

OFFICE OF HOME ENERGY PROGRAMS

OPERATIONS MANUAL

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**STATE OF MARYLAND
DEPARTMENT OF HUMAN RESOURCES
FAMILY INVESTMENT ADMINISTRATION**

OFFICE OF HOME ENERGY PROGRAMS

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ABBREVIATIONS

ABBREVIATION	EXPLANATION
CAA	Community Action Agency
CARES	Client Automated Resource and Eligibility System
COMAR	Code of Maryland Regulations
CSA	Community Services Administration
CSBG	Community Services Block Grant
DHCD	Department of Housing and Community Development
DHHS	United States Department of Health and Human Services
DHR	Department of Human Resources
DLLR	Department of Labor, Licensing and Regulation
EAFC	Emergency Assistance to Families With Children
EDR	Energy Delivery Record
EDS	Energy Delivery Statement
EITC	Earned Income Tax Credit
EUSP	Electric Universal Service Program
FES	Family Energy Services
FFM	Fuel Fund of Maryland
FIA	Family Investment Administration
FY	Fiscal Year
LAA	Local Administering Agency
LIHEAP	Low-Income Home Energy Assistance Program
MABS	Maryland Automated Benefits System (DLLR)
MEAP	Maryland Energy Assistance Program
NEADA	National Energy Assistance Director's Association
NFFN	National Fuel Fund Network
NLIEC	National Low-Income Energy Consortium
OHEP	Office of Home Energy Programs
OPC	Office of People's Counsel
PL	Public Law
PSC	Public Service Commission
SAIL	Service Access and Information Link
SOLQ	State Online Query
SSA	Social Security Administration
SVES	State Verification Exchange System
TCA	Temporary Cash Assistance
USPP	Utility Service Protection Plan
VA	Veteran's Administration
WAP	Weatherization Assistance Program

CHAPTER ONE - PROGRAM OVERVIEW

Chapter 1 – Overview

I. Program Background and Overview

The Office of Home Energy Programs (OHEP) is responsible for the administration of the Maryland Energy Assistance Program (MEAP) and the Electric Universal Service Program (EUSP). It is also designated to take applications for the Utility Service Protection Plan (USPP). These programs are implemented through agreements or contracts with local agencies operating in each jurisdiction of the State.

A. Maryland Energy Assistance Program

The Low-Income Energy Assistance Act of 1981, Title XXVI of Public Law 97-35; the Omnibus Budget Reconciliation Act of 1981, as amended by the Human Services Reauthorization Act of 1984, Public Law 98-558, the Human Services Reauthorization Act of 1986, Public Law 99-425 and the Human Services Reauthorization Act of 1990, Public Law 101-501 (42 USCA Section 8621-29) authorizes the federal Department of Health and Human Services to make grants to the States to assist eligible households to meet their costs of home heating and/or cooling energy.

The Maryland Department of Human Resources (DHR) is the agency authorized to receive funds under this Act. OHEP, an operating unit within the Family Investment Administration, has designed a program to assist Maryland residents with home heating costs. Programs serve homeowners, renters, roomers/boarders, and shelters by paying part of the fuel costs for electricity, utility gas, oil, kerosene, propane, coal or wood. .

The Department of Human Resources contracts with twenty Local Administering Agencies (LAAs) to administer the program. The LAAs, which may include Departments of Social Services, Community Action Agencies, local government agencies, and other public service agencies, are designated to administer the program based on their experience and expertise in energy assistance services for low-income populations.

OHEP is responsible for allocating funds to the LAAs and monitoring compliance with program regulations as set forth in the State LAA contract, the OHEP Operations Manual, the annual State Plan, and Regulations.

B. Electric Universal Service Program (EUSP)

EUSP was established by the Electric Customer Choice and Competition Act of 1999, Section 7-512.1, for the purpose of assisting electric customers with annual incomes at or below 175% of the federal poverty level.

It is a state program that is administered by DHR to assist eligible low-income electric customers with their electric bills. Assistance is available whether you are an active customer or you are currently without service. Eligible electric customers may receive help in three ways:

1. Help to pay current electric bills;
2. Help to pay past due electric bills; and,
3. Help with energy efficiency measures to reduce future electric bills.

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The Public Service Commission has program oversight and reports annually to the Legislature on program activities. Effective July 1, 2005, the energy efficiency component was moved to DHCD, WAP.

C. Utility Service Protection Plan (USPP)

USPP is a program of the Public Service Commission established through the Code of Maryland Regulations (COMAR) Title 20.31.05. These regulations set forth certain provisions pertaining to terminations of service for customers qualifying for MEAP. Upon qualifying for USPP, customers are placed on an equal monthly payment plan and as long as the agreed upon monthly payment is paid their electric or gas service cannot be terminated during the November through March period. Any amount not paid during the winter period is payable upon the end of the heating season.

OHEP's sole responsibility for USPP is the taking of the application and forwarding the information to the designated utility. The application for USPP is integrated into the OHEP application. USPP information is incorporated as part of the Energy Delivery Statement which goes to the utility during the payment process.

II. Eligibility

The primary eligibility guideline for these programs is income. Income guidelines are legislatively mandated and are based on the federal poverty level as published each year by the Federal government. For MEAP, the income guidelines may be set at up to 60 percent of the median income of the state or 175 percent of the published poverty level. Each year, Maryland publishes a plan that establishes the income guidelines for MEAP. The plan has established those guidelines at a maximum of 175 percent of the poverty level.

For EUSP, the guidelines are legislatively established at 175 percent of the published poverty level of the State. Each year, OHEP publishes the criteria in its EUSP Plan submitted to the Maryland Public Service Commission.

To establish eligibility, income is looked at based on the last 30 days prior to date of application. A household's gross 30-day income must equal or be less than the established poverty level to be considered eligible.

In addition to the income criterion, applicant-households are determined eligible for assistance if:

- A. the applicant-household residing in subsidized/non-subsidized housing pays home energy costs,
- B. the household has not already received energy assistance benefits (during the program year) at the time of application and
- C. the applicant must be at least 18 years old or emancipated.

Applications must be made to the jurisdiction of the applicant-household's delivery address. All delivery addresses must be within the State of Maryland.

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Shelters that offer overnight accommodations are eligible for assistance on behalf of their eligible residents. The shelter must complete the shelter application for energy costs in order to receive a grant.

III. Benefit Levels

OHEP Benefit levels are determined in a manner that ensures that households with the greatest need receive the highest amount of assistance. The benefit matrices are based on the following factors: income, household size, fuel type and geographic area. Therefore, the largest families with the lowest incomes and the most costly fuels will normally receive the highest benefits.

Benefits are a fixed portion of statewide average consumption by fuel type. Four levels of income based on the federal poverty guidelines vary with each fuel type benefit:

Level I	0 - 50 percent of the poverty guideline
Level II	51-100 percent of the poverty guideline
Level III	101-150 percent of poverty
Level-IV	151-175 percent of poverty

Level I utility customers, with usage above an established level are eligible for a higher grant amount. Section 8/public housing residents receive the lowest benefit.

A separate matrix for non-utility payments is used for Garrett County based on the heating degree day difference. This section of the State has colder winter temperatures over a longer period of time. For this reason the benefit levels for Garrett County are generally higher than the amounts for the balance of State.

Benefits paid to eligible renters are equal to benefits paid to homeowners. Subsidized housing residents receive the minimum benefit if they have heating responsibility. Roomers and boarders who meet the eligibility criteria receive the minimum benefit by fuel type for MEAP only. Without an electric account in their name, roomers and boarders do not qualify for EUSP.

IV. Family Energy Services

To encourage and enable households to reduce their home energy needs, up to 5% of LIHEAP funds may be used towards providing non-monetary assistance with energy vendors, needs assessment and energy conservation counseling. This service is in each of the local jurisdictions and the service provider can be the local administering agency and/or another energy related entity.

V. Crisis Assistance

The State has energy crisis assistance capability and ensures timeliness of service delivery in energy crisis situations. While there is only one grant per year, more than one payment may be issued to accommodate an energy crisis. The crisis benefit is a part of the regular grant but may not exceed the amount of the regular benefit. Specific guidelines outlined in the LIHEAP statute for the resolution of crisis are followed.

VI. Outreach

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Outreach is conducted by the OHEP, LAAs and energy suppliers to assure that all potentially eligible households, particularly households with elderly and/or disabled individuals are made aware of energy assistance programs along with other related services. Alternative application opportunities such as off-site, mail or in-home processes are available to ensure anyone can make an application. By Federal regulation, all local agencies are required to ensure that all low-income recipients, including the elderly and disabled, are aware of the program. Chapter 2 includes an overview of outreach requirements and coordinating activities necessary to meet the requirement.

VII. Application Process

Individuals apply at LAA designated intake sites, or if unable to travel to an intake site due to age or infirmity, may arrange for home intake or application by proxy. Applications are also issued through a direct mail process for all elderly and disabled households that were approved for a benefit during the prior program year. The Local Administering Agencies also have the option of sending the mail application to selected households. The LAAS at their discretion have the authority to request additional documentation (s) from an applicant if documentations submitted are questionable.

Applications are processed by intake workers. The applicant must provide:

- A. proof of identity and residence, except for previously eligible households as long as they are at the same residence, where this information was verified and is on file.
- B. proof of citizenship, or for aliens, registered resident (alien) status, except when previous recipients have verified this information and is on file.
- C. the names of all household members and valid documentation of social security numbers for all household members. Social Security numbers already verified and documented in the case record need NOT be re-verified.
- D. documentation of all household income, unless the LAA can document it by direct means.
- E. the major type of fuel used for heating; or the applicant may select an alternate fuel source if related to the household's heating energy needs.
- F. the name of the energy or electric supplier and account number or bill if an electric or gas supplier, if any.

Applications are required to be processed by all LAAs within a 45 day period from the receipt of the application as specified in COMAR.

VIII. Denial Process

Applicants who do not meet the eligibility criteria or who do not provide documentation within 15 calendar days of the request for information are denied benefits. Applicants have 15 days to appeal the denial notice as described below.

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Applicants who are denied receive a written notice of the reason for the denial and of their right to a fair and timely review and hearing of the reasons for denial. They are also advised that, as long as the OHEP is accepting applications, they may reapply after 30 days from the date of application if their situation changes. When the program close date is less than 30 days, an applicant may apply within 15 days of the close date if there are changes to the information already provided.

IX. Review and Hearing Process

LAAs are required to attempt to settle all disputes in an informal and timely manner. However, OHEP applicants are guaranteed access to a formal review and hearing process in the following situations:

- A. the applicant's complaint is not resolved by informal dispute settlement procedures;
- B. the applicant is denied assistance;
- C. the applicant is neither certified or granted assistance within 45 days from the date all required documentation is presented;
- D. the applicant has a dispute regarding the amount of assistance received.

The review and hearing process is two-tiered. A local review before an LAA designated review officer is the first level of appeal. A State level hearing before an Administrative Law judge is the second level of appeal if the applicant's complaint is not resolved by the local review. Chapter Six, Review & Hearing Process contains complete details on this process.

X. Payment Agreements with Energy Suppliers

OHEP benefit payments are made to eligible households' energy suppliers, who deliver fuel or apply credit to an existing account in the dollar amount of the benefit payment. Energy suppliers are required to sign an agreement that has an automatic renewal provision as specified in the supplier's agreement with the OHEP to participate in this program. For oil, kerosene, propane and coal/wood suppliers, the agreement requires a three-percent per unit discount off the lowest residential cash price. This three-percent discount is designed to increase the purchasing power of OHEP recipients using oil, kerosene, propane, and coal/wood. The Agreement with each participating program energy supplier contains the provisions that must be met by each energy supplier. See the Energy Supplier Manual for information regarding the requirements of energy suppliers.

XI. Payment Process

Following certification of eligibility and determination of benefit amount, LAAs shall notify and issue benefit payments to authorized energy suppliers, landlords, or in some cases, applicants. The notification will include a multiple client check for those households on whose behalf payment is made. The LAA assigns the certified household to a number coded Energy Delivery Statement (EDS) to be sent to the approved energy supplier selected by the applicant. The EDS provides a notification to the energy supplier of the benefit amount for the eligible customers on the statement. Payment for the total benefit minus 3% is made to the supplier. However, the energy supplier is to give the client credit for the entire benefit. Benefit payments not utilized by

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May 15 of the program year, or as designated by OHEP, are returned by the energy supplier to OHEP for redistribution in the next heating season.

Eligible households are notified of the amount of assistance, of the selected energy supplier paid on their behalf, and of their right to appeal any dispute regarding benefit level.

XII. Weatherization

OHEP works with the Department of Housing and Community Development's (DHCD) Weatherization Assistance Program (WAP) by providing referrals of applicants potentially eligible for weatherization or furnace repair or replacement services. The purpose of weatherization services is to reduce energy consumption through the identification of energy loss and installation of appropriate structural or energy conservation measures.

XIII. Utility Service Protection Program

USPP is a utility shutoff protection plan based on a year-round even monthly payment program. This monthly payment is based on the applicant household's annual cost of consumption for the previous year minus the amount of the MEAP benefit. The remaining amount is divided by twelve (months) to establish the USPP payment.

Under direction by the Public Service Commission, OHEP is responsible for offering and explaining the USPP to the applicant. The intake worker informs the applicant about the requirements and provisions of USPP regulations. If USPP participation is desired, the appropriate box is checked on the OHEP application. The required information is transmitted to the utility company. It is the utility who places the applicant on the program by making the appropriate billing adjustments.

Utilities, as participants in USPP, reimburse DHR for the administrative costs of explaining the USPP to all households, processing USPP applications and forwarding them to the utility. Reimbursement is based on the total number of applications for energy assistance received during the OHEP application period.

XIV. Coordination with Other Programs

OHEP coordinates the delivery of services for OHEP's programs with other similar and related programs to assure an effective and diverse energy service delivery system. Coordination is provided for as follows:

- A. Applications are taken through selected LAAs including community action agencies and DSS through a contract or agreement.
- B. Close coordination exists with the Office on Aging including outreach and applications
- C. Participation in an annual joint conference with all energy assistance, weatherization assistance, community action agencies, community service block grant programs and the Maryland Energy Administration to coordinate all program activities and continue the cooperative efforts of each of the programs.

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- D. At the time of application, all OHEP applicants are given printed information regarding weatherization, energy conservation and related assistance and/or self-help programs available in the area.
- E. A consolidated OHEP/Weatherization application is used. Referrals are made available and forwarded to the appropriate weatherization agency for all applicants requesting weatherization assistance.
- F. The State OHEP office coordinates its program activities with the Fuel Fund of Maryland in central Maryland and with other fuel funds and related organizations throughout the state to ensure that where a household's need for help exceeds the OHEP benefit, appropriate referral is made. OHEP has representation on the Fuel Fund's Board and participates in its various activities.
- G. Through the OHEP application, utility customers may enroll in USPP.
- H. OHEP provides referrals to DSS emergency assistance programs where need is warranted. DSS provides information and referral to customers about OHEP.

XV. Public Participation

OHEP provides for public participation in the development of its program Plans as follows:

- A. Key issues are discussed with representatives of energy advocates, local administering agencies, energy suppliers, and others interested in low-income energy policy. OHEP also convenes the OHEP Advisory Board. This group provides valuable input to OHEP in developing policy and planning for the coming year's program.
- B. Public Hearings and/or Regional Focus Groups are held in several locations throughout the state to solicit public comment and discussion on the proposed plan. Notification of public hearings is officially made through the Maryland Register. OHEP maintains a mailing list to notify interested persons about the public hearings.

A request to be put on the list for notification of public hearings or submission of written comments regarding planning documents, policies, procedures, etc. should be addressed to:

Director
Office of Home Energy Programs
311 West Saratoga Street, Room 239
Baltimore, Maryland 21201-3500
Phone: (410) 767-7218

CHAPTER TWO – OUTREACH

Chapter 2 – Outreach

I. Outreach Policy

The Low Income Home Energy Assistance Act of 1981 as amended, Section 2605 (B) (3) and Section 2605 (B) (15), requires outreach activities to be conducted to reach specific target populations. The first referenced section, referred to as Assurance Number 3, requires the State to:

“conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;”

Sections 2505(b)(2) and (3) relate to the priority treatment or targeting of LIHEAP benefits to eligible high burden households and vulnerable households.

The Office of Home Energy Programs (OHEP) meets and implements these requirements in each of the Maryland's jurisdictions by designing its outreach activities to ensure that eligible households, especially the elderly and handicapped, are made aware of the availability of energy assistance and all related energy resources. Part of the outreach effort is to make available alternate intake sites and alternate intake options. **No application shall be refused due to the lack of access to an intake site.**

While the legislative and regulatory requirement for outreach is specified for LIHEAP, efforts by OHEP and its LAAs shall encompass the Electric Universal Service Program as well.

II. Local Agency Outreach Plan

OHEP and each LAA are to develop an Outreach Plan on an annual basis. The local Outreach Plan shall include the list of activities planned by each local jurisdiction for the purpose of meeting outreach goals. It shall include an assurance that where the local jurisdiction is administered by a local Department of Social Services that additional outreach/intake sites are used. Local Outreach Plans are incorporated into the State Outreach Plan. LAA Outreach Plans are due to OHEP by August 15th of each year.

The Outreach Plan document is the agreement to carry out the required activities to inform the public about energy assistance and other related energy resources and is signed by the agency executive director or designee.

III. Statewide Outreach Plan

OHEP develops a statewide outreach plan to serve as a guide for all outreach efforts. As part of a statewide outreach plan, OHEP is to assist the local administering agencies to meet outreach requirements. Examples of activities undertaken by the OHEP staff are:

- A. Print and supply posters, brochures, fliers to local agencies to display in strategic locations throughout its geographic area;
- B. Issue press releases and articles on the program;

Chapter 2 – Outreach

- C. Participate in public forums to increase the awareness of the availability of energy assistance;
- D. Develop/produce informational material for use by other federal/private help programs including energy suppliers;
- E. Provide a toll-free number, **1-800-352-1446**, that is programmed to provide specific information through the voice response system to inquiries made in each jurisdiction;
- F. Conducts special studies to target and enhance outreach activities.

A copy of the Statewide Outreach Plan is available upon request to OHEP.

IV. Local Outreach Plan

- A. The LAA shall ensure that the following list of activities is provided by the agency. If a Local Department of Social Services (LDSS) administers the program, affirmation that additional outreach/intake sites are available, including the name(s) and locations of the site(s) is required. Outreach Plans shall also demonstrate the establishment of relationships and partnerships with other organizations serving the community. Activities suggested for the LAA plan include, but are not limited to:
 - 1. Provides additional outreach/intake sites of which one is the local Senior Information Center (Required if program is administered by Department of Social Services);
 - 2. Provides intake services for the physically infirm through home visits or by telephone;
 - 3. Sends mass mailing to previous year's elderly and disabled (at a minimum), and to the previous years' recipients as determined by local management decision;
 - 4. Accepts applications for regular and crisis situations at areas that are geographically accessible;
 - 5. Conducts special events to increase program awareness or to take applications;
 - 6. Informs the applicants of available energy assistance including weatherization, fuel funds, emergency assistance and private sponsored utility initiatives;
 - 7. Provides energy suppliers with information to use as bill inserts;
 - 8. Promotes articles in local newspapers or broadcast media announcements; and
 - 9. Places posters/fliers in strategic locations throughout local and county areas.
- B. By August 15 of each year, the LAA is to provide OHEP with a copy of its Outreach Plan.

V. Outreach Log

A detailed summary of outreach activities conducted by the LAA by maintaining an Outreach Log. Each LAA is required to forward the Outreach Log to the OHEP by the first Friday after the end of the previous month. The log is maintained on a monthly basis. See Appendix B for the Outreach Log format. OHEP also maintains an Outreach Log of its activities.

VI. OHEP Advisory Board

OHEP organizes and maintains an Advisory Board whose purpose is to provide discussion and

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information on issues pertinent to the implementation and administration of OHEP programs. It serves as a way of fostering involvement in OHEP by identifying key issues, etc. The Advisory Board meets quarterly or on an as needed basis. A current listing of members of the Advisory Board may be obtained from the OHEP.

VII. National Outreach Efforts

At the national level, high-energy burden households and vulnerable households are targeted for outreach through efforts of the Department of Health and Human Services. Non-profit organizations such as the National Energy Assistance Directors Association (NEADA) also provide periodic outreach assistance. Those efforts are incorporated into State and local strategies as appropriate.

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I. Application Policy

NOTE: State law and regulations require that LAA's under contract with OHEP to Operate the Maryland Office of Home Energy Programs provide confidentiality safeguards for the use of DHR client records and reports.

- A. All applicants for OHEP programs must complete the DHR/CSA 200 (Application for Energy Assistance) and the Income Resource Form. Completion of the application form and the Income Resource Form and the submission of requested documentation constitute a completed application for processing. The OHEP application process is designed to provide an opportunity for any individual/household requesting energy assistance to provide verification of household information for a fair and timely eligibility determination. All applicants for OHEP Programs must complete the DHR/CSA 200 (Application for Energy Assistance) and the Income Resource Form. Applicants, whether they apply by mail or interview, must be informed about the basic application requirements.
- B. The DHR/CSA/OHEP 200 is used to determine eligibility for all programs administered by the Office of Home Energy Programs including:
 - 1. Maryland Energy Assistance Program (MEAP);
 - 2. Electric Universal Service Program Bill Payment Assistance (EUSP BP); and,
 - 3. Electric Universal Service Program Arrearage Retirement Assistance (EUSP ARA).
- C. LAAs are to review applications for all MEAP and EUSP benefits and designate such in the computer system unless the applicant signs the designated section on the application that states the applicant does not wish to participate in MEAP or EUSP. Review means that if it is clear that the applicant will not qualify for EUSP because of the applicant household circumstances (no electric account, already received an arrearage payment, etc.) then application does not need to be entered as a yes on the computer system.
- D. The DHR/CSA/OHEP 200 is used as the application to refer to the following programs:
 - 1. Maryland Energy Assistance Program Furnace Repair and Replacement Program administered by the Department of Housing and Community Development (DHCD), Weatherization Assistance Program (WAP);
 - 2. Electric Universal Service Program Weatherization administered by the DHCD, WAP;
 - 3. Referral to the Utility Service Protection Plan (USPP - this is a program of the Public Service Commission and the regulated utilities within the state.)
 - 4. Referral to Weatherization Assistance Program (WAP – this is a program of the Maryland Department of Housing and Community Development funded through the U.S. Department of Energy).

Each of these programs requires an additional qualification process by the respective entity to determine eligibility.

- E. Completion and submission of the Application for Energy Assistance to the LAA is considered as the applicant's single application for the program year. Income information submitted at initial application is used for eligibility determination. While other items may be updated at later

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points in time the income information remains unless the application is denied and a subsequent application is submitted.

Example: A person applies for MEAP in August but declines to apply to for EUSP at that time. In December, the applicant returns and wants to apply for EUSP. The original application from August is revised to reflect the application for EUSP, however income data is not changed. Eligibility is to be based on the income from the initial application. Changing income on the same application at a later point in time results in the inability to track the original data used for certification.

- F. Arrearage Discovery. Completion of the application is considered applying for both EUSP Bill Payment and EUSP Arrearage Retirement Assistance.
- G. Completion of the Income Resource Form by the applicant informs the LAA what type of income is received in the applicant's household and ensures that all income types are questioned.

II. Application Period

Applications are taken in each program year from July 1 through June 30 of the next year for both MEAP and EUSP. Applications are received according to the schedule below.

- July 1 through April 30 – All deliverable fuel applications (MEAP only)
- July 1 through May 15 – Utility (electric and natural gas) applications (MEAP and EUSP)
- May 15 through May 31 – Utility Crisis applications only (MEAP only)
- June 1 through June 30 – All applications taken are processed for payment in the following fiscal year (MEAP and EUSP)
- July 1 through May 30 – Utility emergency applications (MEAP only)
- November 15 through March 31 – All crisis applications (MEAP only);
- November 1 through March 31 – While USPP applications are taken year round, the application of the USPP program benefits is from November 1 through March 31.

These dates are subject to change by OHEP at any time if program requirements warrant. An Action Transmittal will be issued to establish new dates.

Applicants may apply at any time during the program year. Applicants do not have to wait until the anniversary of their previous year application to apply. The effect is that someone may apply in May and then apply again in July for the next program year. Applications received between June 1 and June 30 are considered applications for the following fiscal year and are dated with the application date of July 1 in the database. The LAAS should not change the date on the application to July 1.

III. Application Requirements

The application requirements are:

- A. The applicant must be at least 18 years old or emancipated, the head of household, spouse of the head of household, or have proxy from the head of household (see Application by Proxy). The applicant (as defined above) must appear for an in-person interview, if requested.

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- B. The applicant must complete the required items on the DHR/CSA/OHEP 200, APPLICATION FOR ENERGY ASSISTANCE, Income Resource Form, and provide documentation for the following items described below in order for an application to be considered complete:

Note: Current is identified as within 30 days of the application date or as specified for any documentation requested.

1. **A signed and dated application form.** The application form is placed in the applicant file.
2. **Names of all household members and Social Security numbers (SSN) of all applicant and household members.** For the applicant and each household member, a copy of the social security card or other acceptable document with the social security number except as noted below shall be placed in the applicant file.

Applicants whose SSN's are documented in the file from a previous year application need not provide copies of documentation provided that documentation is also placed in the current file. SSN's already verified and noted in the case record need NOT be verified again.

If a child in the household does not have an SSN, the parent or guardian of that child must apply to the Social Security Administration (SSA) for one. A receipt or other documentation of the application for a SSN is to be submitted as documentation.

- If the application is a crisis situation the application may be processed with the child's SSN entered as 000-00-000. Once the applicant receives the number a copy of the document is to be provided to the LAA.
- If the application is not a crisis situation, the applicant must apply for, receive submit the proper documentation to the LAA in order for the application to be processed. Generally, SSNs are received within fifteen days.
- If the number is not available by the end of the fifteen (15) day period for application processing proof that an application has been made to SSA shall be submitted in lieu of the actual number. For this situation, the LAA shall enter 000-00-000 in the household data section of the OHEP data system for the child until the new number is received.
- An application may be denied for incomplete information if there is a refusal to obtain a SSN for a child over age two.

NOTE: When entering 000-00-000 for the SSN, the Data System automatically creates a pseudo SSN as a placeholder. This pseudo SSN can only be used for a one time application.

Adult members of a household must have a documented SSN in order to complete the application. If an applicant does not have proof of an adult household member's SSN at time of that application is the application may not be processed for payment until the documentation is received. However, an exception is made for persons identified with alien status. The 000-00-000 can be used for those persons designated with alien status. Guidelines for aliens are described in section XI of chapter 4.

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Acceptable documentation:

- Social Security card

Social Security Administration (SSA) issues three types of Social Security cards:

- A. The card most people have shows your name and Social Security number and let you work without restriction. SSA issues this card to:
 - o U.S. citizens, or
 - o people who are lawfully admitted to the U.S. for permanent residence, or who have permission from the Department of Homeland Security (DHS) to work permanently in the U.S.
- B. The second type of card bears the legend, “NOT VALID FOR EMPLOYMENT”. SSA issues this card to people who:
 - o are lawfully admitted to the U.S. but don’t have DHS permission to work. You need this card if a federal or state law requires you to have a Social Security number to get a benefit or service; or
 - o are living in the U.S. and don’t have DHS permission to work but, because they’re entitled to a federally funded benefit, are required by federal law to have a Social Security number to receive the benefit..”
- C. The third type of card bears the legend, “VALID FOR WORK ONLY WITH DHS AUTHORIZATION.” SSA issues this card to people who have DHS permission to work temporarily in the US. Cards issued prior to April 2004 bear the legend, “VALID FOR WORK ONLY WITH INS AUTHORIZATION.”

- Official letter or benefits notice with the social security number displayed. This letter must be on government letterhead.
- Printout from CARES.
- Printout from MABS.
- Medicare card
- Printout from SOLQ or SVES.

A copy of the SSN documentation for all household members is placed in the applicant file.

3. **Income for all household members** as defined on pages 4-7 must be verified.

Acceptable documentation:

- See Chapter 4 for acceptable documentation

A copy of the income documentation for the applicant and all household members where available, is placed in the applicant file.

4. **Proof of identity for the applicant documented by a photo identification document.**
For previously eligible households, where photo identification was received and remains in the file another photo id is not required. Separate documentation with a photo is required for those items that do not have photo.

Acceptable documentation:

- Valid Driver's license (current or expired)
- Valid identification card issued by Maryland Motor Vehicle Administration (MVA) (current or expired)
- Employment Identification Card with picture (current or expired)
- Valid U.S. Passport (current or expired)
- Valid out-of-country passport with visa and valid I-94/adit stamp evidencing lawful admission (current or expired)
- Valid U.S. military identification card (current or expired)
- Certificate of U.S citizenship (INS Form N-560 or N-561)
- Valid alien registration card (I-551)
- Valid employment authorization card (I-688 or I-688-B)
- Valid employment authorization document (I-766)
- Valid temporary resident card (I-688)
- Certificate of naturalization (INS Form N-550 or N-570)
- I-94 arrival and departure record (refugee)
- Out-of country driver's license (valid or expired)
- Valid International driver's license (current or expired)
- Valid U.S. government driver's license including military licenses (current or expired)
- For age 62 and over or disabled/homebound, a birth certificate or Medicaid/Medicare card
- For age 62 and over or disabled/homebound, any valid document that displays the applicant's full and complete social security number
- For age 62 and over, or disabled/homebound a valid insurance policy document or health insurance card
- Valid high school photo identification card (current or expired) for persons 25 or younger

A copy of the proof of identity for the applicant is placed in the applicant file.

5. **Verification of immigration status** of all household members who are not U.S. Citizens.

Acceptable documentation:

- Valid alien registration card (I-551)
- Valid employment authorization card (I-688 or I-688-B)
- Valid employment authorization document (I-766)
- Valid temporary resident card (I-688)
- I-94 arrival and departure record (refugee)
- Valid Social Security Card

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A copy of the verification of immigrant status for the applicant and all household members who are not U.S. citizens is placed in the applicant file.

6. **Proof of residence.** In order to qualify for MEAP or EUSP benefits applicants and household members must be residents of the State of Maryland. The proof of residence must have the individual's name and indicate a Maryland street address to identify the location for delivery. Documents with Post Office Box addresses are not acceptable as proof of residence.

Note: Mailing addresses may be in another state as some residents of towns near state borders may have a post office box in the bordering state or some applicants may have a caretaker (relative or otherwise) responsible for paying bills but living in another location.

Acceptable documentation for proof of residence:

- Valid Driver's license provided that the address on the license is verified as the delivery address.
- Current (within the calendar year) Residential lease/rent contract
- Current (within program year) OHEP Landlord Agreement
- recent (within past 30 days) bills that include the applicant's name and street address not a post office box number and this includes utility bills, cable TV bill, telephone bill, major credit card bill
- Current bank checking or savings statements
- Current (within calendar year) benefit letters or notices from the Social Security Administration or from the local Department of Social Services
- Valid Maryland vehicle registration card or title
- Valid Voter registration card
- Current (within calendar year) Property tax bill or receipt
- Printout from the Department of Assessments and Taxation website showing homeownership (www.dat.state.md.us)
- Mortgage account statement or proof of home ownership
- Where there is a question as to the residency of household members documentation should be requested to ensure that the person is residing at the applicant's address. This could be through any of the documents listed above or also mail such as bills, bank statement, government letters etc. addressed to the person at the applicant's address
- Current (within program year) school records, i.e., Enrollment Verification Form

A copy of the proof of residence for the applicant is placed in the applicant's file.

7. Name of **energy suppliers** and **account numbers** and **utility bill or statement** for utility. For EUSP, documentation must verify that the electric service account is in the applicant's name.

Acceptable documentation includes:

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- Current utility Bill or verification by the utility that service is being requested in the applicant's name, if the person is off service. Required in applicant file if utility termination notice is not provided.
- Current utility termination notice. Required in applicant file if utility bill is not provided.
- Current screen print from utility website or other utility provided document.
- Fuel company receipt. Not required in applicant file.

8. If a renter and where the benefit is to go to the landlord, proof of rental status.

Acceptable documentation includes:

- Current (within calendar year) a signed current lease
- Current rent receipt
- Current statement signed by the landlord.

In addition, a current landlord agreement must be acquired by the LAA.

A copy of the proof of rental status is placed in the applicant's file.

9. A current statement signed by the applicant or proxy authorizing the LAA to verify, through any appropriate sources, statements made or documents presented by the applicant or proxy during the application process. This statement is part of the application form.
10. If a proxy makes the application, the completed and signed Proxy Authorization Form or a valid Power of Attorney document must be placed in the applicant file.

- C. An application can only be accepted as a valid and complete application if

1. signed and dated by the applicant, proxy or Power of Attorney, and
2. all required documentation is provided.

- D. Additional data requirements for application completion:

1. The LAA shall obtain current electric or natural gas usage data for applications that have designated a utility to receive the MEAP benefit. The usage data must be in writing from the utility company via the utility's website, current copy of the applicant's utility bill or directly from the utility company and placed in the applicant's file or a designated location with the location referenced in the applicant's file. Usage data is to be obtained for all applications and documented on the application. The method of obtaining this information varies by utility company. Please check with the specific utility for the method being used.

The current kwhs/therms may be acquired by telephone, however written documentation must be received confirming the kwhs/therms obtained via phone.

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2. The LAA shall obtain current electric usage data (kilowatt hours or Kwh) for applications that have designated an electric utility to receive the EUSP benefit. The usage data must be in writing from the utility company via the utility's website, current copy of the applicant's utility bill or directly from the utility company and placed in the applicant's file or a designated location with the location referenced in the applicant's file. The EUSP benefit amount is based on the electrical usage.
3. The LAA shall obtain current electric arrearage data for applications that have designated an electric utility to receive the EUSP benefit. The usage data must be in writing from the utility company via the utility's website or directly from the utility company and placed in the applicant's file or a designated location with the location referenced in the applicant's file. EUSP arrearages will only be paid once every seven years. The data system maintains a history that identifies if the arrearage application is within seven years (see Arrearage Inquiry on the Application menu in the software). If the LAA has evidence otherwise, an override may be implemented. OHEP performs overrides on arrearage. Contact OHEP for override requests.

