installation of the LP gas tank (written verification is required).

Since assistance is restricted, the deposit stays with the household member/case name, regardless of where the individual resides.

Authorize the actual amount of the unpaid security deposit for the balance (total verified unpaid amount not just an installment) of the deposit not to exceed $200.

The method of verification must be documented in the case record. Neither the monthly bill amount, nor arrearage is to be included in this authorization or payment.

e. Payment for Emergency Shelter (Code G)

Emergency shelter is defined as a housing unit, such as a hotel/motel or a shelter administered by a non-profit agency that is used to shelter individuals or families on a temporary basis. Emergency shelter will be provided as a last resort when there is no other way to provide assistance.

1) A household is eligible for this type of assistance provided that:

a) there is no source of heat in the home; and

b) the predicted temperature warrants heat (use LDSS discretion); and

c) friends, family, etc. cannot temporarily house the applicant household.

2) Assistance can be received only once per program year.

3) Agencies should identify specific providers (such as emergency shelter programs or hotels) and negotiate costs prior to implementation.

Authorize the per diem charged by the provider, times the number of days that shelter will be provided not to exceed $200.

f. Purchase of a Space Heater for Temporary Use (Code F)

A space heater is defined as a portable freestanding (electric, ceramic, quartz or kerosene) heater. The space heater will become the property of the recipient; but is only a temporary solution to prevent or alleviate an energy emergency while waiting on repair or installation of a heating system. A space heater of this type should only be purchased if there is no heat in the house. Agencies should discuss liability with their legal counsel relative to this type of assistance.

The assistance can be provided when the following conditions exist:

1) A space heater has not been received during the current program year.

2) The space heater must be U/L approved.

3) The predicted temperature warrants heat (use LDSS discretion).

4) Friends, family, etc. cannot temporarily house the applicant household.

Authorize up to $200 unless there is a bill or the cost of the item is known; in which case, authorize that amount not to exceed $200.

g. Purchase of Primary Home Heating Fuel (Code W)

Applications are accepted the first working day of January through March 15.

1) A household is eligible for this type of assistance provided that:

a) the household has exhausted all Fuel Assistance benefits this program year; and

b) there is no viable source of heat in the home; and

c) the household is out of fuel (the tank is empty); or

d) the households' fuel supply is low as indicated below:

(1) oil/ kerosene	25 gallons or less
(2) bottled gas	**20%** or less gauge reading
(3) wood or coal	7 day supply or less

2) If the applicant's tank contains more fuel than indicated above, the applicant will be responsible for any delivery and the vendor can bill the program for a trip charge only.

3) Assistance for a delivery or the cost of an attempted delivery can be received only once per program year. A vendor will only make one trip and all fuel must be delivered in one visit.

In addition to the actual cost of fuel and delivery charges, the bill may include fees for restarting the furnace when the household has run out of fuel. The installation charges for fuel tanks, rental of propane tanks, and fees for connecting and reconnecting furnace and fuel lines may also be included on the bill.

4) For households that received a direct payment for their Fuel Assistance benefit, verification that the Fuel Assistance benefit was used to purchase primary fuel is required prior to the approval of Crisis Assistance Primary Fuel.

Home Office will advise annually the maximum benefit amount for each primary fuel type via broadcast.

h. Payment of Primary Heat Utility Bill (Code X)

Applications are accepted the first working day of January through March 15.

1) This assistance can be provided when the following conditions exist:

a) The account or electric service is in the name of the applicant or a member of the household or the service address is the same as the applicant's address as verified by the utility company; and

b) The household has exhausted all Fuel Assistance benefits this program year; and

c) The household has no heat or will have no heat because the primary heat source of electricity or natural gas has been cut off within the past thirty days; will be disconnected within fifteen days; or has a prepaid meter balance of $25 or less. A copy of the **current** cut-off/disconnect notice or verification of a prepaid meter balance of $25 or less must be provided by the applicant **or verified by the LDSS**.

If service is still on and the **current** delinquent bill or cut-off amount is equal to or less than the maximum for this type of assistance, the disconnect amount indicated on the disconnect notice or statement is to be paid. If the amount on the **current** disconnect notice or statement exceeds the allowed maximum, the applicant must provide verification that the difference between the amount needed and the maximum has been paid or has been approved for payment by another agency prior to approval of the application.

If service is already disconnected, the applicant must contact the utility company to obtain a written statement of the amount necessary to have services restored. If the amount needed exceeds the allowed maximum amount, the applicant must provide verification that the difference between the two amounts has been paid or has been approved for payment by another agency prior to approval of the application.

2) Assistance can be received only once per program year.

3) **Assistance cannot pay charges for unauthorized usage**.