NOTE: The procedure for obtaining usage and arrearage data from the utility company is developed in cooperation with each utility company. If the utility bill is used to obtain the kwhs/therms, the bill must be current. If the applicant does not have meter history or is new to the residence or if the residence is part of a new development and the utility company cannot give the LAA the annual usage to the applicant, the LAA may take the usage that is known, determine the average for a month's usage and multiply by 12. The LAA must narrate in the notes section in the system as to how the kwhs/therms were obtained. Make a copy of the note and place the copy in the applicant's file.

For ex: The applicant has 3 months of meter history, the LAA may take the average of the 3 months and multiply that number by 12 to obtain the annual usage.

IV. Application Procedures

It is the policy of OHEP to receive applications from all potential applicants. Application procedures may not prevent a potential applicant from completing an application. There may not be any barrier that prevents a potential applicant from applying. To this end, LAAs are required to accept applications through the office interviews, mail, off-site intake, online and home visits, or otherwise accommodate a potential applicant so that they may apply.

A. Application Process

1. An intake worker at the LAA or outreach site interviews the applicant. The applicant may send a person to act as a proxy for the applicant. See the Application by Proxy section for requirements. See Appendix A for form.
2. The applicant is given an appointment or interviewed on a walk-in basis at the LAA designated intake site. Interviews may also take place at the applicant's residence by appointment if they are unable to apply otherwise.

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3. The Intake Worker explains the EUSP and its individual components of Bill Payment and Arrearage, DHCD WAP, and USPP.
4. If additional assistance is required, a referral is initiated for the Emergency Assistance Program at the LDSS and/or the Fuel Fund. The applicant is given information regarding assistance or self-help programs available in the community, if needed.
5. The application, the DHR/CSA/OHEP 200 is completed during in-person interviews using one of the following approaches:
 - By the current OHEP data management system for on-line data entry, or;
 - The Intake Worker completes the application with the applicant, or;
 - The applicant completes the application and gives it to the Intake Worker, or;
 - The applicant completes the application in an applicant group setting with the Intake Worker giving assistance: or,
 - The application is completed at an outreach intake site or home visit with the assistance of an Intake Worker.
6. If the application is missing required documentation, the Request for Additional Information letter is given or mailed to the applicant.
7. All applications must be entered into the OHEP Data Management System. See Chapter 9 for additional summary information or the Data Management Reference Manual for detailed information on the system.

Note: The LAAs at their discretion have the authority to request additional documentation (s) from an applicant if documentations submitted are questionable.

B. Application Methods

1. Office Interviews

Each LAA is to have available an accessible location to receive applications according to OHEP contractual or agreement requirements. Applications completed and printed in the OHEP database must be signed by the applicant and a copy of the application given to the applicant for his/her records.

2. Mail Applications

LAAs may elect to mail the DHR/OHEP 200 application to the applicant's home. Include the current OHEP brochure along with instructions for completing and mailing back to the LAA and Income Resource Form for processing. Other information deemed appropriate by the LAA may be included in the mailing.

3. Off-site Applications

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Opportunities to conduct application intake in locations other than the main office of the local agency are encouraged. This may be accomplished through special events or visits to other sites or by partnering with other organizations such as the Office on Aging.

4. Home visits

As necessary, LAA staff members are to be available to make a home visit to take an application if the situation warrants.

5. On-line Applications (SAIL)

Individuals may apply on-line through the Internet via the DHR SAIL application website (www.marylandsail.org). LAAs are to download SAIL applications on a regular basis and import into the OHEP database. The OHEP application form may be downloaded from the DHR/OHEP website (www.dhr.state.md.us/ohep) completed and mailed to the LAA.

V. Additional Procedures for the Electric Universal Service Program

- A. The LAA is to process the application for EUSP benefits unless the applicant signs the section on the application to opt out of the EUSP Program.
- B. The LAA is to obtain from the electric company the current electric usage in kilowatt-hours (kwh) and any qualified arrearage amount in writing except for those applicants who do not have meter history as stated in this chapter, section III, item #D # 3 Note. Applications without the kilowatt usage may not be processed for a EUSP benefit. The process for obtaining this information varies by utility company. Each LAA is to communicate with the respective company to determine the method.
- C. If the applicant qualifies for EUSP Bill Payment and there is a qualified arrearage reported by the electric company, then the LAA is to include arrearage as part of the application. For an applicant to receive an arrearage benefit Bill Payment Assistance must also be received.

VI. Application By Proxy

An applicant who is unable to apply for energy assistance in person may have his/her application made by the applicant's authorized agent or proxy provided that the Proxy Authorization Form (see Appendix A) is completed and signed by the applicant. A current Power of Attorney may be used instead of the Proxy Authorization Form. A proxy may be an adult member of the applicant's household or a relative, neighbor, or other authorized agent. Although there is no limit to the number of times one person can act as proxy for another, this situation should be avoided if possible because it increases the opportunity for fraud. **Special attention must be given to justification when one person acts as proxy for more than one applicant.**

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Procedures

- A. The Proxy Authorization Form must be completed and signed by the applicant and the proxy before the intake interview. Note that the applicant and proxy signatures must be witnessed. However, the applicant cannot witness the proxy's signature and the proxy cannot witness the applicant's signature.
- B. The applicant's proxy participates in the intake interview and provides all information and documentation for the applicant. The proxy shall supply proof of the applicant's identity and residence.
- C. The proxy signs the application and related forms in the following manner:

"John Doe for Jane Jones"
(Proxy) (Applicant)

- D. The application name is not the proxy name.

The proxy is placed in the applicant file.
- E. If a Power of Attorney is used as documentation obtain a copy of the first and last pages and place in the applicant file.

VII. Application Processing

Once an application is submitted, the following steps are taken to process that application to assure a timely determination of eligibility. Applications shall be entered into the data system within 2-3 days of receipt of the application.

- A. Interviews
 - 1. If all required documentation is submitted, the Intake Worker may make an initial eligibility determination and indicate the estimated amount of the benefit to the applicant. It must be stated that final eligibility is subject to review by the certifier.
 - 2. If the applicant does not furnish all required information during the initial intake interview, the Intake Worker follows the procedures for pending cases.
 - 3. All applications are entered into the OHEP Data Management System.
- B. Mail Applications
 - 1. All applications are entered into the OHEP Data Management System.
 - 2. Review all mail applications for completeness.

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3. Mail applications are coded with the number 88 in the Center Code field. This identifies the application as a mail application. Other types of mail applications are at the discretion of the LAA and are coded by the LAA according to a schema they set. LAA's shall maintain a table of these code designations and make it available to OHEP upon request.
4. The application date is the date the application is signed by the Applicant. A faxed application with the applicant's signature is acceptable to begin the application process, however, the original must be submitted to the LAA. However, all other documentation (s) i.e. Zero Declaration, Wage Verification, Income Resource forms are acceptable as faxed, original signatures are not required unless the document is questionable. The intake worker signs legibly and dates the mail application, no worker initials are accepted. To assure current information, the application date and the date of receipt should be within 10 days of each other. The application date can be changed with the permission of the applicant if the income documentation received is for an earlier or later date. The worker must make a note on the application near the customer's signature that the application date was changed to coincide with the income documentation provided. The income documentation must be for the 30 days before application date.
5. Certify the application when complete and the necessary documentation is attached. If information is missing, the application is entered into the computer, and a request for additional information form is issued to the applicant. The application is then placed in pending status. To avoid high numbers of pending cases, one possible strategy is place a phone call to the applicant after the request for additional information form is sent to confirm that the applicant understands what is needed.
6. Applications are usually processed according to date received. Priority processing should be given to applications based on circumstances of need. However, the overall mail process should be managed to avoid lengthy delays in making payments to energy suppliers.

VIII. Pending Cases - Procedures

- A. If the applicant does not provide all required information or documentation to certify the application, the intake worker shall complete a Request for Additional Information in duplicate. The intake worker records the date, applicant's full name and address, and a detailed explanation of the information required. The date this information is due shall be clearly stated, and shall be 15 days from the date the notice is given (or mailed) to the applicant. The intake worker enters his/her name and telephone number on the form.
- B. The Request for Additional Information is given to or mailed to the applicant. A copy is placed in the applicant's file.
- F. The applicant folder is retained in a pending file until the information is returned.
- G. If the information is not returned by the date requested, the application is denied as described in the section on denying applications.

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- H. Once the additional information has been received, the pertinent documents are placed in the applicant's file and the information is entered into the applicant's computer record.
- I. Requested information is accepted by mail, in-person or by fax.

IX. Referral to Energy Assistance Resources

When the OHEP applicant has a heating crisis that cannot be resolved by the OHEP benefit, the LAA must refer the client to other providers of energy assistance.

A. Emergency Assistance to Families With Children

When to refer:

1. LAAs may refer clients to the Department of Social Services (DSS) for Emergency Assistance to Families with Children (EAFC) if:
 - a. the client is OHEP eligible;
 - b. the client has children living in the household who are under 21 years of age; and
 - c. OHEP funds are not available to alleviate the crisis.

An individual need not be a recipient of Public Assistance to qualify for EAFC benefits. Each DSS will have the flexibility and option to assist or not assist families in need of help with their heating bills. DSS policy regarding the use of EAFC funds may vary from jurisdiction to jurisdiction.

2. Referral Procedure

- a. Complete the Referral to EAFC form (see Appendix A). The LAA does not need to keep a copy of the form, but must document the client's file showing the date of and reason for the referral. Any questions, which the LAAs may have regarding this process, should be referred to OHEP.
 - b. Give the form to the client with instructions to take it to the local DSS
- B. Each LAA must maintain a list of alternative energy assistance providers for referral purposes if the OHEP grants are not adequate to meet the need of the applicant.

X. Utility Services Protection Program

USPP is a year round even monthly utility payment program of the Maryland Public Service Commission and utility companies. The regulations for USPP are found in Appendix C.

OHEP has agreed to use the OHEP application process to explain the program to applicants, take application information, and forward the information to the utility companies.

A. Eligibility for USPP

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All utility customers with an active account and eligible for MEAP are eligible to apply for the USPP. Roomers, boarders, and households where heat is included in the rent are not eligible for USPP.

Utility customers who are off service must secure reconnection of gas or electric service by making the designated payment for outstanding arrearages and reduce arrearages to \$400 or less to be eligible for USPP.

B. Determination of Even Monthly Payment

Participating in USPP puts the customer on an even monthly payment plan. The respective utility company determines the monthly payment for USPP. The payment amount of the even monthly payment plan is based on the customer's annual cost of utility consumption minus the MEAP benefit divided by 12. This is often referred to as budget billing.

C. USPP Procedures

The Intake Worker is responsible for explaining the USPP Program to the applicant, informing them of how the payment is determined and that the utility company is responsible for calculating the USPP monthly payment amount. The Intake Worker is not responsible for determining the USPP payment. The utility is required to calculate the payment and to advise the applicant of the payment amounts necessary for USPP participation.

Households not requesting USPP participation must have information recorded in the pertinent application fields. All utility customers, regardless of the OHEP energy supplier chosen, must have the utility's name given in the proper field. The consumption data for all utility users must be entered for all utility users.

The USPP information is forwarded to the respective utility on both the MEAP and EUSP EDS. If a utility will not receive an EDS from OHEP a separate report is available to send to the utility.

D. USPP and Arrearages

Applicants with arrearages will be allowed long-term special agreements, in some cases up to 48 months, depending on the amount of the arrearage. The OHEP benefit can only be applied to a household's arrearage for first time USPP participants. An amount, which will be paid monthly by the client to decrease the arrearages, will be determined by the utility. This will be shown on the utility bill as the supplemental payment. Please note that this payment is in addition to the equal monthly payment.

Note: BGE and Delmarva Power obtained permission to allow their customers to use the OHEP benefit toward their arrearages even if their benefits were applied to arrearages in previous years.

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E. Reconnection of Service

In cases where the customer is not receiving utility service at the time of application, but chooses to participate in USPP, the customer's service shall be reconnected for the purpose of participation in the USPP.

To have service reconnected if the customer has participated in the USPP previously, and has been removed from the program, the customer must pay the greater of:

1. An amount sufficient to reduce outstanding arrearage to \$400; OR
2. The amount covering the monthly installments in arrears in the customer's equal monthly payment account and supplemental payment account at the date of reconnection.

Applicants may NOT apply the current year MEAP benefit to an arrearage to qualify for participation in the USPP if the MEAP benefit was applied to the arrearage in a prior program year (see note above regarding BGE and Delmarva. In cases where the OHEP benefit has been applied to an arrearage in a prior year, but other participation requirements are met, the customer's equal monthly payment will be based on annual consumption alone.

If the client has not previously participated in the USPP, they shall pay an amount sufficient to reduce the outstanding arrearage to \$400 or less.

F. Termination of Service

If the USPP participant's OHEP application establishes that the participant is at or below 50 percent of poverty, the participant may not be terminated from service between November 1 and March 31, if the participant has paid to the utility, exclusive of any OHEP grant, the agreed upon bill payment .

XI. Furnace Repair and Replacement

OHEP has an agreement with the Maryland Department of Housing and Community Development (DHCD) Weatherization Assistance Program (WAP) to provide a limited number of furnace repairs or replacements. LAAs are to refer known potentially qualifying situations to the local weatherization program. A list of those programs is found in Appendix E. The local weatherization program will determine the eligibility of the applicant and an assessment of the furnace situation.

LAAs are to determine if the furnace need qualifies as a crisis under the MEAP definition. If so, the referral is to identify the need as a crisis and the response is to follow the crisis criteria.

XII. Weatherization Assistance Program (WAP)

The Weatherization Assistance Program, or WAP, is a federally funded program through the U.S. Department of Energy administered by the Maryland Department of Housing and Community Development. Provisions of the LIHEAP Block Grant Law require assurances that LIHEAP and WAP coordinate. OHEP fulfills this function by referring potentially eligible households to WAP. Referrals are made to the local WAP

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Office through procedures that each LAA develops with the local WAP office. A system report is available to generate a list of MEAP eligible applicants interested in receiving weatherization services.

XIII. Reapplication

Denied applicants receive a written notice of the reason for the denial and of the right to a fair and timely review and hearing of the reasons for denial. They are also advised that, as long as the OHEP is accepting applications, they may reapply after 30 days from the date of a previous application. If an applicant responds to a denial due to incomplete information by sending in the requested information the original application may be processed if that information is received within 15 days of the Denial Notice.

XIV. Questions and Answers

1. Can a potential applicant apply in a county other than the one he/she resides in?

Response: In order to accommodate the individual who applies at the incorrect office it is acceptable for the LAA to take the application and then forward it to the correct location. The applicant should be instructed as to the correct location and that all questions concerning the application should be directed to the correct office.

2. An applicant has received a benefit but returns to provide new income information because their income is now lower than at the time of application. Is the application modified to reflect this lower income?

Response: No. The application is not modified for a change in income because the benefit is based on the income at the time of submission.

3. An applicant mails his/her application to the LAA with a date signed in July, however, the LAA received application in October. The income documentation is for September. Can the income documentation be accepted?

Response: Yes the income documentation can be accepted. The LAA must contact applicant to obtain permission to change application date to coincide with income documentation received, write a short note on the application, stating permission was obtained from applicant to change the application date, the new 30 day period and initial or signed the note. LAA must make sure when the application date is changed that all income documentation for all members of the household coincide with the new application date.

4. Does an Income Resource Form completed by applicant required to be in the applicant's file?

Response: Yes, an Income Resource Form signed by the applicant must be in each certified file.

5. Can a Medicare card be an acceptable documentation for a social security card?

Response: Yes

6. Is a valid school picture ID acceptable documentation for proof of ID?

Response: Yes, the valid school picture ID must be from a high school, college or vocation/technical school.

7. If a person is not on the lease is he/she counted as part of the household?

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Response: OHEP requires proof of residence as one of the conditions of eligibility. An applicant can have a lease but there is other acceptable documentation for proof of residence. If the applicant has a lease and some of the household members are not on the lease, the worker may become concern however the applicant could have taken in members of his/her household unbeknown to the landlord or the applicant may had married after the lease was signed. Would you count these persons if they are not on the lease? Yes, you would. The proof of residence is primarily for the applicant, please see page 3-7 item 6, Proof of residence. The lease is a desired proof of residence because it proves whether housing is subsidized and who is in the household according to the landlord.

An applicant cannot be denied because he/she does not have a lease. If there is concern that a household member is not residing with the applicant, the worker can request additional documentation. Remember OHEP is mandated to treat renters and homeowners fairly.

8. The applicant is homebound and 72 years old and does not have a photo ID. Are there any other documents that can be accepted in lieu of photo ID?

Response: Yes, see pages 3-6 and 3-7 Section # 4 Proof of Identity for acceptable documentation for someone who is over 62 and over or disabled that does not have a photo ID.

9. Can a worker obtain Kwh/therms over the phone from a utility?

Response: If obtained over the phone Kwh/therms must also be obtained in writing.

10. An applicant has a household of five, no one has a valid social security card but they have an Income Tax Identification number (ITIN or TIN) can the application be processed?

Response: The application can be processed but cannot be entered in the database and must be denied manually. There must be at least one person in the household with a valid social security card for the application to be processed for a benefit.

11. Can an applicant use an expired out of state driver's license as proof of his identity?

Response: Yes

12. If the applicant has a social security number but cannot find the card, can the application be processed for a benefit?

Response: Application can be placed in pending for fifteen days to give the applicant the opportunity to provide a valid social security card or a letter from Social Security Administration confirming the social security number and that the card is forthcoming.

13. If there is a household of four with one member of the household having a social security card and is a child and all others are ineligible to obtain a valid social security card are they eligible to receive a benefit if they have all other required documentation for eligibility?

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Response: Yes, as long as someone in the household has a social security card, however, the household would receive a benefit for one and not a household of four. In this same scenario if one of the adults has income, the income would be counted and the household size would still be 1.

14. How old do you have to be to apply for energy assistance?

Response: You must be at least 18 years old or emancipated.

CHAPTER FOUR - CERTIFICATION AND ELIGIBILITY

Chapter 4 – Certification and Eligibility

This chapter explains the guidelines and procedures for both the Maryland Energy Assistance Program (MEAP) and the Electric Universal Service Program (EUSP). In most instances policy and procedure are the same for both programs. Where they differ, the EUSP policy is expressly specified.

I. Certification Policy

Each application shall be reviewed for completeness and accuracy prior to the issuance of a grant. This review process is referred to as certification. If an application is denied, that is, determined to be ineligible for an OHEP grant, the procedures for denied applications should be followed.

II. Certification Requirements

All certified applications shall indicate a **legible** agency worker signature, date of certification, benefit level, and dollar amount of grant. This information shall be on the application and in the computer record. **A person other than the person who conducted intake or data-entered the application shall complete certification of an application.** After being certified, an OHEP grant shall be issued in accordance with the procedures for payment of benefits.

III. Application Status

A. Pending Applications - "PENDING"

This status shows that all the information needed for household eligibility is not in the computer record.

B. Awaiting Certification - "AWAITING"

This status shows that all information is complete on the computer application. Note: Data retrieved from a previous year may go into an Awaiting status before review. Be sure to review and validate the on-screen application as qualifying for Awaiting status. A worker must confirm that the current documentation agrees with the computer screen.

C. Certification - "CERTIFIED"

When the certifier confirms the information entered on the application is accurate and supported by income documentation, the option to certify is made. A final "Yes/No" response is required. A "Yes" updates the status to Certified. A "No" Requires the record to be returned to the worker for revision. Pressing "Next Record" will skip the record.

NOTE: A person who creates or modifies a record in the data system is prevented from certifying that record.

Chapter 4 – Certification and Eligibility

When the case is "Certified", the benefit amount is computed and displayed on the screen. Enter the amount of the application. Click on Close to remove the "Certified Benefit" box.

D. Energy Delivery Statement Sent - "EDS SENT"

This status shows that the applicant has been assigned to a particular Energy Delivery Statement (EDS) of a selected energy supplier. The EDS is the official authorization to deliver energy assistance up to the amount indicated. Each EDS has a unique batch/invoice number for tracking that EDS to the payment check number as well as tracking the payment in client records.

IV. Certification Procedures

All applications shall be certified using the computerized OHEP Data Management System. Certify each application using the following steps:

- A. The certifier reviews the application and supporting documentation that comprise the applicant file.
- B. If the application is incomplete and/or requires additional documentation, the worker takes appropriate follow-up action with the applicant. Workers shall consult with the supervisor in unusual or confusing circumstances.
- C. If the applicant file is complete and accurate, the worker shall certify the application through the OHEP Data Management System. The system calculates the benefit amount or determines if the application is to be denied.
- D. If the application is approved for a benefit the amount is written on the application in the space provided. The certifier signs and dates the application form in the space provided.
- E. If the application is denied, the worker shall select the reason from the drop down list on the computer screen. The denial reason is written on the application in the space provided. The certifier signs and dates the application form in the space provided.
- F. If the computer's determination of eligibility conflicts with the certifier decision, the certifier shall consult with the supervisory certifier to resolve the disparity.
- G. Once an application is certified or denied, it shall not be modified without Supervisor approval.
- H. Crisis applications are certified as outlined in this chapter; however, additional procedures are to be followed. These procedures are outlined in Chapter Five on Crisis.

Chapter 4 – Certification and Eligibility

V. Certification Reviews

- A. Certification reviews conducted by locally designated program supervisors are required of all applications in the categories listed below:
 - 1. zero income households
 - 2. self-employed households
 - 3. wage earners
- B. Certification reviews are required for the remaining applications through the use of a sample. On a weekly basis, a minimum of every twentieth case is selected for review.
- C. OHEP monitoring will include an assessment of these reviews.

VI. Eligibility Policy

- A. Maryland Energy Assistance Program

- 1. Basis for Eligibility

An applicant-household is determined **eligible** for MEAP if:

- a. an energy assistance benefit has not already been certified/received during the current heating season; and
 - b. the total gross income is equal to or less than the established poverty level by family size; and
 - c. a heating responsibility is established (i.e., the applicant has identified a person who is responsible for paying energy related costs); and
 - d. residency, citizenship requirements are met; and
 - e. the household constitutes an individual or group of individuals who are together as one economic unit for which residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

- 2. Basis for Denial

An applicant-household is determined **ineligible** for MEAP if:

- a. total gross household income exceeds the income criterion established for the program;
 - b. documentation of household income is not provided within the prescribed time;
 - c. required information needed to complete the application is not provided within the prescribed time;
 - d. MEAP assistance was received during the current heating season;
 - e. direct responsibility for heating costs (including undesignated payments for energy in the form of rent) is not established;
 - f. a MEAP application is pending;

- g. the applicant resides in another county or out of state;
- h. the applicant requested that the application be rescinded;
- i. the applicant died (see section XXIII.H. of this chapter);
- j. Other. (i.e., benefit check has not been cashed within the required 60 day period **AND** the date for program obligations has passed)

B. Electric Universal Service Program - Bill Payment

1. Basis for Eligibility

An applicant-household is determined **eligible** for the EUSP Bill Payment Assistance if:

- a. Total gross household income exceeds the income criterion established for the program;
- b. an EUSP Bill Payment Assistance benefit has not already been certified/received during the current program year; and
- c. the applicant's total gross household income is equal to or less than the established poverty level by family size; and
- d. an electric bill responsibility with a qualified electric company (a qualified electric company is an electric utility that is regulated by the Public Service Commission) is established. This means the applicant or spouse as long as the spouse is living in the same dwelling must have the electric bill in their name or have the bill put in their name; and
- e. residency, citizenship requirements are met; and
- f. the applicant agrees to have the EUSP Bill Payment Assistance grant credited to their electric bill in twelve (12) even monthly credits directly or through the electric company's budget billing or even monthly payment plan.

2. Basis for Denial

An applicant-household is determined **ineligible** for the EUSP Bill Payment Assistance if:

- a. total gross household income exceeds criterion established for the program;
- b. documentation of household income is not provided within the prescribed time;
- c. required information needed to complete the application is not provided within the prescribed time;
- d. EUSP Bill Payment Assistance was received during the current program year;
- e. direct responsibility for electric costs by means of an electric bill from a qualified electric company in the applicant or applicant's spouse's name (as long as the spouse is living in the same dwelling) is not established;
- f. an EUSP application is pending;
- g. the applicant resides in another county or out of state;
- h. the applicant requested that the application be rescinded;
- i. the applicant died (see section XXIII. H of this chapter);
- j. the electric bill is not in applicant's name;

- k. the applicant refuses even monthly crediting of the electric bill or budget billing; or
- l. other. (i.e., benefit check has not been cashed within the required 60 day period **AND** the date for program obligations has passed)

C. Electric Universal Service Program - Arrearage Retirement Assistance

1. Basis for Eligibility

An applicant-household is determined **eligible** for the EUSP Arrearage Retirement Assistance Program if:

- a. the applicant has a qualified arrearage; and
- b. has not already received the full eligible arrearage amount during the current or past seven (7) years; and
- c. the applicant's total gross household income is equal to or less than the established poverty level by family size; and
- d. an electric bill responsibility is established meaning the applicant has an electric bill in their name; and
- e. funds are currently available for the purpose of paying arrearages.

If these criteria are met, the applicant is entitled to a benefit of any arrearage identified by the current electric company that is 21 days past due. The arrearage does not have to be from the current account, but must be from an account that was in the applicant's name. It is possible that the initial inquiry into the amount of the arrearage unknowingly does not identify all past due accounts in the applicant's name. Therefore, if an additional past due amount is determined at a later time, including a subsequent year, that additional amount is subject to being paid provided the other eligibility criteria are met at the time the additional amount is identified.

2. Basis for Denial

An applicant-household is determined **ineligible** for the EUSP Arrearage Retirement Assistance if:

- a. the applicant is denied for EUSP Bill Payment Assistance budget billing; or,
- b. the applicant does not have an eligible arrearage; or,
- c. funds are not available;
- d. the household members remains the same at the same address but the head of household role changes from one program year to another i.e. the applicant applies with 4 persons in the household, wife, husband and two children. One year the wife is the head of household and received an arrearage next year the husband or one of the children who is now adult is the head of household so that another arrearage benefit can be obtained;
- e. the applicant does not provide a social security number or
- f. Other. (i.e., benefit check has not been cashed within the required 60 day period **AND** the date for program obligations has passed).

VII. Income Eligibility

A. Guidelines

1. Income eligibility is based on all gross (before taxes and other deductions) income received by the household during the 30 days preceding the date of application with the exception of applicants who retain a permanent work relationship with their employer, and who routinely work for only part of the year. Those persons must have their incomes annualized to determine if the income eligibility criterion is met. This includes applicants such as teachers who work ten months of the year or employees who are paid once a month where the pay period may exceed 30 days, also, persons who are on extended leave of absence (i.e., maternity or medical leave, voluntary leave without pay, etc).

Note: Please see question # 60 under the section “Questions and Answers” at the end of this chapter to find out how income is annualized for those persons that have a permanent relationship with their employer.

2. Income guidelines are based on the federal poverty level and are established each year at a maximum of 175 percent of the current poverty level. Current poverty level means the levels published in February and used beginning the following July. Households' gross annual incomes must equal or be less than the established levels for the current fiscal year as contained in the table issued each year in the form of an OHEP Action Transmittal.
3. Household members who are self-employed must document their income in accordance with the procedures outlined under, section VIII. F, Income Documentation, Self-Employment in this chapter.

B. Countable Resources/Income:

Household income is defined as compensation, income, or financial resources received from one or more of the following sources (gross amounts, unless otherwise noted below):

1. Wages and tips received as compensation for employment or services rendered;
2. Net income from self-employment; either farm or non-farm. Refer to the section (in this chapter) regarding self-employment income);
3. Social Security or Supplemental Security Income (SSI) or both;
4. Dividends, interest (on savings or bonds), estate or trust income, rental income, or royalties;

5. Temporary Cash Assistance (TCA) and Temporary Disability Assistance Program (TDAP) grants, formerly known TEMHA;
6. Wages received under the Jobs Training Partnership Act (JTPA);
7. Alimony;
8. Child or spousal support;
9. Pensions, veteran's compensations; workmen's compensations
10. Railroad Retirement Benefits;
11. Mine Workers Benefits;
12. Armed Forces Dependents' Allowance and Support Payment;
13. Criminal Injuries Compensation Board Payments;
14. Stipends for fellowships (educational or research) for living expenses excluding that portion that covers tuition and required fees;
15. Payments made to home care providers for the care of adults who cannot care for themselves. The adults are usually receiving SSI or other type of disability payment;

Note: In most cases the disabled adult is paying for its care. In this scenario, the disabled adult monies would not be counted nor the disabled adult, count the monies the provider receives for providing for the adult (s) and any other monies received by the caretaker and members of the household.

16. Monetary gifts and loans (excluding student loans). For example, money given or loaned to the applicant/household to help pay the rent or buy groceries is countable as income. The loan or gift is considered to be the full amount that has been received within the 30-day income period. This includes loans from financial institutions.
17. Severance pay
18. Monetary settlements received as the result of insurance claims, lawsuits, etc.
19. Unemployment benefits
20. Federal Senior Employment Program
21. Inheritance and lottery

C. Income/Resources Excluded from Eligibility Determination:

No expenses are excluded from income except Medicare payments, Medicare Prescription Drug Plan and health insurance premiums deducted from pensions.

The following resources/income are excluded for purposes of determining eligibility for energy assistance:

1. Third-party payments over which the household has no control (e.g., someone other than the applicant pays money directly to the applicant's landlord for the applicant's rent. The payment is given directly to the landlord and the applicant has no discretion over use of the funds).
 - a. Included are court ordered child support payments; court ordered garnished wages; tax levies and benefit overpayments that are to be repaid;
 - b. Excluded are payments established as part of a separation or divorce agreement that is in addition to alimony or child support. These payments must not be paid to the applicant, but to another party on behalf of the applicant. The applicant must provide documentation of such payments as described under Child Support or Alimony.
2. "In-Kind" contributions. An "in-kind" contribution is a commodity or service that has value to the recipient but is not easily marketable, such as gifts of food or labor.
3. Employment income of children under 18 or over if still in high school (except emancipated).
4. Grants and loans to undergraduate students made or insured by Commissioner of Education under Sec. 507 of the Higher Education Amendments of 1968, Public Law 90-575, such as Basic Education opportunity Grant, National Defense Student Loan, as well as VA educational benefits.
5. Payments under the Federal Action program made to participants in the Retired Senior Volunteer Program, Foster Grandparents and Senior Companion Program.
6. Stipends provided to participants of the Occupational Training Program, which cover transportation and meal expenses.
7. Department of Housing and Urban Development subsidies for heating costs which are provided to households in the form of a direct payment.
8. Training stipends paid to participants under the Jobs Training Partnership Act (JTPA).

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9. Stipends paid to volunteers under the Maryland Service Corp. and AmeriCorps.
10. Foster Care Grants and Foster Care Child, Kinship Care Payments.
11. Welfare Avoidance Grant (WAG)
12. Pell Grants, Supplemental Education Opportunity Grants (SEOG), National Direct Student Loan (NDSL); State Student Incentive Grant; Guaranteed Student Loans; College Work Study; State, Local and Federal Loans, Grants and Scholarships; Civic and Fraternal Scholarships; Private Company Scholarships; Loans with established Repayment Plans.
13. Payments to employees on strike where the strike funds consists of employee contributions. Strike funds where there is no employee contribution are included as income. A letter from the striking organization describing the nature of the strike fund is required.
14. State of Maryland Renters' Tax Credit Program payments.
15. State of Maryland Homeowners' Tax Credit Program credits.
16. Federal Earned Income Tax credits or payments and federal and state tax refunds.
17. Medicare payments and Medicare Prescription Drug Plan deducted from Social Security grants
18. Nazi Restitution payments to victims of Nazi persecution.
19. Temporary Disability Asst. Program (TDAP) Flex Rent Payments
20. Payments and allowances made under the Job Training Partnership Act (JTPA) of 1982 and under the National and Community Service Trust Act (NSCTA) of 1993, to individuals participating in any programs in the JTPA or NSCTA except for earnings of individuals who are in an on-the-job training program under the JTPA or NCSTA Program. The earnings are counted if the person is 19 years old or older, or under 19 and not under parental control.
21. Subsidized Adoption Payments.
22. Loans on assets such as home equity loans, reverse mortgages, and hypothecated loans.
23. Overpayments.
24. Gift cards from a governmental agency, non-profit or religious institution. Gift cards given by relatives or friends are countable.

25. Health insurance premiums deducted from pensions.
26. 401K, IRA distributions or any retirement investment/savings account.
27. Temporary census workers earnings/income from the Census Bureau. Census workers who are employed by an outside contractor or permanent census workers income are countable.
28. Military housing allowance and military combat pay.
29. Assets
30. Stocks and bonds

Note: Any source of income/resource that is not listed in the exclusion from eligibility determination list is countable income.

VIII. Income Documentation

Acceptable forms of documentation of income/resources received by the applicant and/or members of the household during the thirty-day period immediately preceding the application include:

- A. Wages and tips for weekly, bi-weekly, or monthly pay. Include all income that was received during the 30-day period rather than income that was earned but not received. Documented by:
 1. Pay stubs associated with prior 30-day income. All pay stubs must show the employer's name, employee's name AND/OR Social Security Number and date of pay. If the pay stubs do not contain this information, the LAA must request additional documentation through use of the Wage Verification Form or by contacting the employer and noting pertinent information in the file.
 2. A signed statement from the employer, on official company letterhead, showing the employee's name, gross pay, and date income received.
 3. Maryland Automated Benefit Screening Report (MABS) can be used as current 30-day income verification if the agency is processing applications that are at least 90 days old because of the increase in application intake. This does not mean that the agency should delay processing applications timely.
- B. Temporary Cash Assistance (TCA)
 1. A letter from a state agency on the company's official letterhead showing the customer's name, TCA benefit and the date income was received; OR

2. CARES screen printout verifying eligibility for TCA.

When the TCA grant has been reduced because the applicant has either not obtained health care for their children or has been sanctioned for other reasons, the reduced figure is used as this is the actual grant received by the applicant.

Social Security or SSI

1. Latest award letter within the calendar year or copy of check received within 90 days of application. If necessary, an award letter can be requested online at www.socialsecurity.gov, click on “Already receiving benefits”. The client must do this. The letter will take ten days to receive.

However, if the applicant/household member is a repeat customer an exception to providing the latest award letter within the calendar year is referenced below in item #5.

2. CARES/MABS/SVES screen printout report verifying Social Security/SSI income.
3. Verification from the SSA Office. The client can request this by calling 1-800-SSA-1213 or the toll-free number for employers, 1-800-772-6270 - weekdays from 7:00 a.m. to 7:00 p.m. EST. You will be asked for your company name and EIN. Then you will be asked to provide the following information for each name/SSN you want to verify:
 - a. SSN,
 - b. last name,
 - c. first name,
 - d. middle initial (if applicable),
 - a. date of birth,
 - b. and gender.
4. Current Bank Statement displaying Direct Deposits.
5. For repeat applicants or household members (those whose Social Security income was verified last year), it will not be necessary to verify the social security income, provided the new amount equals the old amount multiplied by the current cost of living increase. Cost of living increases are given in January. To determine the cost of living increase amount go to the Social Security Administration web site at:

<http://www.ssa.gov/OACT/COLA/latestCOLA.html>

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However, if the client applied after January 1, for the previous year program, and is applying for the current year program before December 31, this calculation is NOT necessary since the Social Security benefit would be the same.

When verifying the Social Security income, make a notation in the file that last year's records were checked, and the benefit amount given by the client was correct.

For repeat applicants or household members award letters must not exceed 3 calendar years.

6. Medicare Payments and Medicare Prescription Drug Plan shall be deducted from Social Security checks.
7. If an applicant receives income monthly from SSI, SSA or a pension, but the Income is received within the month, but, not received within 30 days, the income is still counted;

D. Veteran's Pension, Retirement, or Worker's Compensation Benefits

1. A signed statement on official paper showing:
 - name of the person receiving the benefits
 - name of the agency providing the benefits
 - amount of money provided
 - how often money is provided
 - duration of benefits
2. A copy of the latest benefit check if the period covered by the benefit is shown.
3. Computerized annual benefit card (civil service retirement).
4. When applicants receive retirement and insurance benefits from the Office of Personnel Management (OPM), Retirement and Insurance Group, the verification of pension income can be delayed if the request is mailed. To obtain the information needed to complete certification of the applicant's energy assistance benefits, the fastest way to have the income verified is to call OPM directly and request the information on behalf of the applicant. The information will be mailed within 48 hours.

To obtain the information the applicant shall:

- a. Call OPM at (202) 606-0500 between 7:30 a.m. - 5:00 p.m.
- b. Provide the applicant's social security number and current address. This address must match the one in the OPM database in order for the information to be released and mailed within 48 hours.

- c. The verification information will be mailed to the applicant directly. The applicant shall forward the verification to the OHEP office to complete the record for certification.

E. Wage and Unemployment Benefit Screening

It is the responsibility of the applicant to verify receipt of Unemployment Benefits. As proof of Unemployment Insurance income, an individual may provide a copy of the Determination of Monetary Eligibility Form (DHR/ESA 212), Noticed of Available Continued Claims With Check for the prior 30 day period, monthly statement from Citi-Bank if the applicant has a debit card for unemployment benefits. If the monthly statement is misplaced by the customer, the customer may go on the Maryland Unemployment Insurance website www.dllr.md.gov and request a statement or contact Citi-bank for a monthly statement.

The DHR Family Investment Administration (FIA) has agreed to provide wage-screening arrangements between OHEP and Local Departments of Social Services (LDSS) when such arrangements are needed, i.e., when the OHEP LAA does not already have access to FIA screening equipment.

In all cases, the following policy applies to any request for wage screening or unemployment benefit verification:

1. Only request wage-screening information for applicants who declare zero income or who have earnings. Only request UI information when the applicant cannot provide verification of UI benefits. Applicants who receive some type of benefit, TCA, TDAP (formerly TEMHA), SSI, or Social Security have already met similar eligibility/verification criteria for another program.
2. After determining the need to conduct a wage screening, the LAA will use whatever local arrangement is established to complete the wage screening.
3. OHEP staff not authorized to conduct wage screening will need to obtain logon ID numbers in order to access the terminals at the DSS. When needed, logon IDs will be provided through the State OHEP office.

The following information will enable the LAA to determine an applicant's UI income:

4. The effective date of the claim (212 form) and the week ending date on the check. By counting the number of weeks between these two dates the LAA is able to determine the number of checks that should have been received by the applicant. The number of checks received within the 30-day income determination period can then be calculated.

5. Multiply the check amount (should agree with the total amount of benefits on the 212 form) by the number of checks received during the 30-day period to arrive at total UI income.

If there are any discrepancies in the above information, UI income must be verified by alternate methods (e.g., request UI information from Local DSS or Unemployment Office). Examples of such discrepancies are:

- a. The applicant states that he/she has not received all the checks indicated by the 212 form and the latest UI check.
- b. The check amount does not agree with the total amount of benefits entered on the 212 form.

When a client has applied for unemployment benefits, but did not receive benefits because his claim amount was held to pay a prior debt to Unemployment Insurance, his credit claim does not constitute income because it was income not received.

F. Self-Employment

1. If self-employed, take 50% of the reported income and divide by 12 months. All persons reporting that their work status is self-employed must complete and sign the revised 2010 Declaration of Income form. The completed declaration form must be placed in the applicant's file. The self-employed worksheet and receipts are no longer required. However, the 1040 tax form Schedule C will be required if applicant **chooses** to provide the current 1040 tax form as proof of the self-employment gross income. Part 1 Income, line 1, gross receipts or sales of Schedule C is the reported self-employment income.

Acceptable documentation of income:

- Current copy of filed 1040 tax form **OR**
- Weekly, monthly and/or quarterly books/statements, ledgers, sales slips, cancelled checks, invoices, bank statements/deposits, purchase orders or cash receipts

Note: A copy of the reported income must be placed in the applicant's file. If the customer is providing his/her books/statements, ledgers, sales slips, cancelled checks, invoices, bank statements/deposits, purchase orders or cash receipts for income documentation, the worker must sign the Income Verification of Self-Employment Records/Bookkeeping form 229 rev. 3/11 that he/she had seen the income documentation. The applicant also signs the form declaring the reported income. The form must be placed in the applicant's file.

2. If the applicant owns a corporation and is applying as an employee, documentation of the income received is required as described in Section VIII of

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this chapter or in lieu of wage documents, a document/letter describing the compensation arrangement between the corporation and the applicant shall be provided. No 50 % reduction is given because the applicant is applying as an employee.

3. A signed statement by the self-employed customer who has no documentation of income i.e. neighborhood lawn mower and the customer who sells CD/DVD's or clothing in his/her car or on the streets and etc. is acceptable at the discretion of the local agency.

Note:

A copy of the reported income must be placed in the applicant's file. If the customer is Providing his/her books or other documentation listed above for income documentation, the worker must sign the Income Verification of Self-Employment Records/Bookkeeping form 229 rev. 3/11 that he/she had seen the income documentation. The applicant also signs the form declaring the reported income. The completed form must be placed in the applicant's file.

The self-employment income is the only income that receives 50% reduction.

The most recent 1040 tax form with Schedule C may be accepted at the discretion of the local Agency until April 15th and on April 16th the latest 1040 tax form with Schedule C is required i.e. 2009 1040 tax form with Schedule C will be accepted until April 15, 2011 on April 16, 2011, 2010 1040 tax form with Schedule C is required. If the most recent 1040 tax form is questionable, than the local agency must ask to see other documents that support the gross income. Other verifications can be the items listed on the previous page.

Reported income for self-employment is gross income. Verification of the gross income on the Most recent tax year 1040 form Part 1 Income, line 1 of Schedule C is not required unless questionable. Hence, the most recent filed 1040 tax form and Schedule C is sufficient, no receipts of income/sales are required.

Every self-employed person in the household must sign and complete the revised 2010 Declaration Of Income Form that will be placed in the applicant's file even if the self-employed are married.

Make sure the documentation is clear as to who is self-employed.

G. Child Support or Alimony

Monies must be received within the 30-day period prior to application to be counted. Documentation can include:

1. A signed statement from the person providing the money, or from the recipient, showing:
 - b. name and address of person giving the money

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- c. to whom the money is paid
 - d. for whom the money is paid
 - e. telephone number of person giving the money
 - f. amount of money given
 - g. how often money is given
2. A copy of the legal decree that established the support or alimony payments.
3. A signed statement from an attorney on an official letterhead, showing the information outlined above. Statements must cover the period of decree.
4. Printout from the online e-Child Support system. Go to www.dhr.state.md.us, click on Administrations then Child Support Enforcement. The client must register and obtain the information, not the **worker**, unless the worker has access to CARES. If applicant does not have access to a computer, the applicant may use the agency's computer. In the e-Child Support Case Detail of payment history page, the payment cashed date is used and not payment date.

H. Rental Income

1. A copy of the applicant's last Federal Form 1040 Schedule E (count line 26 on Schedule E and divide rental income by 12. **Do not give 50% reduction for expenses.** Expenses are included in line 26), OR
2. A signed statement from the renter, roomer or boarder, showing:
 - to whom the money is paid
 - name and address of person giving the money
 - amount of money given
 - how often the money is given

The statement must be dated within 30 days of the application.

I. Other Forms of Documentation

The forms of documentation outlined above are preferred for their clarity and reliability in verifying the period in question, i.e. 30 days preceding application date. It is recognized, however, that in some cases LAAs may find it necessary to seek other forms of documentation than those described. In such cases, the documentation presented must be in writing, dated within 30 days of the application, and record the gross amount of income received by the person named for the period in question. The documentation should be signed and dated by the income provider.

IX. Declaration of Income

Declaration of Income is useful for zero income individuals and **cannot be used** in cases where Social Security or other public assistance information was delayed.

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Instructions for completion of the form:

- A. Enter Applicant's name, social security number, and the name of declarer if other than the applicant. Complete items 1, 2 and the income box.
- B. The applicant reads the document (or has it read to him/her by the intake worker) and enters the appropriate language.
- C. The intake worker explains the authorization of the wage screening procedure.
- D. The applicant signs and dates the declaration.
- E. To the extent possible, intake workers should attempt to verify **ALL** zero income declarations via former employers, other agencies, Departments of Social Services, or other appropriate sources. See below, **Zero Income for Households or Individuals. Copies of verification of zero income obtained from the above listed resources must be placed in the applicant's file.**
- F. The certifier signs and dates the declaration as a part of the review of documentation for final determination of eligibility.

All OHEP applicants 18 and over who complete a Declaration of Income become part of a pool from which agencies are required to verify ten percent (10%) of declarations. **HOWEVER, AGENCIES ARE REQUIRED TO VERIFY ALL SITUATIONS OF ZERO INCOME.**

X. Zero Income for Households

- A. Policy for Documenting Zero Income

For **all** households whose total income is zero (0) for the OHEP 30-day period the LAA must verify three (3) months of income but will compute household income eligibility as zero income (last 30 days). All sources of assistance declared shall be independently verified by the agency.

If the applicant is claiming zero income for the entire household for the second consecutive year, the LAA must scrutinize the application to rule out possible fraud and explore with the applicant how the household has been meeting their basic needs for the past 6 months to a year i.e. is their rent current, if not, when was the last time the rent was paid, who paid the rent, when was the last payment made on the utility bill and is the household receiving food stamps. Contact should be made to the state if the LAA does not have access to the social service systems ie. MABS/CARES. MABS/CARES are systems used within Department of Social Services to screen persons for social services involvement and work history. The LAAs must make attempts to verify and confirm zero households and include documentations of the verifications and place into the applicant's file.

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B. Procedures for Documenting Zero Income

1. The head of the household shall complete the Declaration of Income.
2. The head of household shall complete the Household Worksheet.
3. Each member of the household age 18 and over shall complete the Declaration of Income.
4. Verify each adult household member's income via wage screening or other valid means authorized by the program director.

When wage screening is used as a means of income verification, LAAs must keep in mind that this information is at least 90 days old. **Thus wage screening information alone cannot be used to verify the 30-day income of households necessary to determine OHEP eligibility.** The LAAs must contact the last employer indicated on the wage screening report for each household member in an effort to ensure that the applicant and all other household members are not working. Documentation of the contact with the employer (its outcome) must be placed in the applicant's file as well as any written verifications obtained from former employers, other agencies, Departments of Social Services, or other appropriate sources.

5. The applicant shall complete a Resource Provider Statement if it is indicated on the Household Worksheet that someone is assisting the applicant in meeting his/her basic needs. The Resource Provider Statement is a tool for verification of how a household is meeting its basic needs for daily living and the form must be completed. However, the applicant can provide a signed and dated statement from a provider as to whom the monies are paid to, amount of money and how often the monies are paid or given to the applicant with their name address and telephone number. Rent, food, and assistance in electric bills must be verified. Verification of other items is at the discretion of the LAA. Verification is accomplished by contacting the individual or organizations indicated on the Resource Provider Statement. If the provider stated monies are given or loaned to the applicant for an item, the monies are countable if the provider paid for the item, the monies are not countable.
6. Verify if the applicant has applied for public assistance. Because of the seriousness of the situation, the interviewer should seek to learn what circumstances caused the loss of income and whether the applicant has been referred to the local Department of Social Services for emergency assistance. If the applicant has applied to Social Services, this fact can be verified.

C. Explanations of Income

1. Use of savings or other assets to meet household living expenses is not counted as income. However, any interest or dividends earned on those assets is countable income (Section VII.B.4).

2. In-kind assistance or payment directly by another party for an expense is not counted as income (Section VII.C.2). Cash given directly to the applicant is counted as income (Section VII. B.16).
3. If an applicant receives subsidized adoption payments and has no other income, the applicant must complete a zero declaration form because subsidized adoption payments are excluded as income.
4. If a military person is deployed and sends money home, the monies are counted, not the person.
5. If a person pays more child support than is stated on the court order, only exclude from the income, the court ordered amount.
6. If an applicant is an adult foster care provider and the adults in the home receive monetary benefits, count the adults and his/her monies but the monies the caregiver receives for providing for the adults are not counted i.e. Project Home.
7. If an applicant uses her/his own resources to pay for a live-in companion to take care of his/her basic needs, the live-in companion will not be counted as part of the household and should not be listed on the application. Count only monies that the applicant receives and if there are other members in the household count them and the monies they received.

XI. Alien Eligibility

A. Policy

The immigrant applicant must have a valid Social Security number.

Persons who have entered the United States on non-immigrant visas are not registered residents and are not eligible for financial assistance programs such as MEAP and EUSP. These persons include foreign students, foreign visitors and employees of foreign governments who are stationed in the United States. Some of these persons may have their visas extended and actually be in the United States for several years.

B. Eligible non-citizens (Defined as Qualified Aliens)

1. Cuban and Haitian entrants as defined in paragraphs (1) or (2)(A) of Section 501(e) of the Public Law 96-422 as in effect on April 1, 1983.
2. Aliens who are aged (65 or over), blind or disabled as defined in section 1614(a)(1) of the Social Security Act (Public Law 74-271). This means that aliens who receive SSI payments or who are eligible to receive SSI payments meet the definition of disabled.

3. Special Agricultural Workers or "SAWS". These persons are classified as (210) S16 or S26 on their residence cards.
4. Applicants for INS status under sections 245-A, 210, and 210A also may have an I-689 fee receipt document while awaiting issuance of an I-688 card. These persons (245A and 210A) are eligible for OHEP until they receive the I-688 temporary resident status.

C. Ineligible Non-citizens

1. Foreign students, visitors, etc. who have entered the United States on non-immigrant Visas.
2. Persons who are admitted to lawful residence in the United States under the 1986 Immigration Reform and Control Act. In 1986, the Immigration Reform and Control Act was passed to allow lawful temporary residence and eventual permanent residence status be granted to aliens who resided illegally in the United States prior to 1982. Section 245A (h) provides that for five years from the date of adjustment these aliens with certain exceptions (previously listed) will be excluded from eligibility for financial assistance including OHEP. The effective date is the date of application for temporary resident status and payment of the required fee. Cards issued to clients temporarily disqualified from OHEP will have the code 245A on the face of the Resident Alien Card (green card) above the word "class".

After five years has elapsed from the effective date, these aliens will become eligible for MEAP and EUSP and other programs. The Immigration and Naturalization Service (INS) granted lawful temporary resident status to most amnesty aliens effective between May 1987 and May 1988. Therefore, expiration of their five-year disqualification period occurs between May 1992 and May 1993. This is to remind you to consider the disqualification period when accepting applications this year. However, there are relatively fewer cases where the ineligibility period will end as late as December 1994.

Title IX of Public Law 100-204 allowed certain nationals of Afghanistan, Ethiopia, Poland and Uganda to apply for temporary resident status under Section 245A through December 1989. Those foreign nationals are subject to the same five-year temporary ban on participation in MEAP and EUSP as other aliens receiving legal status under section 245A.

3. Persons admitted as Replenishment Agricultural Workers or "RAWS" under section 210A of the Act.

Section 210A of the INA provided for granting of lawful temporary resident status to Replenishment Agricultural Workers (RAWS) through Fiscal Year 1993. The RAWS were made subject to most of the same ineligibility rules as

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the aliens mentioned above. Thus far, no aliens have been granted status under section 210A.

A mixed household is one in which one or more members are amnesty aliens or RAWs and one or more members are not. In this situation, the ineligible alien will not be counted as a member of the household, but their income will be counted. The ineligible alien must be listed on the application with a narration for monitoring and auditing purposes.

D. Processing Applications for Households Without SSNs

Applications for energy assistance are to be accepted for anyone who submits an application.

Until otherwise notified, the following procedures are in effect for the acceptance and entering of OHEP applications.

Outlined below are various scenarios regarding having or not having a social security number. If a scenario is identified that is not included here, please notify the State OHEP Office so that instructions can be developed.

Social security numbers are comprised of three sections. In order, they are area number, group number and serial number.

Scenarios:

1. Applicant and all household members have SSNs.
 - a. Enter in database with SSNs.
2. Applicant has SSN, but one or more children household members do not have a SSN.
 - a. Enter applicant with SSN.
 - b. If the household member is a child without a SSN, request the applicant to get the SSN. If it is apparent that the number will not be available in a timely fashion, enter 000-00-000 in the database to create a temporary number and process the application. Update the record once the SSN has been received.
3. Applicant has SSN, but adult member of household does not have SSN.
 - a. If an adult household member does not have SSN documentation request the documentation and keep the application in Pending until received.
 - b. If an adult household member does not qualify for a SSN then see item 4.
4. Applicant has SSN, but an adult household member does not qualify for a SSN.
 - a. Enter 000-00-0000 to create a number. The number will have a letter in it.
 - b. Alien is automatically indicated.
 - c. Select No for citizen.
 - d. Enter any income amount as appropriate.

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For scenario 4, the Alien household member's income is counted in the household income, but the person is not counted as a member of the household in the calculation of the benefit.

5. Applicant does not have SSN, but has a Individual Tax Identification Number (ITIN or TIN):
 - a. Enter application with ITIN. These numbers usually start in the 900 series.
 - b. On Household screen select No for citizen.
 - c. Alien is automatically indicated.
 - d. If other household members have ITIN enter with the ITIN.
 - e. For any other household member with a SSN, enter the SSN

For scenario 5, the applicant's household is not eligible. The reason for denial is that the applicant does not have a social security number.

6. If applicant does not have an SSN or ITIN:
 - a. Enter 000-00-000 for the applicant:
 - i. The area number is created as 000.
 - ii. The group number is created as the agency code.
 - iii. The serial number is created as a sequence number.
 - b. On Household screen, Alien is automatically selected.

For scenario 6, the applicant's household is not eligible. The reason for denial is that the applicant does not have a social security number.

7. If the applicant and none of the household members have a SSN, enter in the database either using 000-00-0000 or ITIN as applicable. The applicant's household is not eligible. The reason for denial is that the applicant does not have a social security number.
8. Additional information:
 - c. No SSN is entered that starts with 666 as the area number.
 - d. No SSN is entered that has as the area number a number within the range of 772 and 899.
 - e. All SSNs entered must have nine digits.
 - f. All SSNs must have all numbers unless automatically created by the data system which includes a letter.
 - g. A report is generated periodically that identifies invalid SSNs of all types. The State OHEP office makes that information available to local agencies for corrective action where possible.
 - h. Numbers that have been created for children are expected to be updated with the correct SSN. An application in the future should have the child's correct SSN. Created SSN's should not be maintained from year to year for children.

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XII. College Student Eligibility

Students attending college on a full-time basis are eligible to apply for Energy Assistance. College students who live on-campus (or away from home) in Maryland can apply for MEAP and EUSP on their own behalf (in the county in which they reside). College students who live at home shall be included as part of the household at home. Students who live on campus (or away from home) but visit home on the weekends (or use their home address for mail only) are not to be included as a household member at home.

A. Verification of Income

It is suggested that the University Financial Award letter be used for verification of the student's grants. It can also be used to ascertain if the student has any earned income.

B. Excludable income for students:

1. Pell Grants
2. Supplemental Education Opportunity Grants (SEOG)
3. National Direct Student Loan (NDSL)
4. State Student Incentive Grant (SSIG)
5. Guaranteed Student Loans
6. College Work Study
7. State, Local and Federal Loans, Grants and Scholarships
8. Civic and Fraternal Scholarships
9. Private Company Scholarships
10. Loans with established repayment plans.
11. Part-time employment income for full-time college students up to age 25.

C. Includable Student Income

1. Loans with no repayment plan are considered unearned income.
2. Employment income of college students who are employed full-time.
3. Employment income of part-time college students.

XIII. Assistance to Renters

A. General Policy for Assistance to Renters

Applicants who are renters are eligible to receive energy assistance benefits provided they meet all other eligibility requirements. Specific rental arrangements between the renter (tenant) and the landlord must be verified in order to determine if and how benefits will be paid. Documentation of the rental agreement must be received in the form of a lease, rent receipt or other documentation provided by the landlord. These requirements apply to applicants who live in subsidized or non-subsidized housing.

B. Applications – Heat Not Included in the Rent

1. By definition, the applicant is directly responsible for paying heating costs if the applicant provides documentation in the form of a heating bill for the residence. The applicant must designate the energy supplier on the application. This applicant may be eligible for MEAP and/or EUSP.
 2. Providing that all other requirements are met, the applicant is eligible for a benefit amount whether the unit is subsidized or unsubsidized.
 3. The benefit is certified to go to the designated energy supplier.
- C. Applications – Heat Included in the Rent
1. If the applicant indicates that the heat is included as part of the rent paid to the landlord and the unit is not subsidized, the renter is eligible only for a MEAP benefit, provided the landlord is willing to accept the benefit payment on behalf of the applicant and agrees to reduce the tenant's rent by the amount of the benefit. Acceptance of these terms is through the completion of a Landlord Agreement by the Landlord. The procedures for obtaining a Landlord Agreement are described below.
 2. If the landlord refuses to sign the Landlord Agreement, the benefit may be paid to a secondary heat source. If there is no secondary heat source, the benefit may be paid directly to the applicant.
 3. If the applicant is not directly responsible for paying heating costs and the unit is subsidized, the renter is not eligible to receive energy assistance benefits and the application must be denied. If applicant is responsible for paying heating costs when he/she exceeds the allowable amount set by the subsidized c See the section on Subsidized Housing.
- D. Initial Procedures - Renters (Including Roomers and Boarders)
1. Applicants who are renters and pay their heating costs directly must identify their energy supplier and fuel type at the time of application. If an applicant-household is determined eligible, the OHEP grant is paid to the energy supplier for fuel delivery and/or credit on account.
 2. Applicants who are renters (including roomers and boarders) and pay their energy costs indirectly as undesignated portions of rent payments are required to furnish at the time of application the name, address, and phone number of the landlord to whom the rent payments are made. Before payment is made, the steps that follow must be completed.
 - a. The Landlord Agreement for renters **or** for roomers and boarders is forwarded to the landlord along with the landlord cover letter and a self-addressed stamped envelope.

- b. Where the OHEP applicant is a roomer/boarder, the landlord is asked to list on the back of the Landlord Agreement the name(s) of any other roomers/boarders in the residence.
- c. The Landlord Agreement is due 15 days from the date of mailing to the landlord.

E. Procedures for Participating Landlords

- 1. Upon receipt of a signed agreement within the 15-day response period, the LAA is required to verify ownership/rentership via tax assessment research at www.dat.state.md.us or an official document showing principal owner or renter. If unable to obtain verification, the landlord may be required to come to the LAA with viable proof of ID and ownership/rentership in order to receive payment.
- 2. If the landlord does not return the agreement within 15 days, an attempt is made by the LAA to contact the landlord via telephone asking why the agreement has not been returned. After this attempt has been made and noted in the file, the LAA may make a payment to a secondary heat source. If there is no secondary heat source, a direct payment to the client may be issued.
- 3. When a properly completed agreement is returned, entering the landlord information completes the application. If the landlord has already been entered a selection may be made from the available list. The landlord name, landlord address, landlord phone number, and landlord Federal Identification number or SSN are entered on the application.
- 4. Payment is made to the landlord as the applicant energy supplier.
- 5. Future applications for tenants of a participating landlord are processed using the landlord selection.
- 6. As stated in the Landlord Agreement, the document is valid from the time of signature until replaced by a new agreement. The Landlord Agreement also indicates that the Agreement covers all future tenants that may apply for assistance. However, the LAA has the option of requesting a landlord to complete an agreement for any subsequent tenant-applicant.

F. Procedures for Non-Participating Landlords

- 1. If the landlord returns the agreement and indicates he/she does not wish to participate in MEAP, document the applicant's file as such. Contact the applicant within 2 days (by telephone if possible) to make him/her aware that the landlord does not wish to participate. Inform the applicant of the following options:
 - a. A secondary source of heat and vendor and vendor may be selected.

- b. A direct payment may be issued to the applicant for the primary source of heat. See the Special Situations section for more information on Direct Payments.
 2. If the applicant selects the secondary source of heat, enter the appropriate fuel type, vendor code, and, if available, account number.
 3. If the applicant selects direct payment, enter the primary fuel type and Direct Payment as the supplier to indicate a direct payment.
 4. The application is forwarded for certification and payment.
 5. Future applications for tenants of a non-participating landlord may be processed as outlined in this section.
- G. Procedures for Non-Responding Landlords
 1. If a landlord does not return the agreement within the allotted 15 days, immediately request the applicant to provide verification of renter status via the Request for Additional Information Form. Verification may be a:
 - a. written lease
 - b. current money order receipt or canceled rental payment checks
 - c. current rent receipt
 - d. other documentation at the LAA's discretion.
 2. Upon receipt of verification of rental status, contact the applicant within 2 days (by telephone if possible) and inform him/her of the following options:
 - a. selection of a secondary source of heat and vendor, or
 - b. direct payment to the applicant for the primary source of heat. See the Special Situations section for more information on Direct Payments.
 2. If the applicant selects the secondary source of heat, the Intake Worker enters the appropriate fuel type, vendor code, and account number.
 4. If the applicant selects direct payment, select Direct Payment for energy supplier and enter the primary heating source. The code for Direct Payments is 9999.
 5. The application is forwarded for certification and payment.
 6. If a future application for a tenant of a non-responding landlord is received, the LAA should follow the landlord agreement process again. If a landlord

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does not respond a second time, the LAA may process all future tenants of that landlord in this section as direct payments.

XIV. Roomers and Boarders

- A. Roomers and boarders may apply for MEAP separate from the host household. Roomers and boarders are not eligible for EUSP, as they have no electric account with an electric company. An applicant's relative(s) may not claim either roomer or boarder status unless the relative is 60 years or older and/or disabled.
- B. According to COMAR 07.06.06.02 (4) and (22) the following definitions apply:
 - 1. Boarder means an individual to whom a household furnishes lodging and meals for compensation. A relative may be given boarder status if aged 60 years old and older, or disabled.
 - 2. Roomer means an individual to whom a household furnishes lodging but not meals for compensation. A relative may be given roomer status if aged 60 years old and older, or disabled.
- C. The agreement with landlords providing rooming and boarding requires the landlord to specify how many rooms will be rented to roomers and/or boarders. Current residents of each room receive only one benefit per room. Therefore the agreement also requires the landlord to list the current residents of each room as of the date of the resident's application.
- D. If the current applicant/resident leaves the room, a new tenant may receive a benefit for that room. If a second person sharing the applicant's room applies, they will not be able to receive a benefit because only one benefit is allowed for the residents of that room. Therefore, LAAs are required to review the agreement with the landlord each time new residents apply for a benefit.
- E. Roomers and Boarders are not eligible for USPP, as they are not responsible for a utility account.
- F. Roomers and boarders who are residents of Section 8 subsidized housing and are not responsible for heating costs are not eligible for MEAP assistance.
- G. If a boarder/roomer has a utility bill in his/her name, the entire household must apply for assistance.

XV. Residents of Public or Subsidized Housing (Section 8)

The following policies and procedures apply to residents of Section 8 subsidized housing only.

- A. Policy

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Energy assistance is available to residents of subsidized housing who are directly responsible for paying their own heating costs and who meet all other eligibility criteria for the program. Since these applicants receive some federal assistance in the form of heating subsidies, only the minimum benefit (Level 3) by fuel type is provided to residents of public or subsidized housing.

A number of different types of subsidized housing programs exist some of which are referred to below. It is the policy of OHEP that a minimum benefit be issued for participants of subsidized housing programs where a portion of their housing subsidy provides specifically for heating costs. All other subsidized housing program participants receive a full benefit even those participants who receive rent reductions but utility allowances are not calculated in the rent.

NOTE: Residents of public or subsidized housing that are ineligible for MEAP benefits may be eligible for EUSP benefits.

B. Procedures

1. During the initial application interview, the intake worker asks the applicant whether he/she lives in public or subsidized housing. If the applicant is uncertain, or the intake worker questions the applicant's response, documentation should be requested from the applicant via the Request for Additional Information form.
2. If the applicant lives in public or subsidized housing and heat is included in the rent, the applicant has no direct heating responsibility. The application will be denied for MEAP. In all cases, public or subsidized housing residents whose leases specify that heat is included in the rent, and no heating costs are incurred, are ineligible for MEAP, even if the individual is charged a heating surcharge by the landlord. OHEP is interpreting a heating surcharge as any amount exceeding what the landlord is claiming as normal usage.

If electricity is also included in the rent, the applicant is ineligible for EUSP, as there is no active electric account in the applicant's name.
3. If the applicant lives in public or subsidized housing and heat or electricity is not included in the rent, the intake worker completes the application.
4. If the applicant-household's heat is not included in the rent and the applicant household is income eligible, the intake worker completes the application and enters the appropriate benefit, (except as noted below for the BMIR and RAP Programs) for the applicant's fuel type on the application.
5. The application is forwarded for certification.

C. Below Market Interest Rate (BMIR) Program

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Housing complexes funded by the Department of Housing and Urban Development through the Below Market Interest Rate (BMIR) program are **NOT** considered as subsidized housing, **UNLESS** the renter is receiving a reduced rent below market rate. In cases where the renter is paying full value for their residence, they may be eligible for a MEAP or EUSP benefit, and not considered subsidized housing.

D. Rental Allowance Program (RAP)

In the case of applicants who are receiving assistance through the State of Maryland Rental Assistance Program, the applicant is **NOT** considered as living in subsidized housing (Section 8). This program provides rent subsidies to low-income families who are either homeless or have an emergency housing need. The goal of the program is to enable these households to move from homelessness or temporary emergency housing into more permanent housing. A client participating in the Rental Assistance Program receives the usual benefit for their income level and fuel type.

E. Tax Credit Program for Reconstruction

The applicant is not considered as living in subsidized housing (Section 8) if utility allowance is not calculated in determining the rent.

XVI. Inhabitants of Residential Hotels

To be eligible for MEAP, an inhabitant of a residential hotel must be BOTH:

- A. responsible for paying his/her own heating costs, **AND**
- B. using the hotel as their residence.

XVII. Residents of Group Homes, Domiciliary Care, and Assisted Living Facilities

Residents of group homes and domiciliary care facilities are ineligible to apply on their own behalf. If a living assistance facility is in the home of the applicant, the applicant may be eligible for energy assistance benefits if all criteria of eligibility are met.

XVIII. Building Operators

Building operators are not eligible to receive MEAP or EUSP funds.

XIX. Sub-Metered Gas/Electric for Renters (also known as Sub-Leased Metered Gas/Electric)

A. Background

Some landlords throughout the state have instituted a "gas or electric usage metering" program in their multi-unit dwellings. By installing meters that measure the gas or electric consumption for each individual unit, the landlord separates heating costs from the tenant's rent.

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In these situations, tenants are billed for their actual usage of the gas or electric and make payment to either the landlord or to the metering company on a monthly basis.

B. Instructions for Payment of the MEAP Benefit for Sub-Metered or Pro-Rated Gas or Electric

Due to the nature of sub-metering, the tenant is responsible for paying heating costs directly, but rather than making payment to the utility company, the tenant pays the landlord or the sub-metering company the amount billed to the individual unit.