4) For households that received a direct payment for their Fuel Assistance benefit, verification that the Fuel Assistance benefit was used to pay their primary heat bill is required prior to approval of Crisis Primary Utility.

Authorize only **the amount needed to restore service or avoid cut-off/disconnection (as verified per guidance at item 1c above). This amount cannot** exceed the current year's maximum for the appropriate utility type. Home Office will advise annually the maximum benefit amounts via broadcast.

8. HEATING EQUIPMENT BENEFITS

Assistance with heating equipment repair, heating equipment replacement, and supplemental equipment and maintenance may be received in combination and/or more than once per program year to meet a crisis need. The State Board of Social Services has established benefit caps on heating equipment repair/replacement. The system will edit authorizations/payments to ensure adherence to the caps. The maximums are as follows:

a. Up to $500 - repair of heating equipment or combination of repair, trip charge.

b. Up to $800 - maintenance or supplemental equipment (oil tank, tank stand, fuel lines, etc.)

NOTE: Supplemental equipment/maintenance or combination of repair of heating equipment, trip charge, maintenance or supplemental equipment cannot exceed $800.

c. Up to $1700 - heating equipment replacement or purchase

d. Up to $2500- maximum that can be received for entry of multiple types of assistance with purchase/replacement, supplemental equipment, or repair of heating equipment. The maximum for each type of assistance applies.

e. Up to $50 - can be charged per trip when no work is performed. A trip charge cannot be paid if the vendor returned or will return to repair or replace the equipment. To enter this in the system, use type of assistance code "R".

9. PAYMENTS

Payments will usually be made to the vendor upon receipt of a bill. **Payments will be provided to the vendor in accordance with the Virginia Prompt Pay Act.** All repair bills must be itemized with a breakdown of the costs for parts and labor. Virginia state taxes on the itemized bill will not be paid. Local taxes and other states' taxes should be paid. Bills for unauthorized repairs or purchases and bills for repairs or purchases incurred prior to

application for Crisis Assistance will not be paid. A household will not be reimbursed for charges paid out of pocket.

The amount of payment for each type of assistance offered is the exact amount necessary to alleviate the emergency, not to exceed the appropriate maximum.

Payments may be made directly to the client for primary fuel based on the Fuel Assistance direct pay criteria. See requirements for locally issued checks in Chapter E.

For households that received a direct payment for their Fuel Assistance benefit, verification that the fuel assistance benefit was used to purchase/pay primary fuel/utility is required prior to the approval of Crisis Assistance Primary Fuel/Utility.

For cases requiring multiple payments, approvals must not be entered in the system simultaneously. The first approval must be entered in the system and the bill paid before a second crisis approval can be made in the system.

a. Enter the crisis benefit at time of eligibility determination as follows:

1) The exact amount of the bill, not to exceed the maximum authorization for the type of assistance. File a copy of bill in the case record.

2) If there is no bill when the case is ready for eligibility determination, the maximum crisis benefit for the type of assistance is used. Payment will only be entered in the system upon receipt of a bill. The bill must be filed in the case record. The system will automatically close the case, unencumber the difference and remove the crisis benefit amount.

b. For all changes, the worker will use the Crisis Add/Change screen.

If the total bill amount exceeds the crisis benefit maximum, the worker must enter the maximum for that type of assistance in the bill check amount and enter the total of Crisis Assistance and money from other sources used to alleviate the emergency amount in the total bill field. The system will generate a check for the bill check amount only. The total monies from other sources must be entered in the other paid field. The system maintains a history of total costs for each case.

All vendor bills with accompanying signed credit authorizations for Crisis Assistance must be received in the LDSS by the date specified by Home Office. **Home Office will advise by broadcast the last day that payment data can be entered in the system**.

10. APPEALS

The appeal procedures in Chapter F will be used for Crisis applicants who are denied assistance, except that the LDSS must schedule a conference within ten working days

from the date of request, unless the household requests that the conference be scheduled later.

11. SELLING FOR PROFIT

An eligible household that is found to have sold or is selling for profit fuel or merchandise purchased by the EAP will be ineligible to receive further assistance for **a period of 12 months**.

SECURITY DEPOSIT OPTION PLAN

The Virginia Department of Social Services has signed an agreement with electric utility companies to waive the payment from Cooling Assistance dollars for security deposits authorized if the recipient makes regular and timely payments for heating utility service for a one year period. (Refer to your local EAP Vendor List to verify if individual vendor has agreed to participate in the Security Deposit Option.) The process is as follows:

1. The LDSS will accept applications for assistance from June 15 to August 15 unless otherwise directed.

2. Determine eligibility of the applicant and the maximum amount of assistance for each applicant based on guidance.

3. Verify the security deposit amount only and the account number prior to approving the application.

4. Enter case information in the system. The system will generate a Client Notice of Action and Credit Authorization (approved cases).