1. If the tenant-applicant is required by the lease to pay the sub-metered or pro-rated heating costs to the landlord then the MEAP benefit is paid directly to the landlord. The landlord must sign the Landlord Verification of Sub-Metered Gas or Electric. By signing this form, the landlord verifies that the tenant's heat is not included in the rent, but that the tenant remits payment of their heating bill to the landlord. By signing the form, the landlord agrees to accept the MEAP benefit on behalf of the tenant and credit it to the heating bill.
2. If the tenant-applicant is required to pay the sub-metered heating costs to the sub-metering company then the MEAP benefit is paid directly to the tenant. The tenant/applicant must document the sub-metering by the submission of the gas or electric bill with the energy assistance application.

C. Instructions for EUSP Application for Sub-Metered Gas or Electric

Applicants are not eligible for a EUSP benefit in situations of sub-metered electricity, as there is not an electric account in the applicant's name with the utility company.

XXI. Grants for Shelters

Shelter payments are at the discretion of State OHEP and will be reviewed yearly. Currently, shelter benefits are not available.

A. Policy

MEAP provides limited benefits to shelters, as defined below, on a yearly basis. Benefits are determined on the basis of a percentage of the documented total energy costs of the shelter during the MEAP heating season. The grant to shelters shall equal the percent of average heating consumption for level three households of the documented total energy costs during the program year.

Shelters are not eligible for Electric Universal Service Program benefits.

B. Shelter Application Period

All shelter operators who wish to receive MEAP shelter benefits must complete and submit by April 30 of the current program year the appropriate forms as described below.

C. Eligible Shelters

Applications are accepted from battered spouse or homeless shelters if the shelter operator meets the criteria established by the State Department of Human Resources, Community Services Administration, and Maryland Energy Assistance Program.

An eligible shelter is one whose primary function is to provide temporary or intermediate shelter to low-income persons, is non-profit (i.e., have 501.C.3 status), and does not charge the resident a fee to stay in the shelter. Shelters funded by Juvenile Services, Office on Aging, DHR and DHMH are not eligible for MEAP funds. Also, shelters that receive Section 8 subsidized housing funds are not eligible for MEAP assistance.

D. Application Procedures

Application for MEAP shelter benefits requires the submission of three forms -- Shelter Operator's Application, Shelter Resident Information Forms, Shelter Energy Cost Documentation Forms.

1. Shelter Operator's Application

Each shelter operator must provide the following information on the Shelter Operator's Application:

- a. Name of Shelter (incorporated and common use name if different).
- b. Address of building for which application for benefits is made
- c. Address of Shelter Organization if different
- d. Name and telephone number of the shelter operator's manager or other key contact person
- e. The total number of bednights that can be provided during the heating season
- f. The number of MEAP eligible residents as of the date of this application
- g. Type of heating system and fuel type
- h. Living space in building (square footage)

The shelter, when determining total building square footage, **may include** dining area, kitchen facilities, including soup kitchens, counseling areas, and other space utilized by shelter residents at least sixty percent (60%) of the time during the current heating season. A shelter shall not include administrative office space where the heating costs are shared in part with other agencies occupying the building.

The Shelter Operator's Application Form is sent to the LAA serving the shelter's jurisdiction.

2. Shelter Energy Cost Documentation Form

On or before April 30 of the current program year, the shelter shall provide proof of the actual energy cost for the building during the heating season from October 1 to March 31 of the current program year. Proof shall include delivery tickets and/or utility bills identifying amounts used and the costs along with a completed Shelter Energy Cost Documentation Form. This form, when completed, will be used to compute the benefit to be paid to the shelter. Only properly documented costs not covered by other assistance shall be included in the benefit computation.

Shelters may seek reimbursement for oil or other heating fuel purchased before November 1 of the current program year. Shelters are encouraged to purchase oil early at pre-season discount prices.

Shelters may request reimbursement, in monthly increments, before April 30 of the current program year, if their application is approved and bills are submitted for the period that the shelter is requesting reimbursement.

The Shelter Energy Cost Documentation Form must be submitted to the LAA serving the shelter's jurisdiction on or before April 30 of the current program year.

3. Shelter Resident Information Form

- a. Completion of the Shelter Resident Information Form is optional. The Shelter Resident Information Form is used to document the eligibility of shelter residents. If the household income is less than the amount listed, the resident is probably eligible for energy assistance and would qualify the shelter to receive benefits.

If used, the Shelter Resident Information Form should be submitted for each month for each eligible client served from the date of receipt of application through March 31 of the current program year.

- b. In lieu of the completion and submission of the Shelter Resident Information Form for each applicant, the shelter's Chief Executive Officer may sign the Resident Information Affirmation Form. The Resident Information Affirmation Form affirms the necessary documentation regarding the shelter residents served by the shelter have provided the required verifications and meets the income eligibility requirements of MEAP.
- c. Completed shelter applications must be returned to the OHEP LAA office by the required due date. Applications are reviewed and the OHEP LAA office issues grants.
- d. If the LAA is also the provider of shelter services, the shelter application must be submitted to the State OHEP Office for review and approval. The State OHEP Office in this situation makes payment.

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XXII. Using MEAP Grants for Arrearages

- A. In the case of non-utility applicants, the Energy Assistance grant may be used to reduce bill arrearages provided that the amount remaining will allow for a minimum delivery of fuel.
- B. For applicants designating a utility as the energy supplier, all or part of the grant may be applied to past arrearages for first time USPP participants only. See COMAR 20.31.05.08 for a complete description. On an annual basis, utilities may apply for and receive a waiver from the Public Service Commission to this requirement. The OHEP State Office maintains information on those utilities granted a waiver by the Public Service Commission.

XXIII. Special Situations

- A. Energy Assistance for Secondary Source of Heat
 - 1. Energy assistance benefits (MEAP only) may be paid for fuel other than the primary source of heat provided an eligible household has selected an alternate fuel source. Payments for alternate fuel sources are made to the named energy suppliers.
 - 2. If an applicant names a fuel type for payment other than the primary heat source, the intake worker must document the reasons for the request and determine that the named fuel type is part of the applicant-household's heating system. For example:
 - a. The household heats with fuel oil, but the furnace is ignited by electricity. The household selects electricity because a utility cut off is imminent.
 - 1. The household heats with a wood stove, supplemented by kerosene space heater. Kerosene is selected because the household has gathered its own supply of wood.
 - b. The household's oil furnace is not operating. The household selects electricity to operate space heaters.
 - c. The applicant pays for home heating costs indirectly as undesignated portions of rent payments, and the applicant's landlord has refused to participate in the MEAP Program. The applicant may select an alternative heat source for the benefit if applicable. All documentation must be in writing, initialed and dated by the intake worker, and made part of the client file.
 - d. The applicant pays for home heating costs indirectly as undesignated portions of rent payments, and, although the landlord has agreed to

participate, the household has a turn-off notice. The applicant may select an alternative heat source for the benefit if applicable.

3. If the applicant is determined eligible, the application, supporting documentation and request for payment to an alternate fuel vendor must be forwarded to the LAA Director or his/her designee for approval. The approving authority's written statement must be made part of the file.
 - a. If the alternate source of heat is approved, the alternate fuel type, vendor information and benefit amount is entered on the application.
 - b. If the alternate source of heat is disapproved, the approving authority documents the reason for denial. The applicant's primary heat source, vendor information and benefit amount is entered on the application.
4. The applicant must be notified of the denial of benefits for the alternate fuel source and proposed payment to the primary heating source vendor. Such notification will advise the applicant of the right to a hearing if he/she disagrees with the decision before the benefit is paid. If the applicant requests a hearing, the procedures in Chapter VI are followed.
5. Once the applicant has received a payment for a secondary source of heat they may not change to another source of heat unless they have moved to another residence.

C. Direct Payments to Applicants

In order to assure that all applicants have equitable access to a MEAP benefit direct payments to a certified applicant is allowed if circumstances warrant. Direct payments are considered exceptions or special situations and are only to be used rarely. Direct payments may be used in situations where a supplier or landlord will not accept the benefit payment. Examples are:

1. Landlord will not sign the Landlord Agreement. See instructions in previous sections.
2. The energy supplier will not sign an Energy Supplier Agreement and an alternate supplier cannot be arranged.
3. Applicant does not receive delivery of fuel, but purchases it on an as needed basis in small quantities. For example, the house is heated by a kerosene heater for which kerosene is purchased at the local gas station in 5-gallon quantities.

Pertaining to this situation, the LAA may issue a limited benefit amount equal to no more than 25% of the benefit with a request to return with a receipt(s) demonstrating purchase of the designated fuel. After accepting the receipts, additional benefits can be issued up to the full amount. These situations often

have unusual living circumstances which may not warrant use of the full benefit amount. Benefit amounts are pre-determined based on a normal living situation.

4. Another example is where the applicant lives in a mobile residence and purchases propane from the landlord directly, but separate from rent. In this situation the landlord is acting as an energy supplier and not a landlord. Either the landlord becomes an energy supplier or a direct pay is needed. This results in a situation where rent cannot be reduced to account for a MEAP benefit.

Direct payments to applicants are processed without sending an EDS to the applicant. However, the process of assigning and invoicing an EDS still must be followed before issuance of the check. The EDS must be maintained as part of the fiscal record. See section above, Procedures for Non-Participating Landlords, concerning conditions under which direct payments to applicants may be made. Secondary heating source is the preferable option when the choice is between direct payment and the secondary heating supplier.

The OHEP LAA Program Director must review and approve by signature on the EDS all direct payments.

There are no direct payments issued under EUSP.

D. Non-Participating Energy Suppliers

If an applicant's energy supplier is not an authorized MEAP vendor the LAA should request that the energy supplier sign a MEAP contract. If the vendor refuses, the LAA should ask the client to accept an alternate energy supplier already on the MEAP vendor list. If this is not possible, the LAA should attempt to make arrangements with the energy supplier to be paid on presentation of a delivery invoice to the LAA. A direct payment to the applicant is the exception; i.e. in the case where the tank is owned by the propane company and a crisis exists.

E. Energy Supplier Who Refuses to Accept Applicant's Benefit

An authorized energy supplier may refuse to accept a benefit on behalf of an applicant due to the applicant's prior bill payment record. In such cases, the LAA should seek to make payment to the household's secondary heating source or encourage the household to seek another supplier. Direct payment of the benefit to the applicant should be the last resort.

E. Information Changes

After completion of the application certification, policy allows changes to the application. The goal is to keep all changes, especially client/energy supplier information changes to an absolute minimum. As changes are necessary, the application should be returned to the supervisor authorized to amend the dataset. Data Entry Workers are not allowed to make changes to the records once certification is made.

F. Energy Supplier or Benefit Related Changes

The following are management procedures that the LAA needs to monitor before making information changes in the computer database system.

1. Upon notification of any information that results in a benefit of energy supplier change, the LAA contacts the original supplier to verify what benefit amounts have been delivered and what dollar amount remains to be refunded.
2. If the supplier holds funds for undelivered benefit funds, the LAA requests that the original supplier return any undelivered balance within 10 working days. Checks should be payable to the "Agency Name - Maryland Energy Assistance Program". The LAA should follow-up the initial contact with a written request if necessary. The LAA should ask the fuel supplier to make certain that all deliveries have been posted to this household's account because OHEP will not be responsible for errors or omissions of the supplier.
3. If partial delivery of the benefit has been made, the LAA completes the Client Information Change form (see A-41), and, at its option, secures the client's signature to authorize the payment of the transferred funds. If the original supplier made no delivery, the signature is not necessary.

A change in fuel type requires that the benefit paid to the new supplier reflect the correct benefit amount of the new fuel type, whether the new benefit amount is more or less than the original amount. If any deliveries have been made with the original supplier, the computer system can handle the record keeping and recalculation of the new benefit. The Client Information Change form or some other manual log must be used to track the refund from the energy supplier.

4. The LAA, at its own discretion, may authorize delivery of benefits to new energy suppliers before receiving undelivered benefit funds from the original supplier. For any supplier owing funds over 30 days, the LAA should follow the collection procedures outlined in Chapter Eight.

Further payments to suppliers not cooperating in this process would be suspended immediately and the OHEP State Office notified in writing.

G. Change of Address/Other Related Similar Circumstances

1. When a client moves to a new residence that can be serviced by the original energy supplier/landlord, the client is responsible for arranging for the delivery of any remaining benefit to the new address.
2. If the client's new residence can no longer be serviced by the original energy supplier/landlord, then the LAA must arrange for the delivery of any unused benefit to the new address. The LAA shall require the applicant to specify a new supplier. The change is to be documented in the applicant record.
3. If a client has a remaining benefit available on account and moves from one LAAs jurisdiction to another thereby changing energy supplier, the following procedures are followed:
 - a. The original LAA contacts the energy supplier/landlord to request a refund of undelivered benefit funds.
 - b. The original LAA maintains the client file. The second LAA is to obtain a new application from the client. Upon receipt and data entry of the new application, the computer record is transferred to the new LAA.
 - c. The new LAA completes the application in the computer revising all necessary information. On the supplier information screen the new supplier is added and designated as the receiver of the remaining benefit. Do not delete any previously entered suppliers. Upon certification and after creating the EDS, the new EDS is edited by entering the amount of the benefit previously delivered. The current EDS is automatically updated to designate only the remaining benefit as payment. The revised EDS and payment is sent to the new supplier.
4. If a client moves out of state, any remaining benefit is forfeited and is returned to OHEP.
5. In all cases where the client moves and cannot be located, the undelivered benefit funds shall revert to the LAAs benefit account either at the time of notification or at the end of program year on the energy supplier closeout report.
6. If a household is divided, the following policy shall be followed:
 - a. Any undelivered benefit remains with the party residing at the original residence.
 - b. If the original residence is abandoned and there is an undelivered benefit, the benefit shall revert to the LAAs account.

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- c. The party leaving the original household may apply for assistance at the new address.
7. If the LAA has reason to suspect that the client has committed fraud, the LAA notifies the energy supplier/landlord to suspend delivery of the benefit pending the outcome of the investigation.

If the LAA finds that fraud has NOT been committed, the LAA shall notify the energy supplier/landlord and request all undelivered funds be delivered. If a finding of fraud results, the funds revert to the LAA's account. The LAA follows the procedures regarding client fraud as set forth in Chapter Ten.

8. If the client informs the LAA that the benefit is not wanted, the LAA shall cancel the benefit and follow the appropriate computer dataset instructions for denial.
9. If the State exhausts its funds and the client's benefit has not been issued, the LAA suspends or cancels the benefit as instructed by the State Office.

H. Deceased or Institutionalized Clients

LAA's are to use the following procedures in the event of the death or institutionalization of a client household previously determined eligible for the OHEP benefits when the individual, deceased or institutionalized, was the sole member of the household:

1. If the death or institutionalization occurs after the payment has been made to the supplier, the LAA should request the supplier to stop all deliveries and to return to the LAA any account balance funds. This request is to be in writing. When the payment account is settled and/or when the funds are returned, the LAA should complete the Client/Energy Supplier Information Change Form (see A-41) and note "client deceased" or other appropriate information. The LAA shall not issue payments to clients' heirs or legal representatives.
2. If the change occurs prior to issuance of payment to the supplier, the client is determined no longer eligible for energy assistance benefits and the application becomes a denial. Under these circumstances, the computer record is to be put into a DENIED status by using the DENIAL command found within the Supervisor routine.
3. These procedures apply only in cases where the client is the single member of the household. In cases where there are other household members, a new application is to be completed.

XXIV. Denial Policy

- A. Any applicant who does not meet the eligibility criteria is denied a benefit.

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- B. Any applicant not completing an application within 15 days of receipt of the LAA Request for Additional Information Form is denied a benefit. Completing an application means entering information in all required fields and providing documentation requested by the LAA.

XXV. Denial Procedures

A. Steps Taken to Deny Application

1. Assuming the application is entered in the computer system, review the application for completeness. If incomplete, that is, missing information, check for a Request for Additional Information Form. See B below for details of applications pending information.
2. Denial of applications is accomplished through the OHEP certification process using the computer system. Follow the instructions for Certification. Applications are denied based upon established criteria identified in Chapter Four, Section VI.A. 2. Basis for Denial. The computer system will automatically deny on the basis of over income (MEAP and EUSP), heat included in the rent for subsidized housing (MEAP), and no electric account in the name of the applicant (EUSP).
3. If the reasons above do not apply and review of the application and the accompanying documentation indicate the applicant is ineligible for assistance, select the appropriate reason for denial in the system. Applications can be denied using the Supervisor Deny function and selecting the appropriate reason for denial.
4. The worker signs and dates the application in the space provided on the application.

B. Steps Required to Monitor Pending Applications Prior to Denial To Assure Timely Completion

1. LAA staff shall take action to deny applications within 15 days after the Request for Additional Information deadline has expired if no remaining condition exists that would result in a determination of eligibility for payment. LAA directors are expected to review the pending cases to identify those fifteen (15) days or older and to review individually each pending case over fifteen (15) days to see if the notes on each record justify continuing pending status or if the application should be denied.
2. No application shall remain in pending status if it can be denied. It is the responsibility of the LAA Director to assure that all possible actions are taken to remove applications from pending status according to guidelines outlined in this manual.

C. Denial Letter

1. A denial letter is sent to every denied applicant household within 7 calendar days of the date of denial.
 2. The LAA Program Director and/or his/her designee complete the denial letter. The letter must include:
 - a. Date
 - b. applicant's full name
 - c. applicant's mailing address
 - d. explanation of the reason for denial
 - e. date by which the request for review must be received (15 days from the date of the notice)
 - f. name and telephone number of LAA contact person
 - g. signature of LAA designee
 3. The denial letter is to be computer generated. A computer generated denial letter will list the specific reasons for denial as above, but the hearing rights are on a separate sheet. Copy the hearing rights and send with the denial letter.
 4. Denied applicants have the right to re-apply 30 days after the original application date. Include an application with the denial letter.
 5. A copy of the denial letter is placed in the client folder. The client folder is filed alphabetically, by applicant name, in a separate denial file. In lieu of placing a denial letter in each client folder, a summary report may be printed from the computer system listing the applicant name and date the denial letter was printed.
- D. Review & Hearing Rights
1. If the denied applicant wishes to appeal the LAA's decision, then he/she should follow the procedures described in Chapter Six, Review and Hearing Process. All letters notifying the applicant that they did not qualify under the eligibility guidelines must contain a statement of the hearing rights.

XXVI. Timeliness of Denial

- A. It is the policy of the program to ensure that cases to be denied are completed within 15 days and that a denial notice is sent to the applicant within seven (7) days of the denial.
- B. The timely processing of denied applications depends on close scrutiny of all pending applications on the part of intake workers and OHEP directors. When it is absolutely clear that either the applicant is ineligible or the applicant has provided insufficient information, the application may be immediately denied. A notice is to be prepared and sent or given at that time or within seven (7) days.

XXVII. Application Waivers

A. Policy

1. Application waivers to current income guidelines are at the discretion of State OHEP. The granting of income waivers is determined at the beginning of each program year.
2. waiver to the annual income eligibility guidelines whereby payments related to out of pocket medical expenses may be deducted from an applicant's household income. The applicant is eligible if the income after the medical deduction meets the annual income guideline. The medical expense payments must reduce the household income to the 150% poverty level.
3. Waivers are applicable for both MEAP and EUSP. Applicants shall meet the non-income eligibility requirements for MEAP and/or EUSP.
4. Medical insurance premiums are counted as an expense only for those applicants age 60 and over or disabled at any age 18 or over.
5. Waiver decisions are made by the OHEP State Office upon referral from the LAA.
6. Medical documentation from the medical provider must be clear and precise.
7. The medical documentation must state the out-of-pocket payments by the applicant.
8. The customer must provide documentation that payments are being made on their medical bills which is causing financial hardship to pay their energy bills. For example, cancelled checks or a statement from the medical provider is needed. Medical bills only or a check register will not suffice.
9. The medical bills must be from medical service received within 3 months and/or within the current fiscal year for which the applicant is requesting energy assistance. Promise of future payments is not considered. A customer receiving a medical bill in the month of application and has not had a chance to make payments is not considered. Bills dated older than the above criteria shall show out-of-pocket payments within the current period. For example, customer had surgery a year ago but has a bill dated for that service within three months of application and is making payments is considered for a waiver.
10. Applicants found eligible shall receive a Benefit Level 3 grant for MEAP and/or EUSP.

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11. Dependent upon the availability of EUSP arrearage funds applicants granted waivers are eligible for arrearage assistance.
- B. Procedures
1. The customer must apply for energy assistance and be denied at the LAA level.
 2. LAA determines if application warrants review for an application waiver.
 3. The LAA shall obtain documentation of medical debt/expenses and proof of payment for those expenses.
 4. LAA forwards application and documentation and referral reason to the OHEP State Office.
 5. OHEP State Office reviews application and documentation and makes a determination of eligibility based on waiver criteria.
 6. OHEP State Office sends a letter to the applicant and LAA notifying them of the determination.
 7. If the determination is approving the waiver, the LAA designates the application as a waiver. This causes the application to certify for a Level 3-benefit grant.
 8. If the determination is denying the waiver, the appeal by the applicant is made to the State OHEP Office.

XXVIII. Questions and Answers

1. What is done if the customer with a turn-off notice comes in to apply and the LAA is unable to obtain usage data or an account number?

Response: These are two critical pieces of information necessary for the completion of the application and issuing a payment and must be obtained to assure the proper benefit amount. Each utility should have a process in place for obtaining this information. For applications that fall within the MEAP crisis criteria this information should be available to avert the crisis within the designated crisis timelines. Contact the OHEP State Office if there is difficulty in obtaining information.

2. A customer applies for MEAP in Month A but has service terminated before the benefit is received. The MEAP grant is sent in Month B. Can the MEAP grant be used towards the past due amount?

Response: Yes, the MEAP benefit can be used towards the past due amount.

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3. Are applicants who have a large credit balance to the extent that a benefit in the current year will result in a situation where the customer does not have to make a payment towards their bill still eligible to receive a benefit?

Response: At the current time all applicants meeting the existing eligibility criteria will receive a benefit. This applies to both MEAP and EUSP. Applicants are not penalized for keeping their bills and consumption low. This is addressed through the development of the benefit matrix.

4. Does the current case file have to have copies of required documents if those documents are also in a previous year file?

Response: Yes. A copy must be made again from the original or from the document in a previous year file or the previous file must be readily available. Readily available means filed with the current file. Records up to three years old are subject to audit and as a result must contain proper documentation.

5. Can OHEP make a payment for a deceased customer?

Response: If the deceased customer applied for assistance while still alive and the benefit was issued the benefit may be applied to the account up to the point of the death of the applicant. Heating bills existing after a person passes away without having an application in progress may not receive assistance. See Section XXIII, H. of this Chapter.

6. If an applicant made a payment on an arrearage prior to applying for assistance, can arrearage funds be used to supplant that previous payment and the customer's funds be used to pay towards the current bill?

Response: No.

7. An applicant applies for assistance using a maiden name, but the electric bill is in her married name. While the applicant is the same person, for purposes of EUSP the account is in a different name. What should be done?

Response: The LAA should request the applicant contact the electric company to have the name changed on the account to match the current applicant name.

8. The applicant is currently residing in a long-term care facility, but is still responsible for the electric and heating bill in the original residence. Is the person eligible?

Response: Yes. For application purposes the individual is considered as residing in the residence and any one else living in the residence is included on the application.

9. Can MEAP grants be used to pay for past due gas or electric bills?

Response: MEAP grants may not be used for past due utility bills, except if the applicant is a first time USPP participant. Then it can be used to reduce the past due amount to \$400.

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10. Customer receives benefits for both EUSP Bill Payment and Arrearage. Customer wants to come off of budget billing. What are the consequences?

Response: The customer may come off of budget billing but will lose eligibility for the remaining balance of the Bill Payment grant. The remaining balance is returned to OHEP. Arrearage grants are not returned because the applicant fulfilled the requirements at the time that the Arrearage was credited.

11. An applicant receives an EUSP grant and then later moves to another residence where electric usage is lower. Is the EUSP grant adjusted to reflect a lower benefit?

Response: The EUSP grant is revised only when the applicant moves to another jurisdiction and submits a new application. If the new usage is lower, the application is revised to reflect the lower usage and the remaining benefit paid is based on that lower usage. If this results in a lower benefit than the original, the amount of the overpayment is returned to OHEP. Conversely, if upon a move to another jurisdiction the usage is higher the application should also be revised and an additional benefit is provided to the customer.

If a customer moves within a jurisdiction and notifies the LAA of the address change, no additional action is taken on that customer. The LAA does not obtain new usage information. The benefit is neither increased nor decreased.

12. A deceased person owes a past due bill. Can another person apply by proxy to have OHEP pay this bill?

Response: No. OHEP is unable to pay a benefit because there is no eligible applicant.

13. For employed persons who have pre-tax accounts or deductions, which income is used for determining eligibility, the net after pre-tax is taken out or the gross?

Response: The gross income is used where pre-tax situations exist.

14. Can an application waiver for EUSP be provided to pay off an arrearage accumulated due to a medical hardship if an arrearage had previously been paid?

Response: It depends. The EUSP statute allows for arrearage benefits to be issued once every seven years. There is no medical hardship waiver to this criterion.

15. If a customer received an arrearage benefit previously and then marries resulting in an account in the spouse's name and not the initial applicant, can an arrearage benefit be approved?

Response: Yes, as long as the person in whose name the account is in has not received an arrearage benefit previously.

16. An applicant received benefits and subsequently goes off service. The utility returns the balance of the remaining benefit. Customer returns to service and that utility requests

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that returned funds be refunded back to the utility. Can this be done? Are there any time limitations upon which the utility can request a refund of returned funds?

Response: OHEP will refund remaining benefits for customers who went off service and are now returning to service. OHEP will refund such benefits if the request is made to OHEP by the September 30th following the program year in which the applicant was eligible.

17. The employer reimburses an applicant for expenses incurred as a result of employment. Is this considered income?

Response: No, reimbursed expenses are not considered income. If reimbursed expenses are included as part of the gross pay total it is deducted from the gross amount.

18. An applicant is applying for arrearage funds in the current year but was part of a household that received an arrearage grant in a previous year. The current applicant was not the applicant when the arrearage was received. Does the current applicant qualify for an arrearage benefit?

Response: If the current applicant was not responsible for the bill when the previous arrearage grant was received then the applicant would now qualify. For example, an adult child lived with a parent where only the parent was responsible for the bill and the parent received an arrearage benefit in a prior year. Now that parent is deceased, but the adult child still lives in the same home and now has the bill in their name. That child would qualify for an arrearage benefit.

19. Can both parents who share joint custody of their children apply for energy assistance during the program year?

Response: Yes, if both parents share joint custody legally they each can apply for energy assistance and have the same children listed as members of their households. However, the parents can not apply at the same time. Copies of the custody papers must be placed in the applicant's file.

20. Applicant lives on a boat with no electric hook-up. Heats with kerosene purchased in 5 gallon quantities. How do we make a payment?

Response: A direct payment is issued but only a minimal (25%) amount is given. The recipient is informed to submit receipts of the purchase in order to receive the remainder of the benefit. Certify as a crisis pending and enter the amount of the benefit. After receiving documentation of fuel purchases modify and re-certify the application to receive the remainder of the benefit.

21. Applicant uses bulk fuel in a small quantity, no vendor will deliver. Does the applicant receive direct payment?

Response: Yes the agency would allot 25% of the benefit to the customer through direct payment with the stipulation that no additional monies would be provided until applicant provides receipts of bulk fuel purchase. The agency would manually keep track of the remittance.

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22. Applicant receives unemployment benefits through a debit card. Applicant receives wages through a debit card. How is the income documented?

Response: Applicant should be receiving a paper statement of benefit or wage amount. Otherwise a statement can be printed from the Maryland Department of Unemployment Insurance website or obtained from the bank where the debit card was issued.

23. Applicant uses propane as its primary heating source. The vendor used is not approved by State OHEP.

Response: Contact should be made to the vendor by LAA to find out if vendor wants to be an authorized energy supplier for the State. If vendor is not interested, an alternate authorized vendor should be located. If the initial vendor is not interested in being a participating supplier for the state and the vendor owns the tank, than direct payment must be made to customer.

24. Applicant works for a company that is owned by her and her husband. The company is incorporated and both are paid a salary. Is this considered a self employment situation or is it a simple wage situation?

Response: If the company is incorporated, the situation can be treated as wage situation or the applicant can provide a document/letter describing the compensation arrangement, i.e. letter/document stating that the applicant receives a specific dollar amount a year.

25. Can income received under the GI Bill for living expenses while going to school be counted as income?

Response: The income should not be counted. See page 4-9 item 4, which excludes income from education related expenses including VA benefits.

26. The applicant does not work, does not receive any income and she is the only person in her household. To make it, the applicant sold some of her belongings at an auction and received \$300.00 within the last 30 days. Should the \$300.00 be counted?

Response: No. The items she sold were her assets. OHEP does not consider assets as income. The applicant has zero income. She completes the declaration form and household statement form stating she met her needs by selling her assets.

27. Applicant called asking for help with a \$1,000 gas bill for a deceased customer. The housing unit is vacant and no one is responsible for the bill. Another individual who is no longer living in the house accumulated the bill. Can OHEP provide assistance?

Response: No, OHEP is unable to pay for the bill because there is no eligible applicant. The bill should be settled as part of the deceased person's estate.

28. Can an arrearage be paid for an applicant if the electricity is going to be shut-off because the arrearage will not cover the entire past due amount?

Response: Yes

29. Can a household receive an energy assistance benefit if the applicant dies before the application is processed?

Response: No, if the applicant dies before his/her application is processed, the application is denied. The members of the household can reapply.

30. If a military person is deployed and sends monies home to his spouse are the monies countable?

Response: Yes, the monies are countable and the military person is not counted, please see page 4-19.

31. If a military person is receiving combat pay and sends the monies home to his spouse are the monies countable?

Response: Combat pay is not countable, however valid documentation would be required verifying the military person is receiving combat pay.

32. An applicant's husband died within the month the applicant is applying for assistance. The applicant provided a current bank statement of her social security deposit and on this statement also was a deposit of her deceased husband social security benefit and his pension. Are the deceased husband's monies counted?

Response: No, his monies are not counted because she may have to return the monies, however, confirmation of his death must be placed in the file. Record and narrate why the monies are not counted.

33. An applicant own stocks and bonds and recently sold them are the monies counted?

Response: No, because the stocks and bonds are his assets and assets are not counted.

34. Does an immigrant/alien have to be a citizen to apply for benefits?

Response: No, the immigrant/alien does not need to be a citizen to receive energy assistance but must have at least one person in the household with a valid social security card.

35. If an applicant has a living assistance facility in his/her home and resides in the home, is the applicant eligible for energy assistance benefits if all other eligibility criteria were met?

Response: Yes, if all eligibility criteria were met the applicant would be eligible for benefits. Neither the residents nor the monies the residents received would be counted. However, the income the applicant received for providing for the residents would be counted and any other income received in the household. Because the applicant is self-employed, the worker would take 50% of documented reported self-employed income the applicant received for providing for the residents. Depending upon the time covered determines whether the income is divided, i.e. if the reported income is for 90 days divide by 3. If the applicant receives additional monies from other household members add the monies to the self-employment income that was previously calculated.

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For example:

Ms. Smith is a self-employed business owner of an assisted living facility in her home. In her household are 11 members, which include 5 residents, her husband, an adult daughter and her 3 minor children. Ms. Smith can only apply for household of 6, the residents do not count. She received \$2500 a month for providing for the residents. Mr. Smith received \$800 a month pension and the adult daughter 30 day wages was \$1900. Self-employed income $\$2500 \times 50\% = \1250 + \$800 pension + \$1900 wages = \$3950 for the household of 6.

36. Can an owner of a living assisted facility apply for benefits if she does not reside in the facility?

Response: No, see section XVII on page 29 of this chapter.

37. An applicant states she and her two children reside with the children's paternal grandmother, can the applicant apply as a boarder/roomer?

Response: No

38. If a provider states on the provider statement form that he/she paid the applicant's shelter or any expense, are those monies counted?

Response: No, because the applicant does not have discretion to use the monies on other things.

39. Can a valid social security card be an acceptable documentation for immigration status?

Response: Yes

40. An applicant is residing in transitional housing and heat is included in the rent. Can the applicant receive direct pay or would the landlord receive the benefit?

Response: Direct pay is awarded as the last resort. Worker should contact the landlord to find out if the landlord is willing to accept the benefit in behalf of the applicant and agrees to reduce the tenant's rent by the amount of the benefit. Please see page 4-23 # C, section - Application – Heat included in Rent.

41. An applicant receives a monthly allowance from a life insurance policy, is the allowance countable?

Response: Yes, the monies are countable if received monthly and if the applicant had received a lump sum payment the monies would be countable if received 30 days before the application date.

42. Are state and federal tax refunds countable?

Response: No

43. If you are a recipient of annuity, are the monies counted?

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Response: No, annuities fall under retirement investments. See page 4-10 item #26.

44. Monies from a car accident counted?

Response: Yes

45. Are monies borrowed against an insurance policy counted?

Response: No, because the policy is an asset.

46. A customer deals with a vendor who is not on OHEP's list of approved state vendors. Does the applicant get direct pay?

Response: The LAA is to contact the vendor to see if the vendor wants to be a state vendor. Please see page 4-34 Item D for further instructions. Remember direct pay is paid as the last resort.

47. An applicant applies for assistance for a household of five. The applicant provides the worker her bank statement summary from her financial institution and shared with the worker that she is a representative payee for her disabled brother and his money is deposited in her account monthly for her to pay his expenses. Her brother does not reside with her. Is her brother's income countable since his monies are in her account?

Response: No, the brother's income is not countable but the worker must narrate and state why the income is not countable in the file, sign and date the narration.

48. If a Social Security/SSI award letter from a previous year can be used for repeated applicants/household members for income verification, is there a limit when a new award letter is required?

Response: Yes, the award letter for repeat applicants/household members must not exceed 3 calendar years see page 4-12 Section Social Security or SSI, item #5.

49. The applicant is self-employed. Applicant provided his current 1040 tax returns and also provided his bank statement with deposits and it is October. What income verification should be used?

Response: Both verifications are acceptable income documentation for self-employed, however, the worker may make a determination as to which document is advantageous for the applicant.

50. If an applicant is self-employed and provides a 1040 tax form what income is counted?

Response: Income reported on 1040 tax form Schedule C, line 1 is counted. Lines 1 of Schedule C is divided into 12 and take 50% for expenses see page 4-15, Section- Self Employment.

51. If an applicant is self-employed and married and filed 1040 tax form with spouse who receives wages, how is the income determined for the self-employed?

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Response: The income for the self-employed would have to be determined by taking the income on the 1040 tax form Schedule C, line 1, dividing by 12 and taking 50% for expenses see Section - Self-employment on page 4-15. The spouse who receives wages must provide documentation of his/her 30 day income.

52. If a person is a full time college student working part-time are the monies counted?

Response: No, the monies are excluded. However, if the college student works full-time and attends school part-time, the monies are counted. If the college student works part-time and attends school part-time or if the college student works full-time and attend school full-time the monies are counted, see page 4-23.

53. If an applicant receives income from rental properties, what documents are needed?

Response: A copy of the applicant's latest federal tax form 1040 Schedule E, count line 26 on the Schedule E and divide by 12, the expenses are already included in line 26 therefore, **do not give 50% reduction** for expenses. In lieu of the 1040 tax form please see page 4-16 and 4-17 Section VIII #H Rental Income for other acceptable documentation for rental income.

54. Can MEAP funds be used toward an inactive account that an applicant is trying to restore?

Response: Yes

55. An applicant has received a delivery of oil at a rental unit and subsequently moves to another home. Can the applicant receive another benefit for oil at the new location?

Response: The customer will not receive another oil benefit as they already received a benefit. If another fuel type is requested a benefit can be paid but at the difference between what was already paid and the new benefit.

56. An applicant resides in transitional housing with other residents and the residents contribute toward the expenses but the utility bill is in the organization's name, is the customer/residents eligible for MEAP?

Response: No, the applicant nor the residents are eligible for MEAP because OHEP does not provide benefits for businesses nor group homes and shelters. However, if only one individual/family resides in transitional housing and meets all other eligibility criteria, a landlord payment/direct payment can be made regardless if the bill is in the organization's name.

57. A person is self-employed and receives sales by cash and via charges to charge account are all the sales counted?

Response: No, only cash received within the last 30 days would be counted.

58. How do you determine if a person has an annuity/pension?

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Response: If the employer chose the annuity for the employees than the monies are counted and considered as a pension but if the employee voluntarily chose the annuity than the monies are excluded because the person used his/her assets for the purpose i.e. government sponsored annuities are countable.

59. Wife and husband are self-employed in the same business, how should the income be reported in the OHEP's database?

Response: After all calculations are done, assigned half of the income to the husband and the other half to wife, i.e. if the income was \$2000 after all calculations, \$1000 should be assigned to wife and the other \$1000 is assigned to husband.

60. If the PEPCO bill lists the last 13 months of usage on the back of the bill. Can the last 12 months be added to determine the household's kwhs?

Response: If the bill is current the worker can add the last 12 months of usage to determine the annual kwhs instead of contacting PEPCO. However, the worker must narrate in the notes section in the OHEP database how the kwhs were obtained and make a copy of the notes and file in the applicant's record.

61. How do you annualize income for those persons who have a permanent relationship with their employer?

Response: The determination of annualized income for those persons who have a permanent relationship with their employer is at the discretion of the LAA. The agency can use the most current 1040 tax form and divide the gross income into 12 months, not the adjusted income that include deductions. OR

If the applicant provided his/her last 30 days income and he/she is a teacher and receives their income on a 10 month basis, multiply the 30 day income by 10 months and divide by 12 months to determine the monthly salary.

The LAA must know how often the person is paid whether weekly, bi-monthly or monthly. The LAA would multiply the # of pays by the # of months in a calendar year to determine the annual salary and then divide the annual salary into 12 months to obtain the monthly income. **If the yearly salary exceeds eligibility requirements and the monthly income does not, use the monthly.**

An applicant applied for asst Feb. 21st, she went on medical leave 12/31 and planning on returning to her employer April 2nd. Her 30 day period is 1/22 to 2/20. She has zero income, but because she has a permanent relationship with her employer, her income must be annualized. She received her last check 1/10 for \$2200.00. She received a check bimonthly. The LAA would multiply \$2200 x 26 # of pays in a year = \$57,200 a year divide by 12 = \$4,767.00 monthly income.

62. An applicant has an adult son who is disabled in his home receiving SSI, does the applicant have to apply for the entire HH or can he apply separate from the disabled son?

Response: It depends whether the adult son is a roomer or part of the HH. If the adult son is a roomer and disabled, the applicant can apply separate from the adult son. However, the income the

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applicant receives from the roomer for rent is counted. The worker must narrate as to why the adult disabled son is not part of the household and obtain verification that the son is disabled. If the adult son is not a roomer, but a member of the household, than the applicant must apply for the entire household and all income received in the household is counted. In this scenario, the monies that the disabled son gives the applicant for rent is not counted.

63. If an applicant is a landlord and rent rooms in his/her home to boarders/roomers, do the boarders/roomers have the discretion to choose to apply as a single household or separately?

Response: Yes, the roomers/boarders can apply for energy benefits separately or as a single household. If the landlord applies separately from the boarders, the landlord must report all monies he/she receives including any rental income from the boarders/roomers. The kwhs/therms are obtained by dividing the # of persons in the annual usage and multiplying the number by the persons listed on the application.

If the landlord and the boarders/roomers choose to apply as a single household, count the monies that the boarders receives and monies the landlord receives, excluding monies the landlord receives from the roomers/boarders for rent.

If the roomer/boarder has not paid the landlord rental income, the landlord must provide documentation (s) from the roomer/boarder confirming their nonpayment of rent.

If there is no agreement with household members and the landlord that he/she is a roomer/boarder, than the household must apply as a single household.

64. How many different workers are needed to process an application?

Response: At least 2 workers are required. The creator of the application can modify but cannot certify. A certifier cannot modify nor create an application.

65. A teacher is employed at a college is laid off and provided income documentation from her employer that stated she was laid off from May to August and will be returning to the college in the fall, does she have a permanent relationship with her employer?

Response: No, because she was laid off and if eligible can qualify for unemployment benefits.

66. An applicant's grandchildren are visiting with the applicant for a month, can the applicant apply and the grandchildren be part of her household?

Response: No, if they are visiting the applicant the children cannot be members of the household unless the applicant has joint custody or the child/children are in household at least 6 months of the calendar year.

67. If an applicant applies for asst. for a HH of one, application was EDS, the applicant moved, the same vendor is used but at the new address there is a new acct # and 2 other adults residing with applicant. The HH is now over scale for benefits. The initial acct when finalized by the utility company did not used up the benefit and the monies not used were

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returned to the state. Can the monies returned be applied to the new acct even though the HH is ineligible for benefits?

Response: Yes, after confirming with the State that the monies were returned from the utility company, the LAA must request in writing to State OHEP to return the monies to the utility company in behalf of the applicant with the new acct #.

68. An alien has a valid Social security card but is not a citizen should the alien be a citizen for system purposes?

Response: No.

69. A child who does not have a valid social security card is he/she counted as a household member?

Response: Yes the OHEP data base considers all aliens under the age of 18 as citizens and therefore, will be counted as members of the household.

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CHAPTER FIVE - ENERGY CRISIS ASSISTANCE

Chapter 5 – Crisis Assistance

I. General Energy Crisis Assistance Policy

- A. Energy Crisis Assistance refers to requirements of the Maryland Energy Assistance Program. There is no provision for Crisis Assistance for the Electric Universal Service Program.
- B. November 15th through March 31st is designated as the Energy Crisis period for MEAP. A household may apply for energy crisis assistance during this period by applying at the local OHEP intake office.
- C. "A reasonable amount of funds available, based on data from prior years, must be reserved until March 31 for intervention in an energy crisis, for example, weather-related and supply shortage emergencies" (Public Law 97-35 Title XXVI Low-Income Home Energy Assistance, Section 2604(c)). Using formulas generated from prior years heating usage and population the State OHEP Office manages the distribution of grant funds to jurisdictions in a manner that insures assistance for all applicants.

II. Definitions

- A. **Energy Crisis** - According to the federal LIHEAP regulations, means "weather-related and supply shortage emergencies and other household energy-related emergencies" (Public Law 97-35, Sec. 2603.1). In the State of Maryland, an energy crisis is defined as where a household has no heat or a shortage of fuel supply or an imminent utility turn off (less than 3 days) during the normal winter period (November 15 to March 31). Local jurisdictions may request a waiver to change the time length in the definition of winter period. COMAR 07.06.02b(5).
- B. **Crisis Assistance** - Means the amount available through the OHEP funds to alleviate the crisis. The dollar amount of this assistance is limited to the minimum regular grant for the eligible household's heating fuel type unless the application is complete. If the minimum amount is issued to resolve the crisis assistance, that amount is deducted when the application is approved for a full grant. The deduction is achieved during the payment process.
- C. **Expedited Service** – Means that the application is to be processed as quickly as possible under the regular application procedures.

III. LAA Requirements

- A. LAA's must:
 - 1. Submit to the OHEP State Office a local Crisis Plan by October 30th of each year. The plan must include the following elements:
 - a. The name of the LAA primary contact for handling crisis situations.
 - b. Provisions for handling crisis situations after regular agency working hours.
 - c. A list of additional resources which the LAA can use or make referrals to alleviate the crisis where the MEAP grant is not enough to resolve the crisis.
 - 2. Accept applications for energy crisis benefits at sites that are geographically accessible to all households in the area to be served by such entity;

3. Provide to low income individuals who are disabled the means to:
 - a. submit applications for energy crisis benefits without leaving their residences; or,
 - b. travel to the sites at which such applications are accepted by such entity (Public Law 97-35, Section 2604(c)(3)).

IV. Energy Crisis Application Policy

- A. A household may apply for energy crisis assistance at the time of application or after the date of application, but before the regular grant is exhausted. Applicants may only receive one grant per program year, therefore, once the initial grant is exhausted no additional grant, crisis or regular, may be provided.
- B. The initial point of contact, whether by phone or in-person, is considered the start of the time for which to resolve the crisis, that is, the time at which the clock starts to resolve the crisis.
- C. A household that applies after the grant is exhausted must be referred to other agencies for assistance. A letter that the grant has been exhausted shall be given.
- D. Utility terminations or turn-off outside the weather-related crisis period are processed in a manner that will abate the termination. This situation is usually a utility-related crisis, not a weather-related energy crisis. Expedited service by the local agency of eligible households is the appropriate procedure.
- E. All staff must be informed about the energy crisis assistance requirements and procedures. One staff member must be designated as a special crisis intake worker and/or coordinator of crisis assistance. During the energy crisis season this staff member must ensure that energy suppliers deliver within the 18 or 48 hour deadline and the household record (file or data base comments) has notations of measures taken to end the crisis.
- F. When the applicant has a record of false crises or suspicion of fraud exists, the Agency may request that the applicant sign a declaration form attesting to the crisis situation (**Special Assistance Certification Form**) (COMAR 07.06.06.09.b). The agency is encouraged to use this form for all notes and comments about their response to the crisis. The applicant should be informed of the consequences if fraud is committed. The application shall be processed with the intent of resolving the crisis. See Chapter 10 if evidence suggests fraud has been committed.

V. Crisis Application Procedures

- A. New Applications
 1. Applications are completed according to the policies stated in Chapter Three.
 2. The crisis situation is designated on the application and computer screen by selecting the appropriate crisis designation as follows:
 - a. No Crisis.

This is the designation and default code for applications that do not meet the crisis criteria.

b. Certified Energy Crisis

This type of application is referred to as an energy crisis with complete income documentation. The LAA shall expedite the total grant for the applicant by an immediate certification process.

c. Crisis Pending Information

1. Incomplete documentation for MEAP eligibility is submitted.
2. This category is known as an energy crisis pending information. The intake worker completes, to the extent possible, the Energy Assistance Application (OHEP 200) for regular assistance.
3. When applications are coded for crisis assistance payment pending information, local agencies have an option of designating the amount of the crisis grant to correspond to the energy supplier's minimum delivery provided it does not exceed the allowed amount. This is an amount that is less than the regular benefit amount. This designation is performed on the OHEP Data Management System, through the CERTIFICATION function.

d. Fuel Delivery outside energy crisis period.

LAA has provided assistance that would meet the crisis definition except the application was not taken during the crisis period.

e. Utility Turn-Off outside energy crisis period.

LAA has provided assistance due to a utility turn-off notice that would meet the crisis definition except the application was not taken during the crisis period.

f. Crisis Resolved

Once an EDS has been created the crisis is considered to be resolved. The system automatically updates an application to Crisis Resolved. No data entry is required. Do not select Crisis Resolved as a designation.

B. Existing Applications Requesting Crisis

It is feasible that an application may be submitted and during the time it takes to process the application a crisis situation could develop. In the event this happens follow these procedures:

1. The existing OHEP Application is reviewed for possible immediate certification. Revise the crisis assistance field to reflect the appropriate code as defined in the previous section.

2. Upon completion of these tasks, the worker forwards the case to the staff person designated by the LAA as the crisis assistance coordinator. The crisis assistance coordinator arranges service to alleviate the crisis.

C. Exhausted Grants

If the applicant has already received and exhausted the household's eligible MEAP grant, they are ineligible for an additional MEAP grant. Refer the applicant to other agencies for assistance with their heating emergency.

D. Inability of Fuel Supplier to Deliver

1. In the event that the initial Fuel Supplier is unable to deliver fuel to alleviate the crisis situation the following steps are suggested:
 - a. Contact an alternate fuel supplier for delivery.
 - b. Suggest the applicant stay with family or friends until a delivery can be made.
 - c. Assist with arranging a placement in a shelter.
 - d. Provide space heaters to the applicant until the crisis is resolved.
 - e. Arrange and pay for a stay in a motel room until the crisis is resolved.

VI. Documentation - Procedures

- A. Follow the procedures stated in Chapter Three, Pending Cases.
- B. A crisis benefit consisting of the minimum amount for the fuel type on the application is committed for the applicant regardless of whether the application is complete. By law, OHEP must resolve the crisis situation. However, if the application is not complete only a minimum benefit for the fuel type is issued.
- C. If the documentation received results in approval for a full MEAP benefit, the difference between the crisis grant and the full grant is calculated and issued as a payment. To enter the information on the application, follow the instructions for modifying an application. If the documentation is received after the issuance of the crisis assistance payment, then the record must be modified using the APPLICATION SUPERVISOR MODIFY function.
- D. If documentation is received which shows the applicant is ineligible, or if the applicant fails to provide documentation within 15 days, the supplier is paid for the amount of fuel delivered, as noted on the delivery invoice. The LAA must attempt to recover the crisis assistance payment from the applicant. Procedures for recovery are explained in Chapter 8.
- E. If the applicant provides documentation after the 15-day time limit, and the documentation shows the applicant is eligible, the process for the recovery of the payment is stopped. However, the applicant must file a new application (DHR/OHEP 200) and re-establish eligibility to receive the balance of the MEAP grant.

VII. Certification of Crisis Assistance

- A. Crisis assistance applications are certified using the procedures found in Chapter Four.
- B. Crisis pending information applications requires, upon approval for a benefit, that the amount of the benefit be entered. The amount is equal to the amount needed to alleviate the crisis, up to the minimum grant for each fuel type. See the current year Benefit Table to determine the minimum grant for each fuel type.

VIII. Denial of Crisis Assistance

- A. Crisis assistance is denied if:
 - 1. A crisis situation does not exist. That is, the applicant:
 - a. has more than a 4-day supply of fuel; or
 - b. is not faced with a threatened or completed utility shut-off; or
 - c. has an operable furnace or fuel burner and more than a 4-day supply of fuel.
 - 2. The applicant refuses to sign the Special Assistance Certification Form if requested.
 - 3. The regular MEAP eligibility is not met.
- B. If items 1 or 2 above apply, the application is processed as a regular application under the procedures outlined in Chapter Four.

IX. Delivery Requirements

- A. Federal law states "A household applying for crisis benefits must be provided assistance no later than 48 hours after the household applies. If the household is in a life-threatening situation as defined by the State, assistance must be provided within 18 hours after the household applies" (Public Law 97-35 Title XXVI Low-Income Home Energy Assistance Act, Section 2604(c)(1) and (2)).
 - 1. Conditions requiring delivery within 18 hours of application:
 - a. has no supply of heating fuel, **OR**
 - b. is disconnected from utility service, **OR**
 - c. has a broken furnace or fuel burner, **OR**
 - d. is without a fuel storage tank.
 - 2. Conditions requiring delivery within 48 hours of application:
 - a. has no more than a 3-4 day supply of heating fuel, **OR**
 - b. has a "true" disconnection notice for within three or four days (Check each utility's procedures for termination of service);

In accordance with the provisions set forth in the supplier contract, the supplier is required to deliver the crisis assistance grant within 18 or 48 hours of the time that the household requests assistance of the agency, NOT from the time of energy supplier contact by the LAA. If a selected energy supplier cannot guarantee delivery within this time limit, another energy supplier must be sought immediately and so noted in the file.

- B. LAA's are to guarantee payment of the MEAP Crisis grant after submission of a crisis application during the crisis period.
- C. Supplier Designation

By agreement all energy suppliers are required to deliver fuel within the energy crisis time requirements (see section VII of the Energy Supplier Agreement). Because circumstances arise in which it is not possible for an energy supplier to deliver, it is prudent to identify at least one energy supplier who can be depended upon to deliver fuel and mitigate the crisis.

X. Methods to Alleviate the Energy Crisis

The Crisis Assistance part of the regular grant may be used for the following:

- A. Fuel Delivery
 - 1. In all cases, the Crisis Assistance coordinator (or energy supplier liaison) contacts the applicant's energy supplier to arrange for 18 or 48-hour delivery of fuel or an extension of utility service. The energy supplier is instructed to make a minimum delivery of fuel in an amount not to exceed the minimum grant by fuel type. Notation is made in the applicant's record.
 - 2. For those applicants, where the full grant amount is in doubt, the amount of the crisis assistance portion may not exceed the amount of the minimum MEAP grant by fuel type. The energy supplier liaison must be informed of the MEAP grant.
 - 3. The OHEP Data Management System permits specific payment for situations where the applicant fails to provide documentation and/or fails to be MEAP eligible, as long as the crisis box is coded properly.
- B. Furnace Repair, Storage Tanks, or Alternate Heat Source
 - 1. Crisis assistance or part of the regular grant may be used for furnace or fuel burner repair in those cases where the equipment is inoperable. It may also be used for fuel storage tanks. This situation is to be coded in the fuel type box with a selection of non-fuel ?. It is understood that in such cases the energy supplier may not be able to provide service within 18 hours; however, the service should be provided within 48 hours at most. If such an arrangement cannot be made, the LAA should work with the applicant to select an alternate source of heat or temporary shelter.

2. An alternate heat source may be purchased. Electric resistance heater or oil filled radiator where allowed by law and safety conditions in the living unit can be purchased. No kerosene room heater may be purchased with MEAP funds.
3. The Crisis Assistance portion of the grant (up to the minimum grant by fuel type) can be used toward the purchase price of an oil tank or furnace when the old unit is no longer usable. However, the client must provide assurance that the balance of the purchase price is immediately forthcoming. The Applicant Guarantee of Payment may be used when the tank supplier is told before purchase that the agency has only a promissory note for the client's share of payment.
4. When the crisis assistance grant covers equipment repair, it must be paid to the supplier upon submission of the bill, regardless of whether the applicant is certified. To do this, code the fuel type field with selection of non-fuel. The remaining MEAP grant, if authorized, is sent to the applicant's approved energy supplier.

C. Temporary Shelter

1. For both 18 hour and 48-hour crises when arrangements cannot be made for the timely provision of household energy, an offer to locate an existing emergency shelter should be made. The local Department of Social Services may be able to assist the LAA in locating emergency shelters in the area. In the absence of any existing emergency shelter, the LAA may purchase local temporary shelter. The amount of time that the household can remain in a shelter is usually established by local shelter policy. Benefit payments for individuals are not made to shelters. If the shelter needs assistance in meeting its heating expenses, it may apply for a shelter grant from OHEP. See the procedures in Chapter Four on Shelters for more information.
2. The relocation of the household must be accomplished within 18 or 48 hours of the time of application. The status of the household given temporary shelter must be monitored daily by the LAA and an effort must be made to return the household to their original housing. Agency staff needs to be careful that households do not remain in shelters indefinitely and/or that they receive fuel delivery as soon as possible. If the applicant refuses to use the shelter, notation must be made in the Comments Section of the crisis assistance form and in the Notes section on the summary screen of the data system.

C. Portable Space Heater Purchase and Loan

1. Agencies may purchase space heaters to have available in the event that the crisis cannot be alleviated within the time requirements. Heaters may be loaned out to applicants on an as needed basis.

XI. Crisis Need Which Exceeds Allowed Crisis Portion of the Grant

- A. If at any point in the crisis assistance process it is determined that the allowed crisis portion of the grant amount will not alleviate the crisis, the LAA should encourage and assist the applicant to prove eligibility for a full grant. The LAA should also attempt to secure or make referrals to other programs or agencies that may require additional assistance.

- B. When the applicant cannot obtain the documentation to be eligible for the full grant or if the need exceeds the full grant amount, the LAA must work with the applicant to locate additional funds (from agencies who provide energy assistance, relatives, or friends) to alleviate the crisis. The applicant also has the option to select an alternate fuel source or temporary shelter.

XII. Payment of Crisis Assistance

- a. The LAA shall NOT make a direct payment of the crisis assistance portion of the grant to the applicant.
- b. The household receives energy crisis assistance when either delivery of fuel or the abatement of a turn-off is completed within the specified time frames (18/48 hours), as opposed to the actual payment to suppliers. The actual payment of the grant need not be made within the specified time frames to alleviate the crisis.
- C. Except in cases of equipment repair, temporary shelter, or utility termination, the crisis assistance and remaining MEAP grant cannot be split between two energy suppliers; the entire grant must be paid to the same energy supplier.
- D. Discounts on fuel do not automatically apply to energy crisis payments. The energy supplier may discount crisis deliveries at their option. This designation is recorded in the Supplier Database and does not require special coding on the application.
- E. If the crisis payment is included, as part of the full MEAP benefit, then only the amount above the maximum crisis amount allowed shall have a discount applied.
- F. To issue a payment for the balance of the MEAP grant, follow the instructions in Chapter Eight.

XIII. Questions and Answers

1. Applicant received a delivery of wood. The wood was still green and not usable this winter. What should applicant do?

Response: Contact local agency to arrange for delivery of aged wood. Agency will contact a different vendor to deliver remainder of benefit. Vendor change form is required.

2. Applicant requested an emergency delivery of oil knowing he/she had an eviction notice within the month. Can client seek payment of benefit from landlord?

Response: No, landlord does not have to give client any money as the delivery was made in good faith.

3. Applicant is going to be evicted at the end of the month. He/she is currently out of oil. Is it fraudulent to request oil delivery at this time?

Response: No, applicant is in crisis.

4. Applicant is out of propane and is in need of an emergency delivery. The propane vendor only delivers one day a week. The vendor charges a delivery fee of \$90. The applicant does not have any money. The vendor owns the tank therefore another vendor will not deliver. Can the vendor charge a delivery fee?

Response: Yes, the vendor can charge a delivery fee for an emergency delivery. The delivery fee can be taken out of the applicant's benefit.

5. It is winter; the applicant is out of oil and has all documentation except for an official photo ID. The applicant applied at the local MVA for a picture ID, however, the ID will be mailed to the applicant within fifteen days. The applicant provided documentation of the purchase of the ID. Should the application be processed?

Response: The application must be processed and minimum benefit awarded. If the customer fails to provide ID, the application is denied and the LAA requests from the applicant that the funds be returned from the applicant.

6. Applicant's primary heating source is inoperable, it is the heating season and the applicant is a renter. Can the applicant receive assistance in replacing the heating device i.e. gas/oil furnace, wood burning stove and/or propane tank?

Response: If the applicant's primary heating source is a gas or oil furnace, the LAA should make a referral to weatherization for emergency assistance regardless whether the applicant is a renter or a homeowner. If the applicant's primary heating source is a wood burning stove and/or propane, contact weatherization and the request will be considered on a case by case basis.

7. Applicant heats with oil; his tank is empty, in order for vendor to deliver oil, the burner needs to be started up. Can the benefit pay for burner start up?

Response: Yes.

8. Applicant uses propane for heating. He is eligible for \$600, however, he owes \$575 to his propane vendor and does not have any propane. Can his vendor use his benefit to pay his delinquent debt and not make a delivery?

Response: No, a minimum delivery must be made. The applicant would have to reduce his debt so that a minimum delivery is made. However, if the vendor is requesting that all of the applicant's debt be paid, the applicant may choose an alternate heating source, i.e. space heater.

9. Applicant is having an energy crisis; the furnace is in need of repair. Can the benefit be used to repair the furnace?

Response: Yes, the benefit can be used to repair the furnace as long as there are sufficient monies left to cover a minimum delivery by the vendor.

CHAPTER SIX - REVIEW AND HEARING PROCESS

Chapter 6 – Review and Hearing Policy

I. Review and Hearing Policy

- A. All OHEP's applicants are guaranteed access to a fair hearing process.
- B. Local Administering Agencies (LAA's) shall have a fair hearing procedure and shall attempt to resolve the issue at the local level.
 - 1. LAA's shall attempt to resolve any and all disputes in an informal manner within 15 calendar days of receipt of the complaint.
 - 2. The LAA OHEP Director/Program Manager must be present at the hearing.
 - 3. If the dispute cannot be resolved informally, then the local hearing will take place as scheduled.
- C. An applicant may appeal a decision of the LAA to the Office of Administrative Hearings for a fair hearing in the following situations:
 - 1. the complaint is not resolved by the LAA's informal dispute settlement procedures.
 - 2. assistance is denied.
 - 3. certification or assistance denial is not provided within 45 days from the date all required documentation is presented by the applicant.
 - 4. The applicant does not receive crisis assistance in the time frame required; or
 - 5. the amount of assistance received is disputed.
 - 6. Help is not given within a reasonable time.
- D. The procedures for the review and hearing process are set forth in COMAR 07.06.06.11. See Appendix D.

II. Local Grievance Requirements

- A. The following items must be adhered to:
 - 1. the location must be convenient and accessible to the applicant.
 - 2. adequate notice must be given the applicant.
 - 3. all specified time limits must be followed.
 - 4. the review officer must not be involved in the original dispute decision.
 - 5. the applicant may bring legal counsel, a representative, or interpreter, and may present evidence and examine witnesses.
- B. Applicants must file a written appeal request within 15 days of from the date the LAA mails or gives the applicant the client notice of decision.
- C. Local reviews must be rescheduled for applicants requesting postponements. Two postponements with prior notice are allowed. The local Hearing Officer may render a decision based on the case file or reschedule the review based on adequate cause if the applicant or representative fails to appear at any review including postponements.

Chapter 6 – Review and Hearing Policy

- D. A log of all grievances and appeals is required. The log must include the following: name of applicant; nature of complaint; date; and description of actions taken to resolve the complaint.

III. Local Grievance Procedures

- A. A review of an LAA decision must be requested by the applicant to the person performing the review within 15 calendar days of the date of notification of the decision. Applicants requesting a review because no LAA eligibility decision was made may submit a request any time after 45 days from the date all required application documentation was provided.
- B. Upon receipt of the local review request form, the LAA enters the request on the LAA review log.
- C. The local review must be held within 15 calendar days of receipt of the request. The Notification of Appeal Hearing is an example of a letter to notify the applicant at least 7 calendar days in advance of the scheduled review.
- D. The LAA officer must attempt to resolve the applicant's concerns through review of the applicant's case file and explanation of the appropriate program regulations.
- E. The LAA officer shall make a decision which must be issued to the applicant in writing within 15 calendar days of the hearing. If the decision is not in favor of the applicant, the procedure and form for requesting a State Level hearing shall be included with the written decision.

IV. Office of Administrative Hearings Procedures

Refer to COMAR 07.01.04 07Administrative Hearings for information regarding hearing procedures and requirements.

An appeal of a local decision must be made by the applicant, on the Hearing Request Form. The applicant must return the request form to the Local Administering Agency within 15 calendar days of the date of the LAA review decision letter.

- A. Upon receipt of the request for a hearing with the Office of Administrative Hearings, the LAA completes the hearing log, the Appeal for Fair Hearing form DHR/SSA 334. Within 5 business days, the request for an Administrative hearing must be forwarded to the Office of Administrative Hearing and to OHEP.
- B. When date and location of the State hearing are scheduled, the LAA OHEP supervisor should contact the OHEP State Office to insure that a State OHEP Office representative will be present at the hearing. The OHEP State Office responsibility is to provide clarification concerning OHEP regulations and policies.
- C. The State hearing is recorded and testimony taken under oath.
- D. A written decision is rendered by the State hearing officer within 15 days of the scheduled hearing. The applicant and LAA receive copies of the hearing decision.

CHAPTER SEVEN – FISCAL MANAGEMENT AND REPORTING OF ADMINISTRATIVE FUNDS

Chapter 7 – Administrative Funds

I. Administrative Funds Policy

A. Competitive Bid Procurement Process

For each jurisdiction of the State not having energy assistance delivered by a LDSS, a competitive procurement process shall be conducted to award contracts for the delivery of service for a period not to exceed five (5) years. The procurement process shall obtain a fixed priced contract for the contract period. The contract is to account of all administrative expenses. The procurement process followed is outlined by the State's procurement laws and regulations.

B. Local Departments of Social Services

Each LDSS Local Administering Agency (LAA) is awarded administrative funds with a line item budget to fund staff salaries and administrative functions from start-up to the close of the contract period. The LDSS is to submit a budget request upon request by State OHEP. State OHEP reviews the request and makes the final decision on the amount granted.

C. Government Agencies

For other governmental agencies being awarded program funds, an intergovernmental agreement is completed and signed by the respective agencies.

LAAAs are required to implement record keeping and reporting procedures consistent with sound internal management of administrative funds.

II. Budgets

A. Budget Process

Prior to the start of the program, the State approves a budget for each non-contractual LAA.

B. Budget line items:

1. Salaries/Wages
2. Fringe Benefits
3. Communications
4. Travel
5. Utilities
6. Contractual Services
7. Office Supplies
8. Equipment
9. Rent
10. Outreach
11. Other

C. Allocation of Budgeted Funds

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Allocation of funds by the State to each agency is dependent on availability of State and Federal Funds and also expenditures reported on the Administrative Reports and current spending patterns.

D. Budget Amendments

A budget amendment constitutes an increase or a decrease in the approved budgeted amount of an LAA. Budget amendments are processed as warranted and are dependent upon available funding. IF initiated by the LAA, a written request is required for the amendment of a budget. The OHEP State Office is responsible for preparing budget amendments and approving budget amendments.

III. LAA Administrative Reporting Procedures

- A. LAAs are required to submit to the State the Administrative Funds – Monthly Financial Status Report. This report describes the status of administrative funds.
- B. The report is due by the fifteenth (15th) day of each month and shall include the status of administrative funds through the last day of the previous month.

IV. Administrative Funds – Monthly Financial Status Report Completion

The report should be completed as follows:

- A. Record in column (a) the most recent contract amount for each budget line item as approved by State OHEP:-
- B. Record in column (b) the actual expenditures for the current month chargeable to OHEP. Record here any prior month's adjustments needed. Explain all adjustments at the bottom of the report.
- C. Record in column (c) the total of column (b) on the current month's report and column (c) from the prior month's report.
- D. Record in column (d) all actual obligations for which payment will be made in a subsequent month. Salaries are to be obligated only for work that has been performed.
- E. Record in column (e) the total of columns (c) and (d).
- F. Record in column (f) the difference between column (a) and column (e). If there is a negative balance on any line item, a request for a budget revision must be sent with the report.
- G. Record all requested information in the "CASH" section to determine the amount of cash (whether obligated or not) on hand for the program. Note any unusual large expected expenditures (i.e., payments to county government for yearly salaries) that will be coming due as a footnote to obligations so that State OHEP with the LAA can determine your cash needs.
- H. Sign the report as required and submits in duplicate by the 15th day of the month.

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- I. LAAs that are Local Departments of Social Services and pay contractual help through the Special Payments Payroll are to show the funds reserved in budget column (a) on the LAA Administrative reports. A line is included for Special Payments payroll. This line is to include any associated fringe benefits.

V. Administrative Budget Revision

- A. The State may approve written requests for adjustments among budget line items during the program year, provided:
 1. Sufficient program funds are available;
 2. The total LAA administrative budget is not exceeded; and
 3. Adequate justification for the adjustment is presented by the LAA.
- B. LAAs must utilize the "Administrative Budget Revision Request" form for any line item adjustments needed. Submit the form in duplicate. Explain proposed revisions in full detail (in particular, reasons for increase and reduction of line items). After revisions are reviewed and either approved or denied, the State staff returns one (1) copy to the LAA. Reports should reflect the new line-item amounts **only** after the receipt of an approved copy of the Administrative Budget Revision Request.

VI. LAA Recordkeeping Procedures

The LAA Fiscal Officer must perform the accounting for the administrative expenditures. Assign a specific cost category to the OHEP program, so that all costs associated with OHEP are readily identifiable. Record all of these costs in a general ledger maintained for the OHEP program.

Follow State Procurement Regulations, Title 21, for purposes of determining allowable/unallowable costs.

VII. Procedures for Local Departments of Social Services

All Local Department of Social Services (DSS) **MUST** update Administrative Expenditures (salary and wages etc.) every month in State Financial Management Information System (**FMIS**) by 10th of the following month.