5. The system requires the entry of account number and name.

6. The system will not allow entry of a bill check amount on these cases. Payment requests will be sent to VDSS by the vendor.

7. The case record will count the security deposit as being received and paid upon acceptance. The participant will not be eligible to receive another security deposit for the authorized fuel type.

8. Only system generated credit authorizations will be accepted by the vendors.

9. Any questions/concerns regarding this process should be e-mailed to your Program contact.

10. The customer is responsible for paying the monthly bills timely. If service is disconnected within a 365 day time period, the utility will attempt to collect from the customer. If the customer fails to pay, the utility will bill VDSS for the bill amount or deposit amount, whichever is less.

11. **A letter of explanation is sent to the customer and a copy to the LDSS.**

12. If the amount paid from cooling dollars is less than the deposit amount, the difference is counted as a savings for leveraging purposes.

The following letter is sent to clients involved in the security deposit option plan. A copy will be sent to the LDSS for filing in the case record.

Virginia Department of Social Services
Energy Assistance Program
801 East Main Street
Richmond, VA 23219-3301

DATE

Case Name
Street Address
City, State zip code

Regarding: Energy Assistance Case # _____

Dear Case Name:

Your request for a security deposit to be paid by the Energy Assistance Program has been approved. Your vendor,_____has agreed to not charge for the amount of your security deposit if your monthly bill is paid on time for the next 12 months. This waiver of collection of your security deposit saves money for the Energy Assistance Program that can be used to serve other households in need.

If you do not pay your bills timely, your vendor will demand payment of the Security Deposit. Your vendor will also collect any outstanding account balances from you.

Please make every attempt to pay your vendor's bill on time for the next 12 months. Your cooperation in this situation is greatly appreciated.

cc: FIPS #
LDSS NAME

CRISIS/COOLING CREDIT AUTHORIZATION

XXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXX, XX 12345

XXXXXXXXXXXXXXX
111 XXXXXXXXXXX
XXXXXXXXXX, XX 54321

COMMONWEALTH OF VIRGINIA
ENERGY ASSISTANCE PROGRAM

Worker:

DATE:
CASE #:
CASE NAME:
ADDRESS:
Account #:
Account Name:
Phone:

CRISIS/COOLING CREDIT AUTHORIZATION

Please provide merchandise or services as follows:

INSTRUCTIONS TO VENDOR:
1) Do not exceed the maximum authorization to right
2) Enter actual cost and date. Enter kerosene gallons.
3) Attach a copy of the itemized bill as verification.
4) Return signed original to the local agency named above.

MAXIMUM AUTHORIZATION $ 500.00 (Do Not Exceed this amount)

SERVICE/MERCHANDISE COST$_____SERVICE/DELIVERY DATE –

WARRANTY YEARS ON MERCHANDISE _____

KEROSENE GALLONS DELIVERED_____DYED_____CLEAR

I CERTIFY THAT THIS BILL IS CORRECT AND THAT THE MERCHANDISE OR SERVICE HAS BEEN PROVIDED AS DESCRIBED.

VENDOR_____
DATE

CUSTOMER_____
DATE

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COOLING ASSISTANCE

1. PURPOSE

Cooling Assistance is a component of the EAP. The purpose of the Cooling Assistance Component is to continue or provide cooling services to low-income households when other resources cannot meet those needs. Implementation of the Cooling Assistance Component is provided statewide.

The Cooling Assistance Component is offered on a first come, first serve basis. Households can receive Cooling Assistance in addition to Fuel and Crisis Assistance unless specifically restricted.

2. ADMINISTRATION

a. Contracting

A LDSS may contract for the 1) taking of applications or 2) taking of applications and preparing for processing. The maximum payment per application received from the contracting LDSS is $8; however, LDSS must remain within their administrative allocation. Contracts may be negotiated with the Salvation Army, Community Action Agencies, etc. Consult legal counsel when contracting. Errors made by the contractor are considered LDSS errors. Data entry of applications and changes to case information must continue in the LDSS. Refer to the Quick Reference Guide. The LDSS has responsibility for all case payments. LDSS responsibilities are listed in Chapter A. 8.

b. Program Dates

LDSS provide Cooling Assistance and will accept applications for assistance from June 15 through August 15, regardless of the amount of available funds. Applications will continue to be approved in the system for possible funding if additional funds become available.