VIII. Documentation of Administrative Expenditures

Administrative expenditures must be supported by documentation, which identifies:

- A. Date(s) of incurred expenses
- B. Type of expense
- C. Purpose or reason for expenditure
- D. Applicability to OHEP
- E. Supervisor's initials and approval
- F. OHEP Director signature and approval

IX. Payments

Payments are made only with the original vendor invoice (unless other departments are being allocated a portion of the total cost). The invoices are marked "PAID" or perforated indicating payment has been made and to prevent duplicate payments.

X. Record Retention Time Frame

Federal regulations require that all household files and program records of a fiscal year be retained for a minimum of three years after the date that the audit report for that fiscal year is submitted to the State unless the State notifies the agency to extend the retention period.

XI. LAA Expense Account Reimbursement Procedures

All expense account reimbursement requests must be documented by the LAA's approved expense account form.

- A. Telephone and postage for official duties are reimbursable with proper receipts.
- B. Conference, seminar or training courses registration fees, must be supported by original receipt in duplicate.
- C. If LAA's written travel and/or expense account policies differ from those described below, the LAA may request a waiver from State policies. Written requests for a waiver must be submitted to the State OHEP Director **prior** to program start up, along with a copy of the LAAs expense policies.
 - 1. Private vehicle use is reimbursed at rates up to the State limit. Beginning and ending odometer readings are stated on the employee expense account form.
 - 2. Parking is reimbursed at cost; receipts must be available.
 - 3. Taxi, airplane, train, and bus fares are all reimbursable at cost. Receipts must be retained and all charges must be made for the least expensive method of travel.
 - 4. Meals
 - a. Meals are only reimbursed up to the State limits.

The cost of meals is reimbursable only under the following conditions:

- (1) Breakfast is allowed only if employee is on travel status (one day or overnight). Breakfast on the day of departure is allowed only if employee must leave home two hours or more prior to his normal departure. (See (3); breakfast is to follow the same rule for non-overtime eligible employees for early start.)

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- (2) Lunch is allowed only when employee is on overnight travel status or a luncheon meeting.
 - (3) Dinner is allowed only when employee is on travel status or when an employee not eligible for paid overtime works overtime. Dinner in connection with overtime work and dinner on the day of return from a business trip is allowed only if employee is unable to reach home within two hours of his normal arrival time. Time of arrival must be recorded on the expense account form.
- b. The cost of any meal at conferences, seminars and other business related assemblies is allowed only when the meal is planned, integral part of such affair, and a predetermined charge is made for the meal as part of the cost of attending such affair (i.e., included in registration fee).
- 5. Hotel costs are reimbursable at cost. An original hotel bill must be retained. Porters' tips of a maximum of \$2.00 per bag will be allowed when checking into a place of lodging. The same amount will be allowed when checking out.

XII. LAA Petty Cash Procedures

- A. The Petty Cash Fund may not exceed \$100.00.
- B. All supporting documentation (purchase requisitions, invoices, receipts, etc.) for disbursement are received by the fund custodian.
- C. When the custodian requests replenishment of the fund, the supporting documents should be reviewed for completeness and authenticity, and perforated to prevent reuse.
- D. The checks issued to replenish the fund must agree with the amount of disbursements from the fund and are written payable to the custodian of the fund.
- E. The petty cash account must be closed by June 30 of the current program year and any remaining balance must be transferred back to the providing source.

XIII. Administrative Funds Closeout

- A. No funds may be obligated beyond thirty (30) days after the expiration of the current fiscal year contract.
- B. The due date for Administrative Funds Closeout is announced in the annual closeout instructions. Generally, this is in mid-August. All obligations must be expended by this time.
- C. Submit the Administrative Funds – Monthly Financial Status Report by the designated due date. Mark the report "FINAL" for Fiscal Year Ending June 30th.
- D. A check is to accompany this report which reflects the amount that would appear in the "Cash on Hand line" of the report prior to recording it as a negative amount received. This procedure will

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automatically exclude the monies paid through the Special Payments Payroll provided that they are properly recorded. (Special Payment Payroll should include Fringe Benefits on these salaries: FICA and UI.) The amount of the check is shown as a negative amount on the "Current Month's Cash Receipts from DHR" line in the cash section of the report. The returned check is not recorded as an expenditure as it represents the return of monies advanced, rather than an expense. This means the cumulative expenditures and cumulative cash are equal and the cash on hand is "-0-". The check is to be made payable to the Department of Human Resources and mailed to the State OHEP office.

CHAPTER EIGHT - GRANT FUNDS AND FISCAL MANAGEMENT OF GRANT FUNDS

I. Grant Funds Policy

A. Authorized Agencies

The Office of Home Energy Programs (OHEP) as specified in signed contracts or agreements with Local Administering Agencies (LAAs) issues funds, called grants or benefits, to energy suppliers on behalf of eligible OHEP applicants.

B. Record Keeping and Reporting

LAAs must carry out record keeping and reporting procedures that use the OHEP computer report system and have additional manual methods where necessary. Internal control and sound fiscal management of grant funds is the responsibility of the Local Administering Agency.

The grant funds deposited by the LAA are for grant payments and are non-transferable to any other account. These funds are a public trust and tampering with these funds is punishable with criminal penalty.

C. Availability of Funds

If the State exhausts either its LIHEAP or EUSP funds, the OHEP State Office will inform each LAA. The LAA must suspend or cancel all grant payments as instructed by the State Office.

D. Audits

Annual audits following either requirements of OMB circular A-128 or A-133, as applicable, must be conducted. A copy of the annual audit report shall be submitted to State Office within one year of the program year reviewed.

E. Ownership of Assistance

The MEAP and EUSP benefit grants are designated for the specific purpose of assisting households with their heating and electrical energy needs. To assure the achievement of this purpose grants are paid directly to suppliers except under special circumstances. At no time is the supplier to return grant funds directly to a customer.

In the case of where grant funds are used to provide mechanical equipment such as for repair or replacement of furnaces such equipment becomes the property of the applicant or their estate.

II. Payment Schedule and Priority

LAAs are to begin issuing payments upon notification from the OHEP State Office that funds are available.

Generally, all suppliers are paid as applications are processed. This insures timely service to households. For MEAP, processing of non-utility fuel types is given priority since these households need delivery before the cold weather begins. As funds become available, the first payments issued are those to non-utility suppliers. As a guideline, MEAP benefits are issued beginning November 1. EUSP payments usually begin by August.

III. Grant Payment Procedures

After the certification of eligibility, the Data Management System is used to make payment for the OHEP applicant to the selected energy supplier. Applicants must designate their energy supplier(s) on the application for both MEAP and EUSP.

Payment processing begins with the LAA worker assigning the certified household to a number coded Energy Delivery Statement (EDS) for the energy supplier (selected by the applicant from the list of approved suppliers). The EDS authorizes the energy supplier to make deliveries to the eligible households on the statement.

The supplier receives one payment on behalf of each applicant approved for a benefit. Payments are issued in batches based on the EDS.

A. Payments to Utilities

The OHEP State Office issues payments on a weekly basis to utility companies for both MEAP and EUSP once payments begin in August. EDS's generated by Tuesday are included in the payment for that week. State OHEP generates a transmittal on Wednesday morning to request payment through the State's Fiscal Management and Information System (FMIS). Checks are received by the utilities generally 7-10 business days later. Applicant data is sent to the utilities, in some cases electronically, by Friday of the same week.

B. Payments to Other Suppliers

LAA's issue MEAP payments to suppliers of non-utility fuels to energy suppliers that have signed the Energy Supplier Agreement with OHEP. Payment checks and EDS's are mailed together to the supplier.

C. Other Payments

See the section below regarding special situations for other types of payments.

At the end of the heating season, an Energy Delivery Record (EDR) is completed by the energy supplier and returned to the LAA. The EDR accounts for all grants delivered or undelivered. Undelivered grants are refunded by the energy supplier to the local administrating agency.

IV. Generating Energy Delivery Statements

EDS's are generated for all applications certified for a benefit. To issue a payment a EDS must be generated. After the creation of the EDS it is in "OPEN" status and must be printed unless it is to be sent electronically. The check is requested or printed and sent with the EDS to the energy supplier to complete the payment process. Additional detail regarding computer operations is in the System Reference Manual.

Once the check is issued the EDS status is updated to "PAID"

A. Assigning Energy Delivery Statements (EDS)

Certified applications must be assigned to an Energy Delivery Statement (EDS) in order to be processed for payment. The EDS authorizes an energy supplier to deliver up to the grant amount remitted on the EDS. To generate the EDS:

1. Select PAYMENT from the main OHEP menu.
2. Select NORMAL
3. Select ASSIGN EDS.
4. Select the appropriate selection criteria and then click on Execute to display the potential EDS's.
5. Click on Assign.
6. The EDS is created. Applicant records are updated with appropriate information and status. The applicant record will now display a status of "EDS Sent". The newly created EDS records are placed in an "OPEN" status.

B. Processing EDS for Payment

1. Print the EDS by placing a check in the box next to EDS identified for printing.
2. Click on the print button.

C. Correcting EDS Errors

Any errors discovered on applications prior to payment should ideally be corrected prior to the payment of an EDS. An application can be "closed" off an EDS in the event some of the household information is wrong. The record can then be modified with the correct information and assigned to a new EDS.

D. EDS Information

The EDS includes the following information: household's name, delivery address, telephone number, customer account number (if available), grant amount, the fuel type, and USPP participation for utility suppliers.

The EDS batch number is on the header. This batch number is unique and serves as a central reference for tracking payments. Subsequent reprinting of any EDSs will always have the same households. Note that only the EDS for utilities include USPP information.

EDS's sent electronically contain the same information as the printed EDS, however, it is in a text file format. This means that the data is presented as a single line record with only spaces separating the data fields. There are no headers.

V. Grant Payment Issuance

A. Issuing Payments

Payment checks to utility companies are issued by State OHEP through the Office of the Comptroller and the State Treasury. Payments to bulk fuel suppliers are issued by the LAAs.

B. Check Register (LAAs only)

After the issuance of checks, a Check Register must be printed as a fiscal summary report. Review the printed checks against this checklist to assure that all checks were printed and the updated information is correct. The Register includes all checks that have been printed and updated through the computer system.

When all the information is correct, the check and a copy of the EDS are mailed to the proper energy suppliers.

C. Distribution of Grants to Energy Suppliers

Payments must be made to the energy suppliers in a timely fashion. Include the check and the related EDS's to the energy supplier.

VI. Household Notification

A. Generating and printing the Household Notification (OHEP 624)

1. Generate and mail the Household Benefit Notice within **10** days of mailing the payment to the energy supplier.

B. Household Notification Information

The Household Notification Letter includes the following information:

- * LAA address and phone number
- * Date of notice
- * Energy supplier name, code number and fuel type
- * The amount of the grant
- * The EDS batch (reference) number
- * Deadline date for returning the request for hearing (15 days from the date of the notice).

- D. Place a copy of the Household Notification Letter in the applicant's file.

Note: **Copy of the Household Notification Letter does not have to be placed in the applicant's file but the notification letter must be generated in the OHEP database within 10 days of the payment date. The date of notice generation shall display in the appropriate field of the OHEP database.**

VII. Payment Procedures for Special Circumstances

- A. Crisis Assistance applicants – In all cases of requested crisis assistance, the LAA can authorize the household's selected energy supplier to deliver at least an amount up to the lowest level (III) in the current year's grant table. There are two possible situations:
1. For certified energy crisis situations the household is eligible for the full grant. Expedited certification can normally result in the household being assigned to the next EDS of the selected energy supplier.
 2. For PENDING information energy crisis assistance situations, the agency worker will move the incomplete application to certification. A window on the computer screen will

request an amount up to the lowest level grant by fuel type. Enter the dollar amount to be delivered. Then process the case to a EDS by normal procedures.

3. The LAA can send a payment guarantee letter on to this supplier when requested.
- B. Once the household returns all information, add the new information to the application.
- C. If denied, collection procedures are started.
- D. Landlords - Payments to landlords specified on an application can be processed in batch or by individual tenant. For landlords, the EDS are just like all other energy suppliers' EDS. The landlord receives payment. When a local agency wishes to make batch payment to a landlord with more than 10 tenants, the state office may be contacted for assignment of special Landlord code number.
- E. Direct Payments to Applicants - Payments to applicants are processed without the sending of an EDS. However, the process of assigning and invoicing an EDS must be followed before check issuance. See Chapter Three, Procedures for Non-Participating Landlords, concerning conditions under which direct payments to applicants may be made. Payment to the secondary heating source or use of two party checks is the preferred alternative choice. This program must prove that the direct payment is used for heating assistance.
- F. Non-Participating Energy Suppliers - If an applicant's energy supplier is not an approved OHEP supplier, the LAA should:
 1. Contact the supplier and inquire about participating in the program. If the supplier declines to participate see the next step.
 2. Ask the applicant to select an alternate energy supplier already on the OHEP supplier list. If this is not possible (as in the case of some propane suppliers), the LAA should attempt to make arrangements with the energy supplier to be paid on presentation of a delivery invoice to the LAA or two party check.
 3. A direct payment to the applicant or a two party check are the exceptions may be provided in these situations (e.g. in the case of propane users where the tank is owned by the propane company and a crisis exists).
- H. Energy Supplier Who Refuses to Accept Applicant's Grant Payment - A selected energy supplier may refuse to accept a grant for the applicant (e.g. due to the applicant's prior bill payment record). In such cases, the LAA should seek to make payment to the household's secondary heating source or encourage the household to seek another supplier. Explore the possibility of a two party check. Direct payment to the applicant should be the choice of last resort.

VIII. Information Changes

It is the policy of OHEP to allow information changes to applications at any point during the application or payment process. Specific procedures are followed depending upon the point at which the change is required. Document all changes in the applicant file.

A. Prior to Certification

Information changes or corrections are allowed on the OHEP application by any authorized staff member prior to certification of the application.

Changes in OHEP are performed by selecting the Application Open command.

B. After Certification and Before EDS Assignment

Information changes to the OHEP application are allowed after certification. These changes must be approved and performed by the Supervisor. To make these changes, the application must be reset to a Pending or Awaiting status. The changes are to be made to the and then it may be certified.

C. After Energy Delivery Statement Assignment Before Payment

Information changes to the OHEP application are allowed after the applicant has been assigned to an EDS. Prior to making the change on the application the record must be closed on the Open EDS. In the case of a supplier change, do not delete any supplier information already entered. If a change in supplier is required, add the new supplier and designate the new supplier to receive the benefit. If other information changes that will affect the benefit amount the application must be certified after the new information is entered.

D. After Energy Delivery Statement Assignment and after Payment

Information changes to the OHEP application are allowed after the applicant has received a grant. In the Data Management System these changes are performed using the Application, Supervisor, Modify. Depending upon the information changed, the application may or may not need to be processed further.

E. Documentation of Information Changes

1. All information changes to the application require documentation in the applicant file.
2. Changes that affect the grant amount, the selected energy supplier, or the location of the energy delivery require the completion of the Household/Energy Supplier Information Change Form.

IX. Specific Information Changes - Additional Procedures

All information changes are required to follow the policies and procedures indicated in the previous section. Additional procedures, as outlined, are required for the changes below.

- A. Energy Supplier or grant related changes - The following are management procedures that the LAA needs to monitor before making information changes in the computer database system.

1. Upon notification of any information that results in a grant or energy supplier change, the LAA contacts the original supplier to be sure what grant amounts were delivered and what dollar amount remains.
2. If the supplier holds funds for undelivered fuel, the LAA requests that the original supplier return any undelivered balance of funds within 10 working days. Make checks payable to the "Agency Name - Office of Home Energy Programs". If necessary, follow-up the initial contact with a written request. Request the fuel supplier to make certain that all deliveries have been posted to this household's account. OHEP will not be responsible for errors or omissions of the supplier.
3. Complete the Household Information Change Form. Enter the information in the OHEP Data System.

SUMMARY: A change in fuel type requires that the grant paid to the new supplier reflect the correct grant amount for the new fuel type, whether the new grant amount is more or less than the original grant. If the original supplier has made deliveries, the computer system can handle the record keeping and recalculation of the new grant.

4. The LAA, at its own discretion, may authorize delivery of grants to new energy suppliers before receiving undelivered grant funds from the original supplier. For any supplier owing funds over 30 days, the LAA should follow the collection procedures.

Further payments to suppliers not cooperating in this process should be suspended immediately and the OHEP state office notified in writing.

B. Application Changes or Related Circumstances After Payment

1. When a household moves to a new residence that can be serviced by the original energy supplier/landlord, the household is responsible for arranging for the delivery of any remaining grant to the new address.
2. If the household's new residence can no longer be serviced by the original energy supplier/landlord, then the LAA must arrange for the delivery of the unused grant to the new address. The LAA shall require the applicant to specify a new supplier.
3. If a household has a remaining grant available on account and moves from one LAA's jurisdiction to another, thereby changing energy supplier, the following procedures are followed:
 - a. The original LAA contacts the energy supplier/landlord to request a refund of undelivered grant funds.
 - b. The original LAA forwards a copy of the complete household file to the second LAA and informs the second LAA of the amount of the remaining grant.
 - c. The second LAA completes an information change form, including a supplier change, and arranges for the delivery of the remaining grant by adding the new supplier to the application and following the procedures for issuing a benefit. The

LAA must take into account that part of the benefit may have been used with a previous supplier.

4. If a household moves out of state, the household forfeits any undelivered or remaining grant. The LAA contacts the energy supplier to request a refund of undelivered grant funds.
5. When the household moves and cannot be located, the undelivered grant funds shall revert to the LAA's grant account either at the time of notification or at the end of the program year in the Energy Supplier Record (EDR) closeout report.
6. If a household is divided, the following policy shall be followed:
 - a. Any undelivered grant remains with the party residing at the original residence. Do not reassess the amount of the grant.
 - b. If the original residence is abandoned and there is an undelivered grant, the grant shall revert to the LAA's account.
 - c. The party leaving the original household may apply for assistance at the new address.
7. If the applicant informs the LAA that the grant is not wanted, the LAA shall cancel the grant and shall deny the application. In the case EUSP Bill Payment Assistance, when the customer requests removal from the program, the utility is to return any funds not credited to the customer's account.
8. If the State exhausts its grant funds, the State Office will instruct the LAA on how to proceed with pending applications.
9. If the applicant moves permanently to a nursing home or other institution, any remaining household members continue to be served by the current benefit grant. The grant is not reassessed due to this change. If the applicant is the only member of the household and moved permanently to a nursing home or other institution the remaining balance of the grant may be used to pay any outstanding amount for fuel or electricity due to the supplier. If there are still funds undelivered, they are to be returned to OHEP.

C. Deceased or Institutionalized Applicants - When the deceased or institutionalized individual is the sole member of the household, the following options should be followed:

If the death or institutionalization occurs after the payment has been made to the supplier, any remaining household members continue to be served by the current benefit grant. The grant is not reassessed due to this change. If the applicant is the only member of the household the LAA should request the supplier to stop all deliveries and to return to the LAA any unused funds. This request is to be in writing. When the payment account is settled and/or when funds are returned, the LAA should complete the Household/Energy Supplier Information Change Form. On the form note "household deceased" or other appropriate information. The LAA shall not issue payments to applicant's heirs or legal representatives.

In the computer system, the EDS should simply be edited to show the amount returned. No change in status need be made.

If the change occurs prior to issuance of payment to the supplier, the applicant is determined no longer eligible for energy assistance grants and the application becomes a denial. Under these circumstances, the computer record is to be put into a DENIED status by using the DENY command found within the Supervisor routine.

These procedures apply when the applicant is the single member of the household. In cases where other household members remain, the entire household retains its eligibility for energy assistance grants.

- E. Under/Overpayment Resulting from Appeals or Fraud or Agency Error - Errors in grant payments that result in either overpayment or underpayment must be reported on the Household/Energy Supplier Information Change form. The reason for the change should be described on this form. The change also is entered on the computerized record. The proper change is made on the application form and any subsequent EDS.

- F. Applicant Reappears After Grant Funds are Returned

If an applicant had discontinued service and grant funds are returned, but that applicant later re-establishes service with the same energy supplier, the balance returned to OHEP is to be refunded to the supplier upon request of the supplier or LAA.

X. Internal Control Policy for Computer Generated Payments

Check Production and Processing Policy: Deviations from these guidelines **must** be approved by the State OHEP Director.

Each LAA, in using the computer, shall practice the following control safeguards:

- A. EDS must be printed - Before printing checks, either a list of invoiced EDS's with total dollar amount or the actual printed EDS's are presented to the fiscal officer by the worker who is planning to print checks.

This list of EDS's is reviewed by both the program director and the fiscal officer. This procedure insures that the program director is aware that checks are being produced and is accountable for seeing the production of checks is completed. Also the fiscal officer makes sure that funds are available and tells the person who controls blank checks how many checks should be issued for check production.

- B. Blank checks - Blank checks must be controlled by someone who does not have access to the computer check writing program. This person will give out only that number of checks needed by the machine operators.
- C. Check Printing - When checks are printed damaged or unused checks must be marked void before replacement checks are printed. The risk of duplicate checks to the same energy supplier requires extra scrutiny by all workers.

- D. Damaged checks - Damaged checks that need to be voided must be returned to the person designated to control checks for the issuance of additional checks. Damaged checks will be kept as proof of need to issue more check numbers. The damaged checks should be included with the bank reconciliation work papers.
- E. Check Register - Once the checks have printed properly, a Check Register must be printed. Voided check numbers should be written on the check register to explain the missing sequence numbers. The check register shall be maintained as part of the LAA fiscal records. This register contains the following items:
1. Check number
 2. EDS invoice number
 3. Date check was produced
 4. Batch count of customers on EDS
 5. Energy supplier name
 6. Dollar amount of check
- F. After checks are produced - The person authorized to sign checks is provided with a copy of the check register to verify that a signature is applied only to those checks listed on the check register. He/she signs the register to show that the register was reviewed. The person authorized to sign checks should not have access to blank checks or the computer check writing program.

At some point each invoiced EDS either on the register or on the document itself should be marked with the check number. Be careful that all invoiced EDSs are paid.

- G. Canceled Checks - If a check must be canceled, this action also must be recorded in the computer system. Cancellation of checks may be done through the "PROCESS" command under the fiscal section of the computer program.
- H. Review of the Check Register - The fiscal officer or designee shall review the Check Register Report to assure that it is consistent with the checks. When it is established as correct, the fiscal officer shall sign it as authorization to release the check to the energy supplier.
- I. Control Ledger - The control ledger must be posted with the batch of expenditures at this point. Since the OHEP Fiscal computer system is not an accounting system, each fiscal officer must make sure that manual records track all check runs.
- J. Check Total & Item Count - By calculator, a total including an item count is made of the checks after they are separated and just before mailing. A different person should produce a total and item count on the file copy (attach a calculator tape). The two totals and item counts should be compared and attached to the completed check register sheet. The tapes used to produce the total and item counts should be clearly marked whether they were for the checks or the file copies. The tapes must be signed or initialed and dated by the respective preparer.
- K. Internal Control for MANUAL CHECK PRODUCTION - If a manual check is used, a log must be kept or included in the general cash control ledger.
- L. Check Handling before Mailing - Checks shall be safeguarded until mailed.
- M. System Access - Payments

Any staff responsible for the payment process must use their logon ID to access the OHEP Data System. Access to the fiscal component of the system is granted upon request of the LAA OHEP Supervisor to State OHEP using the Logon Request Form. Users must not share their passwords or allow someone else to use their logon ID.

When an employee leaves service at the LAA, the Supervisor is to immediately notify State OHEP through the submission of another Logon Request Form requesting removal of the person from system access.

XI. Grant Fund Banking Procedures

- A. Each LAA that is not a local Department of Social Services or a local government agency must maintain a separate bank account for OHEP grant funds.

Deposits to the grant account are to be made as follows:

1. Funds received by the LAA must be logged in a money mail list by a person who is not responsible for energy supplier accounts receivable or payable.
 2. Deposits are to be made within 24 hours after the receipt of the funds.
 3. Copies of validated deposit slips are compared to the bank statement when it is received. The deposit slips are to be attached to the original copy of the bank statement.
 2. Blank checks are to be secured in a location designated by the Program Director. At all times Personnel involved in check production must take measures to secure blank, voided, and ready checks.
- B. Borrowing funds from the grant account is expressly prohibited. All authorized signatories on this bank account must be advised that transfers are not allowable from this grant account.

XII. Non-OHEP Check Production

- A. Policy

LAA's, at their option may issue payments through another system of processing checks other than the OHEP.

The processing of payments at program office level shall remain as previously described with one exception. Instead of printing checks, a transmittal or Payment Request Form requesting the issuance of payments is prepared. The official transmittal form of the local jurisdiction shall be used when requesting payment.

To assure that the OHEP computer has a record of payment, the check processing routine can be followed with plain paper being used instead of blank checks. The so-called check numbers shall be crossed referenced with the transmittal.

The preferred procedure is to update the OHEP computer after checks are produced. The numbers on the checks can be entered into the OHEP system for an accurate record of proof of payment.

Since the OHEP system is not an accounting system, the local government fiscal office or DSS records are the official expenditure report. From time to time these records need to be reconciled with the OHEP computer workload report.

B. Procedures

1. Complete OHEP processing as described with the exception of printing checks.
2. Prepare transmittal or Payment Request Form and forward to the Main County Government or DSS fiscal office.
3. County or DSS fiscal office issues check to energy supplier.
4. County or DSS fiscal office prepares a listing of the checks written for the LAA's energy assistance program. The listing is available on a monthly basis. Preferably, the listing should be available on a more frequent basis.
5. Using the County or DSS list, the LAA verifies that all payments requested have been made by the agency's fiscal office. Every payment must be traced to the program's original payment request form (See step #1). Every batch document (the payment request) must be signed (or initialed) and dated when verified by a responsible employee.
6. Any differences uncovered must be reported to the LAA's fiscal office immediately.

XIII. Grant Check Specifications

Each LAA is responsible for getting checks before program start up. The number used in the prior program year is a good estimate of the number to order.

A. The specifications for the checks include:

1. The checks must contain the name of the LAA and the words "Office of Home Energy Programs"
2. The checks are to be marked "Void after 60 days".
3. Pre-printed check numbers
4. Space for the payee name and full address.
5. A check stub with space for the following information must accompany the check:
 - a. Total of grant amounts for households
 - b. Energy Supplier name and code number

B. During the printing of checks, the following information will be printed on the check:

1. Check number
2. Check date
3. EDS Batch number
4. Payee name and address
5. Amount of the check

XIV. Lost Check(s) Procedures

- A. If the check was mailed, the LAA requests that the Post Office conducts a formal search.
- B. The LAA issues a "stop-payment order" to the bank.
- C. The LAA requests the chief accountant or chief executive officer of the energy supplier (or the payee of the check) to prepare a written statement attesting that the check was not received from the LAA.
- D. After five working days, the LAA should follow-up with the Post Office, bank, and check payee. If the check is still lost, then the LAA may reissue another check for that household.

XV. Stolen Check(s) Procedures

- A. The LAA must report immediately any stolen check to the State Office.
- B. The LAA gets from the bank, a copy of both sides of the check to verify endorsement by the payee.
- C. If the check was made payable to a household, the LAA contacts the bank to determine the method used to verify payee identity. In most cases the bank is responsible for replacement of the stolen funds. The LAA must take measures to recover the funds immediately from the bank.
- D. If the check was made payable to a company, the LAA verifies whether the company signed the check before being "lost." If the company, or any employee of that company has endorsed the check, then the company is responsible for the household's funds.
- E. The LAA must contact its own legal counsel to determine what action may be taken on a local level.
- F. After the above items are accomplished and the LAA has written proof that neither the check payee nor the household has been at fault, then another grant check may be issued.
- G. If household, supplier or employee is engaged in fraudulent activities, the LAA follows the procedures outlined in Chapter Ten.

XVI. Reporting Procedures – Benefit Funds - Monthly Financial Status Report

LAAAs must submit to the OHEP state office the "Benefit Funds - Monthly Financial Status Report". This report, due to the State by the fifteenth working day of each month, describes the status of grant funds through the last day of the previous month. This report is prepared from agency journals and should agree with the agency monthly balance sheet (for LDSS, this will be the 302B report). The report should be completed as follows:

- A. Record the LAA name and month for which this report is being completed, as well as the Grant Contract Number.
- B. "STATE ADVANCES" includes all grant funds advanced by the State. For DSS: enter only the actual expenditures that the department has drawn down in the 302 account.
- C. "EXPENDITURES" during the reported month in the "This Month" column. Record the total cash spent from the beginning of the program year through the last day of the month in the "Cumulative" column.
 - 1. "Computer Payments" includes all payments made through the regular OHEP computer software process. Manual accounting amounts should be reconciled with the computer workload report.
 - 2. "Other" - Please indicate in parenthesis the purpose of this entry. "Other" may include certain manual checks. This should not include Shelter Payments (See item 3 below, or duplicate payments counted by the computer system (e.g., a manual replacement of a lost check should not be counted here. The State Office should be contacted if any manual check must be written).
 - 3. "Shelters Paid" includes all manual payments to shelters.
- D. Record the "ADJUSTMENTS" during the reported month in the "This Month" column. Record in the "Cumulative" column the total of all cash received from the beginning of the program year through the last day of the report month.
 - 1. "From Energy Suppliers" includes all cash received from energy suppliers for returned household grants.
 - 2. "Check Cancellations" includes agency checks sent out and returned by energy suppliers uncashed, or for which a stop payment order was issued. Checks voided during production should not be included since this type of voided check is not entered into the bookkeeping system. All voided checks are to be accounted for in bank reconciliation. Note that the OHEP Data System requires canceled checks to be accounted for in the system.
 - 3. "EDR Returns" includes all refunds submitted with the Energy Delivery Record returned by energy suppliers at close-out time. This line will be used in the June and final report.
 - 4. "Other" includes all cash received from households; e.g. overpayment, fraud repayments. Agency should describe fully on report why this line is being used.

- E. Complete "NET EXPENDITURES" by subtracting SUB-TOTAL "Adjustments" from SUB-TOTAL "Expenditures".
- F. Complete the report by determining "CASH ON HAND" as directed. This amount is to agree with the LAA Bank Reconciliation.
- G. Attach a copy of the Weekly Workload Report (for the same date) to the Monthly Financial Status Report for grant funds. Please note any discrepancies for our attention. Work to resolve discrepancies but do not delay submission of the Monthly Financial Status Report past its due date.
- H. Sign the report and submit it in duplicate by the fifteenth day month.

XVII. Monthly Bank Reconciliation

Each LAA must complete a monthly bank reconciliation by the fifth calendar day after the date of the bank statement. LAAs are to make every effort to have bank statements closed on the last day of the month. Each bank reconciliation must agree with the amount shown on the monthly report. Bank statement errors are to be reported to the bank within 30 days. A copy of the bank statement must be kept with the reconciliation. Also required:

- * A list of all "Void" checks (date, check # and amount).
- * A list of all "Stopped Payment" or "Canceled" checks.
- * A listing of all "Outstanding" checks. Any check outstanding more than 60 days must be reported on an attachment to the bank reconciliation.

XVIII. Collection Procedures for Overpayment or Other Reasons

The following procedures must be adhered to when attempting to collect for overpayment resulting from supplier or household fraud or agency error:

- A. Upon discovery of an overpayment, the LAA is to request the supplier to immediately return any undelivered grant funds up to the overpaid amount.
- B. The LAA is to credit the overpayment amount with the funds returned by the supplier. If the supplier return is insufficient to cover the overpayment or the supplier has no funds available to be returned, then the LAA should proceed to step C below.
- C. Three successive letters should be used in the collection process.
 - 1. The initial collection letter is sent to all households when overpayment has occurred and the supplier has returned not enough money to cover the overpayment, or a direct grant payment to the household was made.
 - 2. The second collection letter is sent to the household 30 days after the date of the initial letter only if the household does not respond to the initial letter within the 15 days specified or does not follow the first letter's request within 15 days of the given date.

3. The third collection letter is sent to the household if no response to letters 1 and 2 have been received by the LAA within 30 days or the household did not to make full restitution for the overpayment amount.
- D. After 90 days, the LAA is to prepare a written list of uncollectible accounts and submit that list to the State OHEP Office. Documentation (collection letters) is to be retained in the households' application folders.
 - E. During the program year the LAA is to record all collection transactions on the "Household/Energy Supplier Information Change Form"
 - F. Upon receipt of the list of uncollectible cases, the OHEP State Office will forward these cases to Central Collections Unit (CCU) within the Department of Budget and Fiscal Planning. When possible, the OHEP State Office will tell the LAA of state collection results.

XIX. Energy Delivery Records

Energy Delivery Records (EDRs) are a summary of all payments issued to each energy supplier during the course of the program year. LAAs are required to print and distribute EDRs to each energy supplier receiving a payment during the program period. Because grant funds have been prepaid to fuel suppliers to deliver heating fuel up to a fixed dollar amount, a final record of all funds used for these deliveries must be reported by May 15th. Funds not used for deliveries by the May 15th deadline must be returned to OHEP. Failure to return the completed EDR and with unused funds will subject the supplier to possible penalties.

- A. Procedures
 1. After all EDSs have been paid (see Monitoring Phase 4 Closeout date), the LAA must generate and mail the Energy Delivery Record located under Reports Fiscal). Two copies of this report are sent to suppliers. EDRs are mailed by May 15.
 2. Suppliers are to return one copy of the completed EDR's with refunds to the LAA by the first week in June (see Monitoring Phase 4 date). As EDRs are returned to the LAA, local staff should enter returned grants on the computer record.

B. Delinquent EDRs

LAA's shall notify the OHEP State Office with weekly updates of any suppliers that have not returned the EDR. Fax the list of delinquent suppliers to the OHEP State Office weekly.

XX. Grant Fiscal Report and Closeout

At the end of the application period all fiscal records must be closed out for that program year. A series of tasks (closing all grant payment transactions including collection of undelivered balances by energy suppliers, closing administrative expenditures, preparing fiscal reports, and returning of all unexpended grant funds) must be done before the end of the fiscal year. To help fiscal officers organize the work and know the deadlines, a list of the tasks and a schedule for completing these tasks are included in Chapter Thirteen under phase 4 monitoring report.