Households are not required to submit another application with subsequent requests for electric bill payments. However, all requests for electric bill payments must be submitted by the last day of the application period, August 15.

c. Outreach and Public Information

VDSS will provide general information to the public via a news release prior to the beginning of the component. All other outreach efforts must be provided by each locality.

d. Community Resource Coordination

Each LDSS must identify what resources are available either in or outside their LDSS that provide assistance for cooling. Other resources are defined as resources from other LDSS programs, such as local emergency funds and other community programs, such as those administered by churches, community action agencies, utility companies, etc. Knowing in advance what resources are or are not available will enable the LDSS to better assist the applicant. Cooling Assistance can be provided along with another resource if the combination of those resources will provide cooling to the home.

3. ELIGIBILITY CRITERIA

In order to be eligible for Cooling Assistance, a household must meet all of the following criteria.

a. All the criteria in Chapter B **sections 6-8** are applied to the individual or group of individuals who function as one economic unit and who share residential energy.

b. If the household has already been determined eligible for Fuel or Crisis Assistance benefits, income does not need to be verified, unless a significant change (see Chapter C.2) has occurred. If eligibility for Fuel or Crisis Assistance has not been determined, the LDSS must attempt to obtain verifications of income within the allowable processing period (see Section 5). In addition to the methods of verifications listed in Chapter C, verifications may include telephone or collateral contacts or self-declaration for income. If self-declaration is used, the applicant must be requested to provide complete verification to confirm eligibility. The LDSS may recover improper payments from the client, as indicated in Chapter E, if verification proves that the applicant is ineligible.

c. The household must contain at least one vulnerable person (a person who is age 60 or older, under age 6 or disabled).

d. Other resources, as verified by the LDSS, cannot meet the need. If other resources are available and can be used within the allowable processing time period, they must be used either in conjunction with or prior to providing Cooling Assistance. Other resources do not mean the availability of the client's liquid resources. If cooling is provided in conjunction with other services or client payment, the name of the resource provider and the amount of the resource must be documented in the case record and entered into the system. If no other resources are available or can be used within the allowable processing period, Cooling Assistance can be provided if the applicant meets all other criteria.

e. Applicants must reside in the locality in which they apply for Cooling Assistance.

f. A household that applied for Fuel or Crisis Assistance may or may not be eligible for Cooling Assistance depending on their living arrangement and the type of Cooling Assistance for which they are applying.

1) Households that do not have a regular cooling expense (living arrangement codes B and F) are only eligible for cooling equipment purchase or repair; or

2) Households temporarily living in a non-profit emergency shelter and/or homeless are only eligible for a security deposit.

4. APPLICATIONS

Applicants for Cooling Assistance must complete a Cooling Assistance application. A new application must be completed each time Cooling Assistance is requested unless the request is for the same type(s) of assistance. The applicant should select a vendor from the approved vendor list for the LDSS. (Note: For households participating in the Address Confidentiality Program [ACP] who request equipment that requires the customer to select a vendor, the LDSS will have to contact their Regional Consultant so a manual check can be generated by the Home Office.) All other guidance on taking applications for Cooling Assistance is indicated in Chapter A, 9. Cooling Assistance applications can be found at: http://spark.dss.virginia.gov/divisions/bp/ea/.

Applications may be received by mail, in person, by fax, **by telephone (through the Enterprise Customer Service Center),** or online **(in CommonHelp)**. A signature on the application is required. A face-to-face interview is not required.

Only one member of a household may make an application for assistance. This application is assumed to request assistance for all persons residing in the household.

A household may apply more than one time. For example, a household may apply for an air conditioner in June and for an electric payment in August. More than one type of assistance may be approved on a single application. This may happen in the case of a request for cooling equipment purchase/repair and an electric bill payment.

If a household requests assistance with the payment of an electric bill and later requests the same type of assistance during the Cooling Assistance application period, a new application is not required. The household will only need to submit a copy of the most recent electric bill. The worker will enter the date the bill was received as the application date in the system.

5. PROCESSING APPLICATIONS

The LDSS must enter all Cooling Assistance applications in the eligibility system by Friday of the week the applications are received. The application must be placed in pending status unless ready for eligibility determination. At the close of the application period, LDSS must have all client/case data for cooling cases entered into the system and bills paid by a date specified by Home Office.

a. Pending

If an application is pending and additional verifications or other information is needed, the LDSS must notify the applicant, in writing, what is required. A deadline of **10 calendar** days or less is to be provided for the return of verifications or information. The burden of proof rests with the applicant; however, if requested, assistance in obtaining verifications should be provided by the LDSS. Required verifications and information may be submitted in various ways including in person, by mail, by a third party, by fax or over the phone. If the applicant fails to provide the needed information prior to or anytime on the day of the deadline date, the application is denied. Eligibility must be determined in the Cooling Assistance system within three (3) working days of all information being received.

b. Local Agency Denial

There are some reasons for denial of an application that the Cooling Assistance system cannot determine, and those reasons require denial to be determined and entered by the LDSS worker. In all denial situations, a Client Notice of Action will be issued to the applicant. If a manual/local denial is necessary, the worker must enter one of the denial codes found in Chapter D, 3.

c. Eligibility Determination

The Cooling Assistance system will screen each case entered with an "ED" disposition code. The following elements will be evaluated at this stage of processing.

Citizenship
Household Size
Monthly Income
Vulnerability

The Cooling Assistance system will calculate the dollar value of the medical deduction for the number of elderly and/or disabled individuals entered in the medical deduction field and deduct this amount to determine the countable income for screening purposes.

Cases that do not pass one element of the screening will be denied by the **EAP** Cooling **Assistance** system. Cases that pass screening will be approved by the system. **System** generated turnaround documents will be printed in the LDSS. Credit Authorizations and Client Notices of Action will be mailed the next day.

If there is a current warranty on cooling equipment previously purchased through the EAP, the EAP **Cooling Assistance** system will generate a Client Notice of Action informing the client of the denial of the application. The warranty may be removed from the **EAP Cooling Assistance** system if the household meets the requirements in Chapter J.7.b.2). To have a warranty removed, a written request should be submitted to the Regional Consultant, citing the reason for removal.

d. Notices

An EAP Cooling Assistance system generated Client Notice of Action will be mailed from VDSS to each applicant when the action to determine eligibility, deny or close an application/case is entered into the **EAP Cooling Assistance** system. **The EAP Cooling Assistance system** will generate credit authorizations each night to be mailed the next day. **The EAP Cooling Assistance system** will generate a Payment Notice at the end of the Cooling Assistance Component.

6. AUTHORIZATIONS

The maximum authorization for each type of assistance follows the special conditions for that type of assistance. The amount of assistance provided is the exact amount of the bill not to exceed the appropriate maximum benefit. If there is a bill, then the bill amount up to the maximum benefit balance is authorized in the EAP **Cooling Assistance** system. If there is no bill, authorize the appropriate maximum benefit. Never enter **an amount in** the bill check field when initially entering case information in the **EAP Cooling Assistance** system.

The LDSS may issue a verbal authorization for assistance or service when the case has been approved by the **EAP Cooling Assistance** system. Discretion should be used in providing authorizations verbally.

All repair bills must be itemized with a breakdown of the costs for parts and labor. Bills for unauthorized repairs or purchases and bills for repairs or purchases incurred prior to application for Cooling Assistance will not be paid. A household will not be reimbursed for allowable charges paid out of pocket.

7. ASSISTANCE PROVIDED

The following types of assistance are available if eligibility conditions are met and it will ensure cooling services are continued or provided:

- Self pick-up of a portable fan.
- Air conditioner purchase/installation.
- Repair of a central air conditioning unit or heat pump.
- A once-per-lifetime payment of an electric security deposit.
- Ceiling, attic or whole house fan purchase/installation.
- Repair of ceiling, attic or whole house fan.
- Payment of an electric bill to operate cooling equipment.
- Self pick-up and self installation of air conditioner.

To be eligible for any type of Cooling Assistance, a household must contain at least one vulnerable person. An individual who is age 60 or older, under age 6 or disabled is considered vulnerable. Renters eligible for cooling equipment shall receive a portable fan unless otherwise specified in policy. An eligible household can receive more than one type of assistance per application and may receive more than one type of assistance during a program year.

In addition to the eligibility criteria each type of assistance has other conditions as indicated below.

a. Pick up of a portable fan (Code A)

1) A household must meet the following conditions to be eligible for a one-time purchase and self pick up of a portable, moveable, oscillating, box, or window unit fan:

a) no operable cooling equipment is in the household, and

b) a renter is unable to provide a landlord statement of the household's responsibility for cooling; or

c) the applicant requests this type of cooling equipment.

The maximum benefit amount for a self pick up portable fan is $50.

b. Air Conditioner Purchase/Installation (Code B)

1) A household must meet the following two conditions to be eligible for the purchase/installation of one air conditioner.

a) No operable air conditioner is owned or available to the household. If it is provided by the landlord, or borrowed, it is considered to be available to the household until it is removed or otherwise no longer

available. If a household has stated that a cooling unit is borrowed and then states that it has been removed, the LDSS should obtain a signed statement either from the lender, or if such is unobtainable, a notarized statement from the applicant, that the unit is gone; and

b) The applicant or a member of the household owns the home or can provide a landlord statement permitting installation and utilization of cooling equipment.