Before checking the reconciliation of the computer expenditures with the agency ledger, the fiscal officer should make sure that the computer record shows that the obligations equal the expenditures. When

these differ, the program manager should correct this situation by completing all grant payments or calling the State Office for help on reconciling the obligations with the expenditures.

Assuring the accuracy of grant payment records is similar to doing a bank account reconciliation. If the resolution of the differences between the computer grant expenditure workload report and the agency's manual fiscal ledgers cannot be reconciled, please inform the State Office before June 15th. Please remember that the OHEP system is not an accounting system.

Failure to stick to these closeout procedures will result in delay in receiving remaining administrative funds as well as start-up funds for the next fiscal year contact. Failure to advise in writing the State Office of the reason for any delay or to request a waiver will adversely affect the audit response of an agency.

Each LAA must provide the State Office with a written statement assuring that all grant expenditures for the fiscal year are recorded in all the applicable and appropriate places, including, but not limited to, the OHEP computer database, agency ledgers and check registers, expenditure reports and weekly workload reports. The fiscal records for grants must be accurate and complete by June 15 of the program year. This assurance must be attached to the FINAL grant expenditure report submitted no later than the last day of June.

A. Returning Grant Funds To State

Each agency, on or before June 15th, will reduce the grant account to a level sufficient only to keep the account open for the next OHEP program year. The amount of funds to make this grant account equivalent to zero (0) cash in the bank is the reversion amount. The reversion amount is to be refunded to the OHEP state office before the last day of June.

The reversion amount of funds will be shown on the monthly Financial Status Report - Grant Funds as a negative cash received amount on State Advances line of this report.

For the June report the reversion of funds to DHR is a negative amount on the State Advances line of the report and \$0 in cash in the bank. This means that the total cash received line and the total expenditures line will be equal. The check is to be made payable to the **Department of Human Resources** and mailed to the OHEP state office with this report.

After June 30th, unless the LAA is granted a waiver from this grant closeout deadline, all late grant refunds from energy suppliers are to be tracked on the agency money mail list and refunded to the State OHEP office, with proper identification, on a weekly basis.

The monthly grant report should be marked FINAL. A copy of the bank statement with completed reconciliation should be mailed to the State OHEP office when completed. This reconciliation statement should not delay return of the final grant report.

XXI. Local Grant Funds

In jurisdictions where local funds are made available for inclusion with the regular OHEP grant, it is the responsibility of the LAA to notify the OHEP State Office in writing each year by October 1 of the following items:

- A. The amount that is added to each OHEP grant.
- B. The source of the funds.

- C. The method by which the local funds shall be issued to applicants and how they will be accounted. This shall include a statement on how end of the year returned funds are handled.

If a change in county policy occurs, written notification to the OHEP State Office is required before changes are made in the Data Management System.

XXII. Tax Liability Offset Program

The Maryland Comptroller's Office the authority through its Tax Liability Offset Program to withhold payments to business, organizations and individuals and use those funds to offset any tax obligations that the not been fulfilled by the payee. This only affects payments requested through the Comptroller's Office. OHEP benefits are still expected to be delivered. For those LDSS agencies with access to FMIS a Liability Offset can be verified by researching the payment. Payments diverted will be coded with LO.

If a supplier encounters a tax offset on an OHEP payment the supplier can be directed to:

COMPTROLLER OF MARYLAND
Compliance Division
Collections & Delinquent Business Taxes
301 W Preston St.
Room 410
Baltimore, MD 21201-2383
410-767-1642

CHAPTER NINE - DATA MANAGEMENT SYSTEM

Chapter 9 – Data Management

This chapter presents general policies about the use of the OHEP Data Management System. Specific functional and technical details of the Data Management System are found in the OHEP Data Management System Reference Manual.

I. Data Processing Policy

The Office of Home Energy Programs Data Management System is to be used by all LAAs to process all applications unless otherwise instructed in writing by OHEP. Processing includes all functions of application intake or data entry, certification and payment of benefits.

A. Application Processing

1. There are two methods of processing applications during intake:

a. On-line

During the intake and interview process, the worker may enter the applicant's data directly into the computer. Upon completion of data entry, the application is printed and signed by the applicant.

b. Batch

Applications may be completed manually, on or off-site, or by mail and batched with other applications for data entry at a later time. The standard (used for monitoring purposes) for entering applications is within 5 working days of receipt of the application.

2. Incomplete applications are also subject to the 5-day standard. Applicants are to be notified of the documents required for completion within 5 days of data entry.

B. Certification

Certification of applications is performed through the certification function of the system. No application is to receive a benefit without certification through the system. This policy does not apply to shelter payments.

C. Payment Issuance

All benefit payments are to be recorded in the OHEP system except under the following circumstances.

- 1. Occasionally, an unusual circumstance may require the issuance of a benefit check outside of the system. The LAA shall contact the State OHEP Office for written approval to proceed. To assure clear documentation, the OHEP State Office will issue a waiver to this policy in writing.**
- 2. Refunds made by energy suppliers may be returned to the supplier upon request if the applicant has an active account. Returned refunds will be made up through September 30th following the program year in which the applicant was eligible.**

3. Shelter payments are considered a special type of payment. The system does not have the functionality to issue payments to shelters. Shelter procedures are described in Chapter Eight. No waiver is required to issue shelter payments.

Other exemptions from this policy must be in writing.

D. Client Notification

Use the OHEP DMS to generate client notices for benefit payments issued and for denial letters.

Copy of the Household Notification Letter does not have to be placed in the applicant's file but the **notification letter must be generated in the OHEP database within 10 days of the payment date.**

E. Reports

The Data Management System contains the ability to print various reports that provide information helpful in managing applications. Reports are described in the Data Reference Manual.

Additional reports can be created upon request. Contact State OHEP to request a Work Order for a new report.

II. System Requirements and Information

A. Software

The OHEP Data Management System is a central web-enabled database application provided to OHEP authorized users.

1. Connectivity

Authorized system users may connect to the OHEP system from any personal computer that meets the following specifications:

- Pentium processor or later
- 256k or higher ram
- Microsoft Internet Explorer 7.0 or higher (see System Manual for proper property settings)
- Anti-virus software
- Login username issued by State OHEP
- Direct communication link to the Department of Human Resources Network

2. Authorization of Users

- a. Employees or volunteers of LAAs may become an authorized user of the system by submission of a request for username (Logon Request Form) signed by the

program supervisor and submitted to the State OHEP Office. The form requires information concerning the user's role. The form may be faxed. When an authorized system user is no longer working for the LAA and OHEP, a Logon Request Form must be submitted requesting deletion of the name as an authorized user.

- b. Agencies not connected to the DHR network are to access the OHEP system by DHR's Virtual Private Network (VPN). A separate login and password are required for access.
- c. State OHEP adds the user to the user database. DHR/OTHS adds the user to the VPN.
- d. The new user is to log on user the login name as the password and then following the screens for creating a personal password. Passwords are not to be shared with others.
- e. The system requires a change in password every 90 days. This is an automatic procedure initiated through the system.

3. Security

- a. All computers accessing the OHEP Data System must have a commercially available anti-virus program installed on the computer.
- b. Users shall not leave site of their computer while logged on.
- c. Users are not to share personal passwords with anyone. If a password is forgotten, contact State OHEP to reset the password.
- d. Users are not to use another worker's logon and password.
- e. Report any possible security issues to State OHEP.
- f. Unauthorized software or files are not to be downloaded. Viruses and "spyware" are very prolific and may be difficult to remove.

4. Software Development

State OHEP maintains sole responsibility for the development and maintenance of the application and operating system software.

5. Work Requests

Requests to correct or add features or functionality to the system are welcome. A formal process exists for these requests. Contact State OHEP System Coordinator for more information.

B. Software Updates

OHEP updates the application software on an ongoing basis. All updates are installed centrally. OHEP will make every effort to minimize work disruption during the process of updating. Notification of the installation of updates is given at least one day prior to the installation to the extent possible. Notice is also given up to ten minutes prior to installation.

Changes that affect functionality required by LAAs are made available to the LAAs through release notes.

C. Computer Hardware

Hardware refers to the equipment necessary for the OHEP DMS to function. OHEP provides to each LAA a minimum number of computers with the requisite configuration to comply with operational procedures and standards. Installation shall be the responsibility of OHEP and DHR. Additional equipment may be installed by the agency as long as there is an assurance that it is compatible with the OHEP installed equipment. Installation of additional equipment purchased with non-OHEP funds is the responsibility of the LAA. This includes any maintenance requirements. Equipment purchased and supplied by OHEP shall remain the property of OHEP. A DHR inventory tag identifies OHEP equipment. Such equipment may be relocated by OHEP at any time with notification.

D. System Training

OHEP is responsible for providing training in the use of the software and hardware for users of the OHEP DMS. Local training is provided on an as needed basis. Contact the OHEP System Coordinator to request training.

E. Technical Support

OHEP and DHR's Office for Technical Services for the Human Services (OTHS) shall provide ongoing technical support upon request by LAAs. Support is available by calling the DHR System Support Desk at **410-767-7002**. Questions or problems should not be directed to any contractor unless the OHEP Office gives approval. OHEP serves as the clearinghouse for the system. The OHEP Office or DHR System Support makes every effort to respond (generally within 24 hours) to questions raised and, as the situation dictates, visit the LAA to correct a problem. As appropriate, software updates are developed to correct software problems.

III. System Maintenance and Problems

A. Daily

LAAs are responsible for daily maintenance of the computer equipment. This includes keeping the equipment clean and providing security against theft or destruction. Any equipment problems on DHR inventory should be reported to the DHR System Support Desk.

B. Software

It is the responsibility of the LAA to immediately report to the OHEP Office any problems encountered with the software. Software problems may be related to problems in the program, hardware, or external conditions (power outages, etc.). Corrective action can only be taken if OHEP is aware of the problem. Include in your report what happened, what was being done at the time the problem occurred, how it affected other workstations, and error messages displayed.

C. Hardware Problems

It is the responsibility of the LAA to report immediately to the System Support Desk any problems encountered with hardware. Report accurately what problem you encountered with the equipment. Repair or replacement may be necessary. System Support will issue a work order. LAA should keep a record of the work order number for follow-up.

IV. Other Uses for the Computer

OHEP purchased computers may be used for other applications such as word processing and spreadsheets as long as it does not interfere with OHEP operations. Software not purchased through OHEP may only be installed with OHEP's knowledge and approval. Software must have the proper license in order to be installed.

V. Other Software

Commercial off the shelf software (COTS) may be installed on OHEP computers provided that they are local agency approved and proper licenses are documented. **Under no circumstances** shall any unauthorized public domain, shareware software, or downloaded software be copied onto the OHEP computers. The risk of the computer becoming infected with a "virus" program has become real and all preventive precautions must be taken to prevent this from happening. Beware of "spyware" programs and avoid installing them on your computer. These programs use limited system resources and may cause connectivity slowness. All installed software must have proper licenses.

VI. Database Backup and Disaster Recovery

The servers used for the OHEP Data System are hosted by a company under contract to DHR. The contractor is responsible for server maintenance and file back-up. Back-ups are performed on a daily basis. LAA's are not responsible for backing up OHEP data nor are do they access to perform this task..

VII. Use of the Data

Databases are the property of DHR/OHEP and are considered confidential information. Databases may be used for purposes other than OHEP as long as they are consistent with the mission of the DHR. Confidentiality must be maintained if the database is used for other purposes. Requests for non-OHEP uses or users of the database must be made in writing to the State OHEP Director for approval. Other parties requesting data files for research purposes must be able to provide a confidentiality statement. Requests for individual applicant data by persons not included on the application must be accompanied by a release signed by applicant.

CHAPTER TEN – FRAUD

Chapter 10 – Fraud

I. Fraud Policy

Fraud may take the form of potential fraud or suspected fraud. Each local administering agency must implement procedures that minimize potential fraud or misrepresentation by clients, energy suppliers, and staff. Upon identification of suspected fraud, the LAA must take action to obtain factual evidence and detailed documentation concerning the situation. Applicants under fraud investigation are not to be issued any OHEP benefits until completion of the investigation. If a benefit has already been issued, no additional benefits may be issued.

If the suspected fraud is substantiated and documented, the LAA must seek restitution of any benefits issued to that recipient. If the suspected fraud cannot be resolved by the LAA, the LAA is responsible for submitting documented cases to the State OHEP office for referral to the State Central Collections Unit (CCU). The LAA shall submit any documents of suspected fraud to the State's Attorney.

Each LAA is responsible for notifying the OHEP State Office of all suspected fraud cases.

OHEP client fraud is committed when obtaining energy assistance by:

- A. Willfully making a false statement or representation regarding household and/or financial condition; or
- B. Willfully failing to disclose all information regarding household and/or financial condition; or
- C. Impersonation or other fraudulent device.

Potential fraud occurs prior to payment of any benefits, but after the attempt to commit fraud is made by false application information.

Suspected fraud occurs after payment of benefits. Information challenging a client's eligibility for OHEP benefits may be generated by citizen complaint, agency information, energy supplier information, or other sources. Each LAA must follow the procedures outline below for obtaining evidence to support suspected fraud.

II. Applicant Fraud

A. Initial Actions

To prevent a suspected fraudulent application from being issued a benefit, the application record as entered in the computer system shall be designated with a HOLD status. This designation prevents processing of the application until the supervisor has reviewed and released the application for processing.

B. Investigation

- 1. If the suspicion relates to questionable or lack of income from employment, the LAA completes wage screening for all adult household members. State staff will assist in the

wage screening procedure if necessary. The named employers must verify the information obtained.

The LAA will send to the identified employer(s) a letter requesting completion of the wage verification form for the named employee during the 90-day time period current to the application, or annual income if applicable. A copy of the client's signed Release of Information form and a self-addressed, stamped envelope should be enclosed.

2. Suspicions related to other income sources such as public assistance, Social Security, Veteran's Administration, Unemployment Insurance or other monthly assistance programs must be verified in writing by the agency providing the income and must indicate dollar amounts received during the period in question.
3. Other questioned income sources such as child support, room/board, etc., must be documented as outlined in Chapter Four.
4. If the suspicion relates to household membership, the LAA must attempt to verify the number of residents through neighbors, energy suppliers, agency records, landlords, or other reliable sources.
5. Investigative procedures may not result in a violation of privacy or personal dignity, constitute harassment or violate constitutional rights.

C. Review and Analyze Evidence

If the evidence obtained above indicates discrepancies with the application data, the LAA requests in writing the client to report to the OHEP office for an interview. If the evidence does not reveal discrepancies, the LAA takes no further action.

D. Client Interview

At the interview the LAA presents the documented evidence. The LAA amicably strives to obtain the client's admission in a signed statement that the benefit was falsely obtained as well as an agreement to make restitution within a fixed time. The statement must contain the client's name, address SSN, benefit amount, energy supplier and repayment terms.

E. Unresolved Suspected Fraud

If a client does not cooperate with procedure D above, the LAA must evaluate the case record and documented evidence in order to determine the proper course of action. Two options are recommended.

1. If the LAA's evaluation of the case record and documentation indicates client confusion, intake worker or certifier errors, incomplete OHEP forms or any questionable procedures not equivalent to fraud, the LAA should follow standard collection procedures (i.e., three letters 30 days apart). If the client refuses to refund the overpayment, the LAA must submit the documented case to the State OHEP office for referral to the State Central

Collection Unit (CCU). The State OHEP will use its account number (33.03.01-100) on CCU's debt referral form for tax intercept. The phone number of CCU is 10-767-1246.

2. The LAA should follow the criminal court approach only for deliberate and intentional attempts to cheat, which are supported by the OHEP case file documentation and strong factual evidence. The LAA must complete Form CR 702, Statement of Charges, which can be obtained from the local District Court.

Three laws are possible avenues for prosecution when someone wrongly receives a benefit. Two laws are commonly used. The third law deals with perjury.

- a. Section 8-503, Criminal Law Article – Public Assistance Fraud
- b. Section 7-102, Criminal Law Article – Acts Constituting Theft
- c. Section 7-103(e), Criminal Law Article – When it cannot be determined if the value of the theft is more or less than \$500, their value is deemed to be less than \$500.
- d. Article 88A, Section 62 – False and Fraudulent Statements for Public Assistance Punishable as Perjury

The LAA should request that the local State's Attorney's Office review the Statement of Charges, case record, and documented evidence and make recommendations regarding filing of charges in criminal court. A supervisory level employee shall approve the referral document and the Director of the LAA, or his designee, shall sign it before a referral is made.

There is a two year statute of limitations, under Maryland law, on thefts of less than \$500. However, there is not a statute of limitations on thefts of \$500 or more because such a theft is a felony under Maryland law. When a fraud case is submitted for review to the Local State's Attorney's Office, the LAA must notify the OHEP State Office in writing simultaneously. If the State's Attorney recommends avoiding criminal persecution, the LAA should follow the procedures outlined in E.1 above. If the State's Attorney recommends criminal persecution, the LAA is responsible for any follow-up actions necessary in coordination with the State's Attorney's office.

The LAA must notify the State OHEP Office of any case in which criminal charges are filed, and may not give notice to an applicant or recipient of any referral to the State's Attorney's office prior to filing of charges.

- F. The LAA must maintain a file of all client fraud cases including all documentation and correspondence issued or received.

III. Energy Supplier Fraud

Energy supplier fraud, or non-compliance with the terms of the OHEP contract, may be evidence by: unusual changes in fuel price; delivery of incorrect amounts (e.g. amounts larger than volume of client's fuel tank); patterns of non-delivery; steering of benefits to favored energy suppliers by staff.

- A. The LAA must monitor all complaints received about energy suppliers. All complaints must be investigated and all follow-up actions must be documented.

- B. The LAA is responsible for collecting documented evidence to support complaints, including, as appropriate
 - 1. Client confirmations
 - 2. Delivery tickets
 - 3. Invoices
 - 4. Home visits
 - 5. Statement of energy supplier or agency staff
- C. The LAA must suspend benefit payments to any energy supplier showing a pattern of non-delivery or against whom documentation of charges has been obtained. The LAA must notify the OHEP State Office immediately of any energy supplier to whom payments have been suspended.
- D. The LAA must request in writing from the energy suppliers (described in section C above) return of all undelivered benefits. The letter must be sent registered mail to the president of the company and request the return of funds immediately. A copy of the letter is sent to the OHEP State Office. If no response is received, a second letter is sent 14 days after the first letter. If no response is received to the second letter, a third letter is sent 14 days from the second letter. If no response is received to the third letter after 14 days, the LAA shall pay the amount of undelivered benefit to an alternative MEAP bulk fuel supplier for the affected client.
- E. In all cases on non-compliance with contractual requirements or suspected fraud, the LAA must immediately notify the OHEP State Office. The State will be responsible for seeking restitution from the energy supplier.
- F. The LAA must maintain a file of all energy supplier fraud cases including all documentation and correspondence issued or received.

IV. Staff Fraud

- A. Description

Employee fraud may include, but is not limited to, the following:

 - 1. Any misrepresentation on an application resulting in a payment to the employee or to a third party;
 - 2. An unauthorized change in a benefit amount that results in personal gain for the employee;
 - 3. Discrepancies in payments that result in personal gain for the employee; or,
 - 4. Other deliberate acts of theft or embezzlement including the acceptance of cash kickbacks by the employee.
- B. The elements of employee fraud are as follows:

1. The employee made a false representation, as detailed above.
2. The representation was made with knowledge that it was false or with reckless indifference to truth such that knowledge of its falsity might be imputed to the employee.
3. The representation was made for the purpose of defrauding the Department.
4. The benefit that was obtained would not have been obtained without the misrepresentation having been made.
5. The Department suffered a loss. The requisite knowledge and intent from nos. 2 and 3 may be implied from the evidence that false information was supplied, that the employee received a benefit attributable to it, or from the employee's conduct.

C. Investigation and Resolution

1. Whenever employee fraud is discovered or suspected, the Director of the LAA shall immediately send a confidential memorandum to the State OHEP Office.
2. The memorandum should describe the alleged fraud and identify the period of time that it allegedly occurred. The LAA must gather, photocopy and attach any evidence of alleged fraud, such as false application, and attach this to the memorandum.

If there are a number of such documents, only one or two need be attached, sufficient to show evidence of possible fraud. If possible, the LAA must indicate dollar amounts received by the employee or a third party as a result of the alleged fraud.

Original documents relating to the case should be maintained in a secured area for control and later review. Nothing is to be changed about the environment in which the alleged fraud occurred such as transfer of employee, cessation of specific duties, etc. Such changes might tip off the suspected employee and hamper the investigation.

3. The OHEP State Office will then send the information to the Department of Human Resources' Office of the Inspector General.
4. The Chief of the Office of the Inspector General shall decide whether the matter should be handled by his division or referred for legal action.
5. Local agency heads should proceed with such matters on an administrative or disciplinary basis only after consulting with the Principal Counsel for the Department of Human Resources and determining that administrative or disciplinary action will not impede any potential criminal investigation or prosecution.

CHAPTER ELEVEN - APPLICATION MANAGEMENT

Chapter 11- Application Management

I. General Policy - Application Management, Record Keeping, Reporting

LAA's are required to manage the processing of applications so that all applications received are treated fairly, timely and within productivity standards established through this operations manual. This chapter outlines record-keeping requirements and procedures for applications and reporting assuring compliance with Federal and State laws and regulations.

II. Policy - Application Management Requirements

Application management begins with the manner of handling applications as they are received and by their assignment to workers in the OHEP unit. Quick data-entry and immediate worker assignment represent two keystone elements of a OHEP supervisor's responsibility to manage the processing of applications in conformance with the productivity standards noted in this chapter.

LAA's have varying management needs depending upon the volume of mail-in applications, in-office interviews, and number of staff. Each LAA are to employ procedures which balance the management of mail-in applications with the needs of applicants in crisis, as well as timely payments to suppliers.

III. Application Management - Background

- A. Although applications are taken from July through June, OHEP operations tend to exhibit seasonal variations. Applicants tend to apply as the weather turns colder and the provision of heat becomes the most immediate need. As a result application intake peaks during the fall months. Applications received by mail dominate the total pool of applications. This is the period when the speed of data entry workers, application follow-up by assigned workers, and fiscal tasks are most important. This is the time when the local manager needs to monitor work activity to avoid backlogs in the processing of applications. The State OHEP monitors local activity with heightened interest during this time period. State OHEP is available to assist in developing plans for eliminating application backlogs.
- B. A well-thought out plan for distributing applications by mail and an understanding of the pace of return of these applications are critical to managing flow and volume. Some of the questions to ask in preparation for the receipt of mail-in applications include:
 - What is the process of receiving and opening mailed applications?
 - How will mail-in applications be assigned to workers for completion?
 - How are large volumes of applications filed to enable quick searching and the avoidance of loss?
 - What is the order of processing?
 - Are workers properly trained and assigned responsibility?
 - Are requests for additional information issued in a timely manner?

Each LAA will have its own application intake curve, with the peak occurring at different times. Effective OHEP managers know how to identify when the peaks occur and develop staffing patterns that meet the need of the peak production period.

If data-entry backlogs occur during the early part of the season that delay the sending of requests for additional information, a backlog of pending applications will result. This

situation will trigger an inordinate number of telephone calls from applicants inquiring about the status of their application. Left unmanaged, pending backlogs can result in delayed payments and increased requests for energy crisis services.

Data-entry demand resulting from mail-ins and early season in-person interviews will decrease and certification (and other functions) will increase. Payment services, utility and energy supplier contacts, energy crisis requests, coordination with other energy service providers, and outreach activities are among the additional functions requiring attention. The supervisor must monitor everything from data-entry to printing and mailing of benefit notices. Tasks become numerous and diverse and require more delegation of responsibility and more diligent monitoring of activities.

Extreme (cold or hot) weather, energy shortages, fuel price fluctuations, local or statewide economic recession, plant closings, etc., can affect the numbers of applications.

IV. Productivity (Processing) Standards for Applications

OHEP program managers can achieve high productivity and timely service with diligent management and attention to the receipt of applications. In order to ensure that applications are processed within program expectations, the following standards and practices are to be implemented by each LAA.

A. Data Entry

Applications are to be entered into the OHEP computer database within five (5) working days of receipt of the application. This recognizes the fact that application transactions can be more easily tracked and monitored once in the database.

If data entry of applications extends beyond the five-day period and where service to applicants suffers, State OHEP will request the LAA to develop a plan of action to reduce the level of data entry backlog to the five-day standard.

B. Pending Applications

It is the policy of OHEP that applications requiring additional information before the application can be completed must request that information from the applicant prior to approving the application for payment except if a “crisis” situation exists.

Requests for additional information are made within five (5) days of receipt of the application for applications received by mail.

For walk-in/appointment interviews the additional client information request must be given at the time of the interview.

There are four types of information that may result in an application being in Pending status.

1. Applicant information

Once applicant information has been requested, the applicant has fifteen (15) days from receipt of the letter request to submit the information. If the information is not received, the application is marked as denied. If the information is received within fifteen (15) days of receipt of the denial notice the record can be re-instated and completed. Any information received after fifteen (15) days from receipt of the denial notice must be the subject of a new application. This means that new income information must be supplied from the previous thirty (30) days.

2. Utility supplier furnished information (annual usage, arrearage amount)

An application shall not be denied due to utility supplied information not being timely.

3. Landlord information – Landlord Agreement

An application shall not be denied due to landlord supplied information not being timely.

4. Worker information – Data entry elements

An application shall not be denied due to worker information not being timely.

All applications in pending status over thirty (30) days must be documented in the record as to why the application is still pending. LAA OHEP supervisors must review, weekly, the aging of pending applications. If sufficient information is available to deny an application, it must be denied in order to remove it from pending status. It is the responsibility of the LAA OHEP supervisor to assure that all possible actions are taken to remove applications from pending status as quickly as possible.

Upon notification by DHR/OHEP that an LAA's pending applications reach **150%** of the statewide percentage of pending (number of pending applications divided by the total number of applications entered in the system), the LAA will be requested to develop a plan of action to reduce the pending backlog.

- C. Certification

Certification for eligibility is to be completed within ten (10) working days from the time the application's information is complete and the record is in Awaiting status.

- D. Denial Action

A denial letter must be sent to each denied applicant household within seven (7) calendar days of the date of denial.

- E. Payments

Payments to energy suppliers are to be processed at least **weekly**. See the chapter on Payments for detailed information. The payment process requires that all certified applications be assigned to Energy Delivery Statements (EDS) for the appropriate supplier. Processing of checks associated with the EDS is to be completed one working day from the generation of the EDS.

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F. Benefit Notices

Household benefit notices must be mailed within ten (10) days after payments are made to energy suppliers, unless there are extenuating circumstances and a written request for a waiver is made to the State OHEP.

V. Review of Productivity

The State OHEP reviews statistical data from the workload report and other reports to assess local production activities and to assess where resources need to be assigned to achieve efficient customer service and timely service standards.

The standards will be monitored each week through report generation and during scheduled monitoring visits by the State OHEP. When variances are identified with the above standards or where local productivity in comparison to statewide averages for applications to be entered, pending applications, certified-to-date, and payments-to-date, are substantial, the local agencies will be contacted directly to assess the problem. A follow-up letter requesting comment and/or corrective action plans may be necessary. Responses from the LAAs will be reviewed and filed for use of auditors.

When a LAA identifies a productivity problem, the LAA is encouraged to ask the State OHEP for technical assistance.

VI. Policy - Programmatic Recordkeeping Requirements

LAAs are expected to implement and maintain records in accordance with record keeping procedures outlined below or in other sections of this manual.

A. Logs

LAA's are required to maintain various logs as indicated on the List of Logs. These logs should be readily accessible for review upon request. Logs designated as a computer report need not be kept manually.

Table 11-1. List of Logs

NAME OF LOG (Type of log)	RECORDING SEQUENCE	PRINCIPLE INFORMATION RECORDED
Outreach Log (Excel Document) See Appendix B	Chronologically, by outreach schedule.	Documentation of activities conducted. Use format provided.
Application Log (Computer Report)	Chronologically, by date of application.	Document Control Number (SSN), applicant name, and date of application.
Certification Log (Computer Report)	Chronologically, by date certified.	Document Control Number (SSN), applicant name, date

NAME OF LOG (Type of log)	RECORDING SEQUENCE	PRINCIPLE INFORMATION RECORDED
		certified.
Denial Log (Computer Report)	Chronologically, by date certified.	Document Control Number (SSN), social security number, applicant name, and reason for denial.
Crisis Application Log (Computer Report)	Chronologically by date of application	Document Control Number (SSN), applicant name, and date of crisis application.
Complaint Log (Manual or Word Document)	Chronologically, by date complaint is received.	Applicant (complainant) name, nature of complaint, date received, actions taken.
Landlord List (Computer Report)	Alphabetically by last name of Landlord.	Complete Landlord name and name of tenant.
Hearing Log (Manual or Word Document)	Chronologically by date of hearing request.	Applicant name, date of hearing request, date of hearing, date of decision. Same information is recorded for State hearing requests.

VII. Forms Distribution and Control

Prior to the start of the program, LAAs will receive a supply of energy assistance applications and brochures based on request. OHEP will ask for your request by the end of March each year. LAAs are required to establish internal procedures for control of State generated forms. LAAs need to request additional forms approximately 4 weeks prior to exhausting their supply. Forms must be requested via telephone, written or e-mailed request for OHEP forms.

VIII. Individual Case File Format

Documentation of an applicant's request for assistance is key to providing the proper service to the applicant. A standardized format is required to be followed for the documentation received from the applicant. In addition to standard forms, all written correspondence, verbal contact, or phone calls made to and received from applicants shall be placed or documented in the file. The format required for the file is as follows:

OHEP CASE FILE FORMAT

When file opens, the order of documents beginning with the top (first) should be in the following sequence:

1. Benefit Notice or Denial Letter
2. Application Form
3. All income documents with dates and dollar amounts that are used on the application circled.
4. Request for Additional Information
5. Proxy Authorization
6. Copy of utility bill, statement or termination notice or bulk fuel bill or account number and fuel type
7. Housing information
 - a. Landlord documents with energy supplier number
 - b. proof of subsidized housing or roomer/boarder
8. Copies of Social Security Cards
9. Proof of Identity
10. Proof of Residence
11. Documents relating to immigration status

OHEP CASE FILE FORMAT (When Agency uses double binder manila folders)

Side 1 (left) from top down

1. Request for Additional Information
2. Proxy Authorization
3. Housing information
 - a. Fuel type and account number
 - b. Landlord documents with energy supplier number
 - c. proof of subsidized housing or roomer/boarder
4. Copies of Social Security Cards
5. Proof of Identity
6. Proof of Residence
7. Documents relating to immigration status

Side 2 (right) From top down

1. Benefit Notice or Denial Letter
2. Application Form
3. All income documents with dates and dollar amounts that are used on the application circled.
4. Copy of utility bill, statement or termination notice or bulk fuel bill or account number and fuel type

These are the formats that OHEP monitors will be looking for during monitoring visits.

IX. Case Filing System

The recommended method of filing individual applicant files is to organize the filing system by the status of application. The table below outlines how to organize the filing system. This is only a recommended system. Each LAA has the flexibility to institute its own system of filing to effectively meets its own management needs as well as State requirements. While this system does require moving files from one area to another, it effectively lets one know where files are in the application process.

Table 11-2. Case Filing System and Contents

FILE	FILING SEQUENCE	FILE CONTENTS
INFORMATION PENDING CLIENT FILE	Date of Information Request, by client last name (if helpful)	Consists of pending applications. The status of the application is Pending or Hold. Request for Additional Information form followed by the case file format above.
CERTIFICATION AWAITING CLIENT FILE	By date of completion and alphabetically	Applications, with the required information for certification, but not certified. The status of the application is Awaiting. Follow the case file format above.
BENEFIT PENDING FILE	Optional by energy supplier, date completed, or alphabetically by client last name	Applications that are certified but benefit payment has not been made. An EDS may or may not have been issued. Applications that are partial payment issuance are included in this file. The status of the application is Certified or E for EDS (EDS) issued. The EDS is then in an Open status. Follow the case file format above.
COMPLETED CLIENT FILE WITH PAID BENEFIT	Alphabetically by client last name	Applications for which the entire benefit is expended. The status is designated as EDS Sent with the EDS record designated as Transmittal or Paid. Benefit payment notification (letter) followed by the case file format above.
DENIED CLIENT FILE	Alphabetically by client last name	Applications that are denied. The status of the application is Denied. Denial Letter and fair hearing information, if applicable, followed by case file format above.

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XI. Policy - Reporting Requirements

Reports provided to the State OHEP are an integral part of effectively planning, implementing and managing MEAP and EUSP. Through agreement or contract, specific reports or deliverables are required by State OHEP. The table below summarizes those reports. All records and reports shall be kept up-to-date and be made available as scheduled below or upon request. All reports are submitted to State OHEP unless otherwise specified.