2) Additionally, the household must meet one of the following conditions to be eligible for the purchase of one air conditioner if equipment has been previously purchased through the EAP. **(Note: If the EAP has purchased a whole house fan for the household during the current Cooling Assistance program year, the EAP will not purchase an air conditioner.)**

a) Cooling equipment previously purchased through the EAP had no warranty, the warranty has expired or the warranty cannot be adhered to for reasons beyond the household's control; or

b) The household has moved since the cooling equipment was previously purchased by the EAP and could not take the cooling equipment with it, or the cooling equipment cannot be used in the new residence; or

c) Cooling equipment previously purchased by the EAP was stolen and the household can provide a copy of the filed police report of the theft.

3) A written request to remove the equipment warranty from the EAP system must be sent to the Regional Consultant citing the reason for removal. The explanation must meet criteria in 2) a), b), or c) above.

4) The warranty years on the air conditioner compressor/sealed system must be entered in the system for tracking purposes and have at least a two year warranty**.** The vendor will submit this information in writing when requesting payment.

Maximum benefit amount for an air conditioner purchase/installation/rewiring is $550.

c. Repair of Central Air Conditioning Unit or Heat Pump (Code C)

1) A household is eligible for this assistance under the following conditions:

a) The applicant or a member of the household owns the air conditioner or can provide a landlord statement indicating household responsibility for the central air conditioner or heat pump; and

b) The central air conditioning unit or heat pump is inoperable, unsafe (e.g., frayed wires or overheating), or in need of maintenance.

2) Assistance can be received more than once during the program year. However, before such assistance is approved, the LDSS must review the case file to determine that there is no current 30 day service guarantee still in effect.

Maximum benefit amount for Central Air or Heat Pump repairs is $300.

Note: The EAP does not pay for repairs to window air conditioners.

d. Security Deposits (Code D)

A once-per-lifetime payment per household related to the operation of the cooling equipment is allowed. If the household has received an electric security deposit through the EAP previously, the household is not eligible for one under the Cooling Assistance component.

1) A household is eligible for a security deposit if:

a) The service address on the account is the same as the applicants service address; and

b) The household has never been assisted by the EAP with the type of security deposit requested; and

c) Payment by another agency or the household of the difference between the deposit and the Cooling Assistance maximum has been verified, documented in the case record and entered into the system; and

d) The utility has been disconnected and cannot be turned on unless a security deposit is paid, or there is a utility disconnect notice because of non-payment of the security deposit (a copy of a disconnection notice for delinquent or new security deposit is required). Verbal authorizations should be given when (1) the household has a disconnection notice that is scheduled to occur within five days; or (2) the electricity has been disconnected and the utility requires verification that the bill will be paid before service is reconnected and the case has been approved in the EAP Cooling Assistance system; or

e) The household has applied for the service and payment of the security deposit is required prior to connection (written verification is required).

2) Since assistance is restricted, the deposit stays with the household member/case name, regardless of where the individual resides.

Authorize the actual amount of the unpaid security deposit or the balance (total verified unpaid amount not just an installment) of the deposit not to exceed $200.

The method of verification must be documented in the case record. Neither the monthly bill amount, nor arrearage is to be included in this authorization or payment.

e. Ceiling, Attic or Whole House Fan Purchase and Installation (Code E)

1) A household is eligible for the purchase and installation of a ceiling, attic or whole house fan unit if:

a) No operable cooling equipment is in the household; and

b) The applicant or a member of the household owns the home or can provide a landlord statement permitting installation and utilization of the cooling equipment.

2) Assistance can be received only once during the program year.

The maximum benefit amount for an installed fan is $350.

f. Repair of an Installed Fan (Code F)

1) This type of assistance should only be provided for ceiling, attic, or whole house fans. Repairs to a small portable fan are not feasible; therefore, purchase of a new fan would be more appropriate.

2) The household is eligible for the repair of an installed fan if:

a) The applicant or a member of the household owns the installed fan or can provide a landlord statement indicating household responsibility for the ceiling, attic, or whole house fan.

b) Repairs to fans include but shall not be limited to motor or belt replacements.

c) Assistance can be received more than once during the program year; however, the LDSS must ensure vendor compliance with required repair guarantees.

Maximum benefit amount for repairs to an installed fan is $100.

g. Payment of Electric Bill (Code G)

1) A household is eligible for this assistance if payment of electricity is needed to operate cooling equipment **(to include fans, air conditioners, and heat pumps)**. The applicant's statement will be accepted as verification that working cooling equipment exists in the residence.

NOTE: A disconnection notice is NOT a requirement for this type of assistance.

2) The electric bill has been verified as being in the name of the applicant or a household member or the service address on the bill is the same as the applicant's.

3) If there is a disconnection and the amount exceeds the allowed maximum, the applicant must provide verification that the difference between the amount that is needed and the maximum, has been paid or has been approved for payment by another agency prior to approval of the application. Documentation of the verification must be included in the case record.

4) Assistance can be received more than once during the program year.

5) **Assistance cannot pay charges for unauthorized usage.**

The balance owed on the electric account must be verified. **(Note: For vendors who allow the EAP inquiry access to their online system, the online system should be used to verify the current account information.)** If the current balance is zero, the LDSS will deny the application. Prior to the end of the Cooling Assistance application period, the applicant may provide an electric bill showing a balance due. A new application is not required; the date the bill was received by the LDSS will be used as the new application date.

For individuals on a budget plan with a vendor, the amount of the payment will be the higher of the actual amount owed or the budget amount. If paying the higher amount would jeopardize the budget plan, pay the budgeted amount owed.

The LDSS will not process any payments for $0.99 or less.

Home Office will advise annually the maximum benefit amount for electric bill payments via broadcast.

h. Self Pick-up and Self Installation of an Air Conditioning Unit (Code H)

1) A household must meet the following two conditions to be eligible for the purchase of one air conditioner.

a) No operable air conditioner is owned or available to the household. If it is provided by the landlord, or borrowed, it is considered to be available to the household until it is removed or otherwise no longer available. If a household has stated that a cooling unit is borrowed, then states that it has been removed, the LDSS should obtain a signed statement either from the lender, or if such is unobtainable, a notarized statement from the applicant, that the unit is gone; and

b) The applicant or a member of the household owns the home or provides a landlord statement permitting installation and utilization of cooling equipment.

2) Additionally, the household must meet one of the following conditions to be eligible for the purchase of one air conditioner if equipment has been previously purchased through the EAP. **(Note: If the EAP has purchased a whole house fan for the household during the current Cooling Assistance program year, the EAP will not purchase an air conditioner.)**

a) The cooling equipment previously purchased through the EAP had no warranty, the warranty has expired, or the warranty cannot be adhered to for reasons beyond the household's control; or

b) The household has moved since cooling equipment was previously purchased by the EAP and could not take the cooling equipment with it or the cooling equipment cannot be used in the new residence; or

c) The cooling equipment previously purchased by the EAP was stolen and the household can provide a copy of the filed police report of the theft.

The Action Request Form for a warranty removal must be sent to the Regional Consultant with an explanation for the removal. The explanation must meet criteria in 2) a) b) or c) above.

3) The warranty years on the air conditioner compressor/sealed system must be entered in the system for tracking purposes and have at least a two year warranty. The vendor will submit this information in writing when requesting payment.

Maximum benefit amount for self pick-up/self-installation of an air conditioner is $350.

8. COOLING ASSISTANCE BENEFITS

Assistance may be received in combination and/or more than once per program year to meet a cooling need. Maximums have been established for each type of assistance. The system will edit authorizations/payments to ensure adherence to the maximums. Enter the Cooling Assistance maximum benefit or the balance thereof for the type of assistance requested. The maximums are as follows:

Type of Assistance	Frequency during Cooling	Maximum Benefit
One Portable fan	Once	$50.00
Pick Up One Air Conditioner	Once	$350.00
Air Conditioner/Installation	Once*	$550.00
Repair central air/heat pump	Unlimited	$300.00
Repair Installed Fan	Unlimited	$100.00
Installed Fan	Once	$350.00
Electric Bill Payment	Unlimited	Determined Annually
Security Deposit	Once per lifetime	$200.00

*Equipment and installation bills may be paid separately.

9. PAYMENTS

Services provided as the result of the issuance of a credit authorization are exempt from Virginia state sales tax, except for hotel lodging. Prior to entering a payment in the system, subtract any state tax erroneously included in the bill.

The Cooling Assistance system will be used for all Cooling Assistance payments. For cases requiring multiple payments for different types of assistance, approvals must not be entered in the system simultaneously. The first approval must be entered in the Cooling Assistance system and the bill paid before the second approval can be entered in the Cooling Assistance system.

All payments for Cooling Assistance will be entered by the LDSS. Payments will usually be made directly to the vendor. **Payments will be provided to the vendor after receipt of proper invoices and in accordance with the Virginia Prompt Pay Act.** In a few instances, payments will be made directly to the applicant.

Cases for which a credit authorization is issued must not have payment information entered at the time of case approval because the vendor will not know which account to credit. Vendor payments are entered in the Cooling Assistance system upon receipt of a credit authorization billing or an itemized bill.

When a bill is received and the payment is entered in the Cooling Assistance system, the case will be automatically closed; the unpaid benefit balance will be unencumbered and returned to the benefit pool.

No bill will be received from a security deposit option vendor; therefore, no bill amount will be entered or paid. The Cooling Assistance system generates a credit authorization and automatically closes the case. The vendor will waive the deposit.

If the total bill amount exceeds the benefit maximum, the worker must enter the maximum for that type of assistance in the bill check field and enter the total of Cooling Assistance and money from other sources used to alleviate the emergency amount in the total bill field. The Cooling Assistance system will generate a check for the bill check amount only. The total monies from other sources must be entered in the other paid field. The Cooling Assistance system maintains a history of total costs for each case.

Payment may be made directly to the client when no agreement exists for the electricity vendor serving the customer who has a window air conditioner, central air conditioning unit or heat pump. See requirements for direct pay in Chapter D.8.b. or see requirements for local checks in Chapter E.9.b. In order to issue a check to the household, the LDSS must enter payment information at time of case approval.

If a visit is made by a vendor and no work is performed, the vendor may assess a trip charge not to

exceed $50.00.

All vendor bills with accompanying signed credit authorizations for Cooling Assistance must be received in the LDSS by the date specified by Home Office. Home Office will advise of the last day that payment data can be entered in the eligibility system.

10. COOLING ALLOCATIONS

There is no set allocation of Cooling Assistance funds for each LDSS. Funds will be held in a pool with all LDSS drawing from that pool until funds are depleted or the program ends. This process is identical to the handling of funds for the Crisis Assistance component.

11. CHANGES

The policies in Chapter D.9 regarding changes in household situations apply to the Cooling Assistance component.

12. APPEALS

The appeal procedures in Chapter F will be used for Cooling Assistance applicants except that the LDSS must schedule a conference within ten working days from the date of the request, unless the household requests that the conference be scheduled later.

13. SELLING FOR PROFIT

An eligible household that is found to have sold or is selling for profit merchandise purchased by the EAP will be ineligible to receive further assistance **for a period of 12 months**.

SECURITY DEPOSIT OPTION PLAN

The Virginia Department of Social Services has signed an agreement with electric utility companies to waive the payment from Cooling Assistance dollars for security deposits authorized if the recipient makes regular and timely payments for heating utility service for a one year period. (Refer to your local EAP Vendor List to verify if individual vendor has agreed to participate in the Security Deposit Option.) The process is as follows:

1. **The LDSS will accept applications for assistance from June 15 to August 15 unless otherwise directed.**

2. **Determine eligibility of the applicant and the maximum amount of assistance for each applicant based on policy.**

3. **Verify the security deposit amount only and the account number prior to approving the application.**

4. **Enter case information in the EAP computer system. The computer will generate a Client Notice of Action and Credit Authorization (approved cases).**

5. **The system requires the entry of account number and name.**

6. **The system will not allow entry of a bill check amount on these cases. Payment requests will be sent to VDSS by the vendor.**

7. **The case record will count the security deposit as being received and paid upon acceptance. The participant will not be eligible to receive another security deposit for the authorized fuel type.**

8. **Only system generated credit authorizations will be accepted by the vendors.**

9. **Any questions/concerns regarding this process should be e-mailed to your Program contact.**

10. **The customer is responsible for paying the monthly bills timely. If service is disconnected within a 365 day time period, the utility will attempt to collect from the customer. If the customer fails to pay, the utility will bill VDSS for the bill amount or deposit amount, whichever is less.**

11. **A letter of explanation is sent to the customer and a copy to the LDSS.**

12. **If the amount paid from cooling dollars is less than the deposit amount, the difference is counted as a savings for leveraging purposes.**

The following letter is sent to clients involved in the security deposit option plan. A copy will be sent to the LDSS for filing in the case record.

Virginia Department of Social Services
Energy Assistance Program
801 East Main Street
Richmond, VA 23219-3301

DATE

Case Name
Street Address
City, State zip code

Regarding: Energy Assistance Case # _____

Dear Case Name:

Your request for a security deposit to be paid by the Energy Assistance Program has been approved. Your vendor,_____has agreed to not charge for the amount of your security deposit if your monthly bill is paid on time for the next 12 months. This waiver of collection of your security deposit saves money for the Energy Assistance Program that can be used to serve other households in need.

If you do not pay your bills timely, your vendor will demand payment of the Security Deposit. Your vendor will also collect any outstanding account balances from you.

Please make every attempt to pay your vendor's bill on time for the next 12 months. Your cooperation in this situation is greatly appreciated.

cc: FIPS #
LDSS NAME

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