Table 11-3. OHEP Required Reports From LAA

REPORT NAME	FREQUENCY & DUE DATES	HOW REPORT IS PREPARED	PURPOSE
Administrative Expenditures	Monthly, by 15 th day of the month following the report month.	Either by computer (preferred) or manually. (See Chapter Seven, page)	Track administrative expenditures and allocations.
Benefit Expenditures	Monthly, by 15 th day of the month following the report month to OHEP State Office.	Either by computer (preferred) or manually. (See Chapter Eight, page)	Track Benefit expenditures and allocations.
Annual Budget Update	Annually, by July 15 th .	Manually (See Chapter Seven)	Updates line items in budget if necessary.
Budget Revision Request	As needed throughout contract year to OHEP State Office.	Manually (See Chapter Seven, page)	Requests for line item changes or additional funds.
Incidents of Fraud	As needed to OHEP State Office.	Manually (See Chapter Ten)	Reports suspected client, supplier or staff fraud to DHR.
Audit Report	Annually, Due 1 st Monday in June.	Prepared by LAA auditor or DHR internal auditors for all LDSS.	Reports auditor's findings on use of OHEP grant funds.
Outreach Plan	Annually, due August 15	Narrative, outline, or chart.	Specifies outreach activities planned throughout the year. Approximate schedule is outlined.
Energy Crisis Plan	Annually, due September	Outline procedures	Resource document

REPORT NAME	FREQUENCY & DUE DATES	HOW REPORT IS PREPARED	PURPOSE
	15	and provide contact information	for procedures for handling crisis situations including times in which the agency is closed.
Monitoring Operational Readiness	Report form is mailed at beginning of June. Due date is June 30.	Completed by LAA OHEP director (See Chapter Thirteen)	Summarizes LAAs preparations to administer current program.
Monitoring Administration & Applications	Annually as scheduled by State OHEP staff. Conducted on site by State OHEP staff.	Prepared during visit by DHR/OHEP Monitors reviewing compliance with manual.(See Chapter Thirteen)	Administrative review and sampling of applications.
Monitoring Closeout Record	Due 3 rd Monday of June, July, and August of each year.	Manually by LAA OHEP director. (See annual closeout instructions).	Official record of the completion of closeout requirements for auditors.
Energy Assistance Providers	Annually, as requested by State OHEP, usually in June, on date specified in closeout instructions.	Manually by LAA OHEP director. (See annual closeout instructions).	Listing of all need based energy assistance providers in LAA jurisdiction.
Fuel Consumption Survey	Annually, due 2 nd Wednesday in June.	By LAA OHEP director using survey forms for non-utility suppliers. (See annual closeout instructions).	Survey compiles data to arrive at average home heating costs for previous winter. Used in developing benefit tables.
Delinquent Suppliers	Annually, due 1 st Monday in June.	Manually by LAA OHEP director. (See annual closeout instructions).	Lists suppliers that did not return EDRs and/or benefit funds.
Shelter Report	Annually, due May 30.	Manually by LAA OHEP director (See closeout instructions).	Information about grants paid to homeless and battered spouse

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REPORT NAME	FREQUENCY & DUE DATES	HOW REPORT IS PREPARED	PURPOSE
			shelters.

LAAAs are encouraged to become familiar with all of these reports and other reports available from the OHEP Data System for help in making management decisions on a daily basis.

XIVII. Closeout Record

State OHEP requires that a Closeout Record be maintained during the process of closing out the program year. It lists each task to be completed and provides space for the actual date completed, sign-off by the local OHEP director and explanatory comment in the event problems may have prevented completion of the task by the specified deadline. Forward the Closeout Record to the State OHEP on **the date specified in the closeout instructions**. This document is viewed as a management and planning tool for the OHEP program. Note any waivers requested in the designated column. Auditors require that this form be completed with signatures and dates as required. Failure to adhere to this audit requirement is counted as an audit exception for the non-complying LAA.

XIII. Fuel Consumption Survey

The Fuel Consumption Survey collects data to determine the average home heating cost for the previous heating season. The State OHEP Office sends the survey forms to the LAAs for non-utility energy suppliers by **the date specified in the closeout instructions**. Each LAA completes the survey form by visiting the selected supplier(s) and collecting the requested data. The State OHEP collects data from the utilities. It is important that the information is accurate. Send the completed survey to the OHEP State Office before **the date specified in the closeout instructions**.

The consumption report is a major requirement for updating the benefit matrix so accuracy and completeness is important.

XIV. Submission of Audits

All scheduled audit reports are due by **the date specified in the closeout instructions**. State OHEP is required to complete an audit status report in mid-June. **IMPORTANT REMINDER** - Resolve all audit exceptions and questions prior to sending the audit report to the State office. If resolution of audit issues require the return of funds, please send the funds with the reports. If you need assistance with audit issues, please notify the State OHEP Office. Notify the State OHEP immediately if your agency **cannot** provide the audit report by **the date specified in the closeout instructions**. NOTE: LAAs at LDSS offices are exempt from this due to the arrangements for conduct of audits required by DHR for LDSSs.

XVII. Final Benefit Fiscal Report

The Final Benefit Expenditure report is due to the State OHEP on **the date specified in the closeout instructions**. This deadline is strict. No waivers will be given. Include a check for any benefit funds due to be returned. Submission of the Final Benefit Expenditure Report indicates that the agency's records are reconciled to the expenditures reported. This means that all fiscal information is recorded in all the applicable and

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appropriate places, including, but not limited to, the OHEP database, agency ledgers and check registers, expenditure reports and workload reports.

- A. Prior to submission of the Final Benefit Fiscal Report, reconciliation between the computer-generated figures and the fiscal office accounting numbers should be completed. Reconciliation is the process of testing to see if all records are accurate and finding mistakes that need to be corrected. Please pay close attention to the information and suggestions below to increase the accuracy of your closeout documents.
- B. The amounts appearing on the Workload Report should be compared to your fiscal office records. Line 12 is the Gross expenditure with the discount already taken off. Canceled checks are included in the total. It should reconcile to the check register. Line 13 is the total amount of grants returned to the LAA and entered. Line 14 is the amount of canceled checks. Line 16 is the net expenditures, or, line 12 minus line 13 minus line 14. These amounts should reconcile with the fiscal office information.
- C. Have manual checks been issued from the benefit account? In general, no manual checks should be issued other than for shelters. If the answer is yes, the total amount of manual checks is included in the Closeout Reconciliation Worksheet below. Other than shelter payments, manual payments were to be authorized on a case by case basis from the OHEP State Office. If manual benefit checks were issued other than for shelters, provide a list of the payments and the circumstances describing why such a payment was necessary.
- D. Is the monthly bank reconciliation current? Any errors in a manual ledger sheet cannot be found until the bank statement is reconciled with the canceled checks.
- E. Are all the Energy Delivery Record reports returned from all energy suppliers and are they accompanied by benefit funds to be returned from undelivered balances? Are all the refund amounts entered on the computer?
- F. Use the following work sheet after all payments have been made to assure accuracy of reported benefit expenditures.

If the resolution of any differences between the computer benefit expenditure information and the agencies' manual fiscal ledgers cannot be reconciled, please inform the OHEP State Office in writing. This is necessary to explain or avoid audit exceptions.

Table 11-4. Closeout Reconciliation Worksheet

From Workload Report:	
1. Benefit expenditures Line 12	\$
2. Minus grants returned Line 13	\$
3. Canceled checks Line 14	\$
4. Net expenditures Line 16	\$
5. Shelter grants & other manual checks	\$

Chapter 11- Application Management

6. Total expenditures (lines 4 + 5)	\$
7. Expenditures from Monthly Report	\$
8. Difference from Workload Report (Line 6 - Line 7)	\$
9. Amount of benefit funds received from DHR	\$
10. Benefit Funds to be Returned Line 9 minus Line 6	\$

XVIII. Administrative Closeout

Read the appropriate instructions below regarding unexpended funds. Send your final administrative fiscal report to the OHEP State Office by **the date specified in the closeout instructions**. Mark the report "FINAL" for the appropriate fiscal year ending June 30.

A. Local Departments of Social Services

Local Departments of Social Services are not to return unexpended funds to the State Office. They must credit the account from which these funds were originally drawn. Departments are reminded that no funds may be obligated beyond 30 days after expiration of the current fiscal year. Waivers may be granted on an individual basis with prior written approval of the State OHEP Director.

B. All Other Local Administering Agencies

Unexpended funds are returned by check **WITH THE FINAL REPORT**. The amount of the check is shown as a negative amount on the "Current Month's Cash Receipts from "DHR" line in the cash section of the report. The returned check is not recorded as expenditure as it represents the return of monies advanced, rather than an expense. The check is made payable to the **Department of Human Resources** and mailed to the OHEP State Office.

The contract requires that "no funds will be obligated beyond 30 days after expiration of the current fiscal year of the contract. After expiration of 30 days of the applicable fiscal year all accounts are to be closed and a final report is due along with unexpended funds. Waivers may be granted on an individual basis with written approval of the State OHEP Director. It is **absolutely necessary to obligate funds by the deadline on the schedule**. LAAs must also comply with the documentation required for expenditures. The obligations shall be paid by the time the closeout report is submitted. Long held invoices do not comply with State payment requirements and are subject to audit exceptions for disallowed costs. If appropriate, these excepted costs will be strongly supported by the OHEP State Office.

XVII. Report on Delinquent Energy Suppliers

To assure timely closeout, it is important that the OHEP State Office be aware of EDR's and/or grants scheduled for return that have not been returned. LAA's shall notify the OHEP State Office by **the date specified in the closeout instructions** of any energy supplier's that have not fulfilled this obligation. **Fax** or e-mail the list of delinquent energy suppliers to State OHEP (OHEP fax phone number is (410) 333-0079).

XVIII. Certification of Energy Assistance Providers

LAAAs are required to maintain a current listing of all energy assistance providers in their service areas. LAAAs must communicate with each organization and determine whether the assistance provided is based on need. Upon request, LAAAs are required to submit to the State a complete list of all energy assistance providers who offer assistance based on need.

The certification of energy assistance providers is an on-going process. As an LAA is aware of any new energy assistance providers in the area, the provider should be sent a certification letter. The LAAAs should submit any new certifications to OHEP.

XIX. Shelter Report

On or before the **date specified in the closeout instructions** submit to the OHEP State Office the following data on assistance to Shelters.

- A. Number of shelters within your county. If your agency serves multiple counties, submit a report for each county;
- B. A copy of the Shelter Operator's Application Form (page) for each shelter;
- C. A copy of the Shelter Heating Cost Documentation Form (page) for each shelter; and
- D. A summary sheet of the number of residents (head of households) and individuals served by each shelter, service period, total of shelter's heating cost and the amount of the shelter's benefit (page).
- E. Do **NOT** send copies of the "Shelter Resident Information" form. These documents are to be maintained by the LAA.

If your LAA did not serve shelters this year, indicate "none" on the attached form and return to the OHEP State Office.

XXII. Family Energy Services

- A. Policy

Assurance 16 of the 1994 LIHEAP Reauthorization Amendments, Section 2605 (b)(3), allows State Energy Assistance programs to "...provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling and assistance with energy vendors of the LIHEAP."

Maryland's program, Family Energy Services (**FES**), consists of case management services provided by OHEP local administering agency staff to enable families to maximize their use of the OHEP MEAP benefit under the provisions of the LIHEAP amendments. It offers a service that encourages and enables Maryland low-income households to reduce their energy needs

through needs assessments, counseling and assistance with energy vendors to promote self-sufficiency.

LAAs are required to document the provision of this type of services to OHEP applicants either through the use of DHR/OHEP Form found on page or the OHEP Data Management System. Instructions for recording the information on the computer are presented below.

B. Purpose

Services provided under Assurance 16 are eligible for reimbursement from benefit funds instead of administrative funds. The purpose of documenting activities rendered through FES is to demonstrate that clients received a benefit in terms of reducing their energy needs through the provision of these activities. FES have been identified as appropriate activities that on their own serve as benefits. If FES are to be counted as benefits, however, they need to be reported separately from OHEP monetary benefit-related activities and regularly provided as counts of the number of units of service to the OHEP DHR staff.

C. Allowable Services

Services that may be counted include those that are not directly required to deliver the OHEP benefit itself, including crisis benefits, to an energy supplier. OHEP has established three categories of services. Listed below are the services that can be documented.

1. ASSISTANCE WITH ENERGY SUPPLIERS BY ARRANGING

- a. Extension Due Date for Utility Bill Payment
- b. Reconnection of Utility Energy Service
- c. Enrollment in USPP
- d. Enrollment in BGE's CAMP
- e. Special Fuel Delivery
- f. To Start Furnace By Energy Supplier
- g. For Emergency Furnace Repair
- h. For Alternative Home Heating
- i. Other (describe)

2. REFERRED BECAUSE OHEP GRANTS ARE INSUFFICIENT TO:

- a. Fuel Fund
- b. EAFC
- c. Shelter
- d. Weatherization
- e. Community Sources
- f. Other (describe)

3. COUNSELED HOUSEHOLD TO OBTAIN

- a. Earned Income Tax for Energy Costs
- b. Renter's Tax Credit for Energy Costs

- c. Information on Conservation
- d. Other

D. FES Eligibility

Eligibility for FES is the same as for all other OHEP applicants. Procedures for managing applications apply equally to both regular and crisis components of the program. There are no special restrictions or conditions.

E. LAA Documentation Requirements for FES

LAAs are required to document the provision of Family Energy Services through the completion of the FES screen in the OHEP Data Management System. The screen is completed for each service. If the OHEP computers is not available, LAA's should complete the FES form for each service occurrence.

1. Data Entry on OHEP Software

The FES screen is located on the fourth screen within each application form.

2. Manual Procedures

- a. The process begins with the mail application process and ends with the return of the Energy Delivery Record from suppliers.
- b. The Family Record form must be filled out for all OHEP eligible households who receive the services listed on this form.
- c. Each intervention to a family constitutes a provision of service. More than one intervention qualifies as an additional record of services provided. At the end of the year, all units of service provided and households served will be aggregated and reported to the Federal Government.
- d. Each LAA has the opportunity to modify the procedures for Family Energy Service. If the LAA chooses to make any changes, these modifications must be submitted to the State Office for approval.

F. Reporting Requirements

The State OHEP Office generates and prepares FES reports required for submission to the Federal government.

CHAPTER TWELVE - ENERGY SUPPLIERS

Chapter 12 – Energy Suppliers

I. Policy

- A. In order to participate and to receive payments on behalf of customers, energy suppliers must enter into an agreement with the Office of Home Energy Programs (OHEP) that specifies the requirements of participation.
- B. OHEP is responsible for preparing and executing agreements with energy suppliers.
- C. OHEP is responsible for maintaining a database of energy suppliers in the OHEP Data Management System.
- D. As part of its responsibility for the administration of MEAP, OHEP certifies that it is in compliance with Public Law 97-35, Section 2605(b)(7); 42 U.S.C. 8624(b)(7) 1995 Revision, which states if the grantee chooses to pay home energy suppliers directly, procedures must be established to (1) notify recipient households of the amount of assistance paid on their behalf; (2) assure that the home energy supplier will charge the household, in the normal billing process, the difference between the actual costs of the energy supplied and the amount of the payment by the grantee; (3) assure that no household will be treated adversely because of the assistance; and (4) ensure that the home energy supplier does not discriminate against the eligible household.
- E. Energy suppliers are subject to the requirements of the Energy Supplier Agreement and the procedures described in the Energy Supplier Manual.

II. Procedures – Energy Supplier Participation

- A. Any energy supplier providing service within the State of Maryland may participate in the programs offered by OHEP subject to the requirements of the Energy Supplier Agreement.
- B. Upon request to participate, the energy supplier is sent the Energy Supplier Participation Package. The following items comprise the Package:
 - 1. Cover Letter
 - 2. Instructions
 - 3. Energy Supplier Agreement
 - 4. Contract Affidavit
 - 5. Wood and Coal Information Form (Wood and Coal Suppliers only)
 - 6. Energy Supplier Information Form
 - 7. Energy Supplier Manual

These forms are obtained by contacting State OHEP at 410-767-7218. The supplier is to complete the following documents and submit them to State OHEP.

LAAAs upon becoming aware of an energy supplier that is not participating and is interested in doing so should forward the company name, contact person, address and phone number of the company to State OHEP.

- C. Upon return of the completed energy supplier agreement and information, the Executive Director of the Community Services Administration signs the agreement. State OHEP then enters the

Chapter 12 – Energy Suppliers

supplier information in the OHEP Data Management System. A copy of the signed agreement is returned to the supplier.

- D. Once the supplier is activated in the Data Management System, payments may be issued to that company.

III. Procedures – Non-Participating Energy Suppliers

- A. Upon receipt of an application that designates an energy supplier that is not a current approved supplier, the LAA is to:
 - 1. Contact the energy supplier and request that they apply to participate in the program; or
 - 2. Request the applicant to select from among the approved suppliers delivering within the jurisdiction; or
 - 3. Designate the benefit to be issued as a direct payment to the applicant. This option is selected only if no other remedy is available. Contact State OHEP for approval of direct payments to applicants.

IV. Energy Supplier Requirements

To participate in OHEP, energy suppliers are required to:

- A. Complete the required forms and be approved by the State OHEP.
- B. Apply benefit payments received from the LAA to the customers designated on the Energy Delivery Statement (EDS) on a timely basis.
- C. Upon receipt from the LAA, complete and return the Energy Delivery Record (EDR) on deliveries made to eligible OHEP customers. The EDR is a report containing the following information for a designated period (usually the full program year):
 - 1. Energy Supplier name and supplier number;
 - 2. Customer names, address, and account number;
 - 4. The type of fuel provided;
 - 5. The amount of the benefit;
 - 6. The amount of the benefit remitted;
 - 7. *To be completed by the supplier:* Total cost of the fuel delivered;
 - 8. *To be completed by the supplier:* Any customer payments made during heating season;

Chapter 12 – Energy Suppliers

9. *To be completed by the supplier:* Any refund to be returned to the State as a result of the inability to deliver the full benefit amount.
- D. Be available for monitoring by State or designated personnel who will routinely visit energy suppliers in each jurisdiction to assure that OHEP clients have received the full amount reported by the energy supplier. The energy supplier must have available for review the following records.
 1. Records of benefit check receipts.
 2. Invoices for fuel delivery/delivery tickets.
 3. Customer transaction records.

The monitor checks to determine if the delivery was made within a reasonable time after the benefit credit was received. Calculations and computations are reviewed.

- E. Monitor utility companies to assure compliance with the Public Service Commission regulations regarding the Utility Service Protection Program (USPP). OHEP applicants who participate in USPP are offered protection from winter terminations by setting up minimum monthly payments year round. This payment is based on the client's monthly fuel consumption for the previous year minus the OHEP benefit divided by 12. As stipulated in the USPP regulations, utilities must provide, to the LAA's, a copy of each affidavit filed with the Public Service Commission for the termination of service to any OHEP participant

V. Procedures – Payments

- A. LAA's issue MEAP benefit payments to non-utility energy suppliers after certification of applications and creation of an EDS for the designated energy supplier.
- B. State OHEP issues both MEAP and EUSP benefit payments to all utility companies regulated under the Maryland Public Service Commission.
- C. All benefit payment checks issued **must** have a corresponding EDS to assure a proper audit trail. This includes payments issued to Landlords and Direct Payments.
- D. Benefit payments are issued in advance of fuel delivery by agreement unless there is sufficient reason to pay upon invoice.
- E. Energy suppliers are to credit the customer account with the dollar amount of fuel delivered. Undelivered benefits are subject to return to OHEP at the end of the program year.
- F. In the event the applicant changes energy supplier before the benefit is completely used, the application is re-certified for the new supplier and fuel type, if applicable. The LAA is to contact the original energy supplier to determine if the benefit was delivered. Any benefit already delivered is deducted from the re-certified benefit amount. Undelivered benefits are to be returned to the LAA by the original supplier. The LAA is to enter any benefit amount returned as not being delivered on the EDS in the HEATS. The LAA is to assign a new EDS and edit the

EDS with any amount delivered. HEATS calculates the balance of the benefit remaining and to be remitted to the new supplier.

VI. Procedures – Other Issues

- A. The energy supplier's primary contact with OHEP is the LAA. The LAA is to be available to answer questions and handle all problems relating to the issuance of benefits, service problems, customer complaints and all matters concerning program operations.
- B. To assure that the program serves eligible households in an efficient and equitable manner, it is important that the energy supplier cooperates fully with the LAA in the operations of the program. An energy supplier, in many instances, is more familiar with a household's situation than the LAA. Whenever possible, the energy supplier should provide the LAA with information concerning the following:
 - 1. Suspected ineligible households;
 - 2. Duplicate applications by the same individual;
 - 3. When more than one eligible benefit is delivered to the same fuel tank or account number;
 - 4. Applicants whose heating situation does not qualify as a crisis;
 - 5. OHEP customers who are no longer being served by the energy supplier. Any undelivered benefits for those households are to be returned to the LAA;
 - 6. Potential OHEP households; and,
 - 7. Households who have an energy crisis.

CHAPTER THIRTEEN - MONITORING PROGRAM COMPLIANCE FOR FEDERAL, STATE, AND MANUAL REQUIREMENTS

Chapter 13 – Monitoring

I. Introduction

Monitoring is the process by which State OHEP periodically reviews the implementation of regulations, policies and procedures as set forth in COMAR, the Operations Manual, and transmittals issued by the OHEP office. It, also, is used to assess the fulfillment of contractual obligations.

The purpose of monitoring is:

- To assure implementation and adherence to regulations, policies and procedures as promulgated by State OHEP.
- To fulfill the requirement of the Federal Block Grant for Low Income Home Energy Assistance (Public Law 97-35, sec. 2605(b10)) for a regular review of all local administering agencies' (LAA) program operations.
- To protect applicant's rights and insure good public service.
- To identify potential programmatic or procedural issues that may require revised policies.
- To prevent future audit issues.

These monitoring visits are an opportunity to help local agency staff assess program operation procedures. State program management can learn about local problems with the Operation Manual procedures. Sometimes these visits lead to program clarification of operation procedures. During the year of the visit, changes in procedure replace the old ones by means of special additions to the Operations Manual called "Transmittals".

II. Procedures

- A. A monitoring staff person contacts an LAA or energy supplier to schedule an appointment for an on-site visit. In the case of an LAA, the person contacted is the OHEP director or coordinator. It is the responsibility of the local OHEP director to inform other pertinent agency personnel of the visit.
- B. A letter confirming the date and purpose of the visit is sent along with a copy of the monitoring tool.
- C. The visit will consist of an initial entrance meeting with the OHEP director and appropriate staff explaining the purpose of the visit and what can be expected.
- D. State OHEP monitoring staff will conduct the specific monitoring interview and review records randomly selected as appropriate. A sample of the local agency files are reviewed in each stage of application processing: pending, certified, paid, denied, and crisis.
- E. After completion of the interview and record review the monitoring staff shall conduct an exit conference with the OHEP director and other pertinent staff. It is recommended that the agency director be present at the exit conference. During the exit conference the monitoring staff will identify findings and suggest strategies for corrective action if problems are found. A copy of the monitoring visit report is left with the LAA at the completion of the visit.
- F. The state office will send a follow-up letter summarizing the visit findings and suggesting corrective actions the local agency must do to correct any findings that did not meet standards or

requirements. If the findings warrant, a written corrective action plan will be requested of the local agency. Additional follow-up may be required to assure implementation of the corrective action plan.

- G. The State OHEP Office maintains a record of correspondence, interviews and any documentation from the field review.

III. Other Reviews and Audits

Periodically, the Office of Home Energy Programs is subject to audits or program reviews by other organizations. This section summarizes those reviews. All LAA's are to cooperate fully with these reviews or audits.

Legislative Audits

Every three years the Office of Legislative Audits conducts a Legislative Audit of each program. Generally, the focus of these audits is proper expenditure and accounting for funds. The legislative auditors select a sample of agencies for review.

Single Audit

The Single Audit reviews fiscal and program compliance of all Federal programs. A private accounting firm on contract to the State conducts this audit. LAA's are contacted prior to a visit from this auditor.

Federal Program Compliance Review

Approximately once every ten years the U.S. Department of Health and Human Services, Office of Community Services, Division of Energy Assistance conducts a Program Compliance review. HHS selects a sample of agencies for review.

APPENDIX A - APPLICANT FORMS

ENERGY ASSISTANCE APPLICATION**MARYLAND OFFICE OF HOME ENERGY PROGRAMS**

Enter number choices in spaces provided.

Do not write in shaded areas.

Complete all fields unless specifically instructed otherwise.

Item #	Item Name	Instructions
1	Social Security Number	Enter the nine (9) digit Social Security Number of the applicant if not entered above. The computer performs an automatic search of the previous and current year's applications. If found, a message displays on the screen.
	Name	Enter the applicant's first name, middle initial and last name. Data entry note: Check the name on the utility bill for spelling and middle initial.
	Mailing address	Enter mailing address – street number, street name <u>and</u> apartment # if applicable. Enter PO Box if applicable. Data entry note: Abbreviate Rd, Ave, etc.
	City, State, Zip	Enter city, state and zip code. Enter the zip +4 if known.
	Home Phone number	Enter the home phone number including area code.
	Other phone number	Enter other phone numbers and designate as cell, work, friend or relative.
	Street address	If the street address is different than your mailing address enter the street number, street name, city and zip code.
	Type of home: Apartment of Multifamily Double, Row or Townhouse Single Family Home Single family row or townhouse Mobile Home	Select appropriate choice.
	Living arrangement: Homeowner Renter Live in Public or Section 8 Subsidized Housing Roomer/Boarder Renter with Heat Included	Select appropriate choice. Selection of subsidized housing or section 8 will affect benefit amount.
11	Do you receive reduced rent through help from HUD or subsidized housing (Section 8)? Yes No	Select appropriate choice.

Item #	Item Name	Instructions
2	Is heat included in the rent? Yes No	Select appropriate choice. If subsidized housing is selected and heat is included in rent, MEAP is denied. If an electric account exists, applicant is eligible for EUSP.
		Data entry note: Landlord name may be searched for by entering the Federal Identification number or social security number of the landlord.
	Landlord's Name/Apartment Complex	Enter only if heat is included in the rent.
	Landlord's Mailing address	Enter only if heat is included in the rent.
	City, State, Zip	Enter only if heat is included in the rent.
	Landlord's Phone number	Enter only if heat is included in the rent.
3	HOUSEHOLD DATA Total number of household members	Data entry note: Some applicant data is automatically entered. Enter the total number of persons in the household. Data entry note: This number is automatically calculated.
	First and Last Name	Enter the first and last name of each member of the household.
	Social Security Number	Enter the social security number of the corresponding member of the household. Data entry note: If not available, enter all zeros to create a pseudo SSN.
	Birth date	Enter the birth date of each corresponding household member. Data entry note: Age is automatically calculated.
	Relation to Applicant Applicant Alien Spouse Child Relative Other	Select appropriate choice. Data entry note: Select from drop-down list. Selecting Alien causes the income to be counted but not the person in determining benefits.
	Sex Male Female	Select appropriate choice.
	Race Code African American White Hispanic Asian or Pacific Islander Native American or Alaskan Native Multi-racial Other	Select appropriate choice.
	Are you an American Citizen? Yes	Select appropriate choice.

Item #	Item Name	Instructions
	No	
	Are you disabled? Yes No	Select appropriate choice.
	List all types of income Employment Unemployment TCA Other Public Assistance Social Security SSI VA/Pension Zero Income	Documentation is to accompany all types listed. Data entry note: Select from drop-down list.
	30-day Gross Income	Total income for each household member. Data entry note: Enter each income source individually from the drop-down list. Enter the amount. Select Yes if proof of income is provided, otherwise No. Income is automatically totaled.
4	My electric company is	Enter the name of the electric company. Data entry note: A drop down list is provided.
	Account number	Enter the account number as it appears on the bill. Data entry note: For some utilities a “check digit routine” reviews the account number entered to verify it is the right format and potentially valid number.
	Name on account	Enter the name on the account.
	I have a turn-off notice from this company: Yes No	Select appropriate choice.
	My service is turned off now: Yes No	Select appropriate choice.
	USPP participation Yes No	Select appropriate choice.
	If you have selected and alternate electric supplier, list the name here.	If an electric supplier other than a regulated utility is selected, enter the name of the company. Data entry note: There is no data entry option available for this information.
5	Main heating source for your home Electricity Natural Gas Propane Oil Kerosene Coal	Select appropriate choice.

Item #	Item Name	Instructions
	Wood Non-fuel purpose	
	My heat supplier or fuel Company is:	Enter the name of the fuel supplier. Data entry note: A drop down list is provided.
	Account number	Enter the account number of the customer it exists.
	UTILITY GAS CUSTOMERS ONLY	
	I have a turn-off notice from this company: Yes No	Select appropriate choice.
	My service is turned off now: Yes No	Select appropriate choice.
	USPP participation Yes No	Select appropriate choice.
	If you have selected and alternate electric supplier, list he name here.	If an electric supplier other than a regulated utility is selected, enter the name of the company. Data entry note: There is no data entry option available for this information.
6	Other information	
a.	Do you wish to be referred to the Weatherization Program? Yes No	Select appropriate choice.
b.	If you do not want to enroll in a specific program, please indication program and reasons below: MEAP EUSP Reason	Applicant must indicate a reason if a program is de-selected. Data entry note: There is no data entry option available for this information.
7	The applicant must sign this application before it can be processed.	The applicant must sign and date the application. The date of signature is the date of application.
	OFFICE USE ONLY	
	County	Enter Agency Code
	Center	Enter Number of Intake Center. Enter 88 or assigned code for Mail application.
	Date Received	Enter the date the client the application is received in the OHEP office.
	Intake Worker	Enter Worker ID Code Number or signature. Signature is not required as the worker logon id is recorded by the computer system.
	Date of Data Entry	Enter Date of Data Entry.
	# in HH	Enter the total number of people in the household.
	Total Income	Enter the total income of the household.

Item #	Item Name	Instructions
	Sub/HUD Yes No	Check the appropriate choice.
	Certifier Signature	The certifier signs here. If the application is certified in the computer system a signature is not required as the logon id of the certifier is recorded.
	Date	If the application is certified in the system the date is recorded.
	Worker's Comments	Enter any information pertinent to the processing or eligibility of the record. Space is available in the Notes section of the computer screen.
	Annual Usage	Enter the amount of electric usage in kilowatts (kwh) or utility gas in gas therms for both MEAP and EUSP.
	Benefit Amount	Enter the amount of the MEAP and EUSP benefits.
	Denial Code	If the application is denied, enter the denial reason.
	MEAP Crisis Code	If a crisis is designated enter the code indicating the type of crisis. <u>1</u> I have less than a 4 day supply of oil, kerosene, wood, coal, or propane <u>2</u> I am without gas or electric service, or both. <u>3</u> My service is still on, but I have received a cut-off notice for my gas or electric, or both
	Poverty Level	Enter the poverty level of the application after certification.

Comments/Notes can be written in any available spaces of the application form. There, however, should be consistency in the location of the notes.

Sample Cover Letter/Instruction Sheet For Mail Application

Dear Friends,

Last winter your household received help with its heating and/or electric costs from the Maryland Office of Home Energy Programs (OHEP). To receive help during the coming winter heating season, your household has the choice of completing and mailing the enclosed application immediately or calling your local OHEP Office for an appointment.

Read the enclosed instructions. Please be sure to completely fill out the application, sign and date it before returning it to us. Include the requested documentation. Incomplete applications will be returned to you. If you have no heat or no electric service contact us immediately.

PLEASE BE SURE TO MAIL US PROOF OF YOUR HOUSEHOLD'S INCOME.

If you need help in completing the application, contact your local OHEP office at (LAA telephone number).

PLEASE RETURN THE APPLICATION AS SOON AS POSSIBLE. PLEASE READ THE INSTRUCTIONS ATTACHED BEFORE COMPLETING THE ENERGY ASSISTANCE APPLICATION.

WAGE VERIFICATION

EMPLOYER NAME & ADDRESS:

EMPLOYEE NAME:

Social Security #:

We are requesting verification of wages for the above-named employee. Authorization for the release of this information appears below. Please complete the section(s) that applies. Thank you for your cooperation.

I. Current wages: Please list each paycheck received in the month listed.

Month: _____

Month: _____

Period Ending

Gross Pay

Date Received

Period Ending

Gross Pay

Date Received

\$

\$

\$

\$

\$

\$

\$

\$

II. New Employee

III. Terminated Employee

First day of work _____

Last day of work_____

Date first pay received_____

Date final pay received _____

GROSS pay, first check \$_____

Final GROSS pay \$_____

Total GROSS this month \$_____

Title

Date _____

Telephone

I hereby authorize the above-named employer to release to the Maryland Energy Assistance Program (MEAP) information regarding my employment and wages.

Employee Signature

Date

Applicant (If other than employee)

Date _____

MARYLAND OFFICE OF HOME ENERGY PROGRAMS
SOURCES OF INCOME (MONEY) RECEIVED IN THE LAST 30 DAYS

TYPE OF INCOME	YES	NO
Wages, tips, and commissions received for employment or services rendered		
Self-employment income and rental income, less expenses (excluding depreciation expenses) necessary to produce income.		
Social Security income less Medicare payment deduction		
Supplemental Security Income (SSI) less Medicare payment deduction		
Dividends		
Interest received from savings or checking accounts		
Interest or dividends received from the redemption of bonds		
Estate or trust fund income		
Royalties		
Temporary Cash Assistance (TCA)		
Temporary Disability Assistance Program (TDAP)		
Pensions		
Disbursements from annuities, individual retirement accounts (IRA's) or other retirement accounts		
Child Support		
Alimony or Spousal support		
Workmen's compensation benefits		
Unemployment Insurance benefits		
Veteran's pension benefits		
Mine Worker's benefits		
Armed Forces dependent allowance		
Criminal Injuries Compensation Board payments		
Monetary gifts and loans excluding the portion of a student loan used to cover tuition and required fees		
Stipends for education or research fellowships for living expenses excluding that portion that covers tuition and required fees		
Employee strike funds where there is no employee contributions		
Payments received by home care providers for the care of adults who cannot care for themselves		
Railroad retirement benefits less Medicare payment deductions		
List other income/resource received that is not listed above		

COMPLETE THIS FORM AND RETURN WITH YOUR APPLICATION AND ALL VERIFICATIONS
(PROOFS OF INCOME)

I certify that I have reviewed the above Sources of income and have truthfully responded.

Applicant

Date

MARYLAND OFFICE OF HOME ENERGY PROGRAMS
DECLARATION OF ZERO INCOME AND SELF- EMPLOYMENT

Applicant's Name: _____

Social Security #: _____

Declarer's Name: _____

(If other than the Applicant)

Check (✓) which applies below:

___ I do certify that I had no income of my own in the last 30 days. (Complete Resource Provider Form)

___ I do certify that I am self employed.

Amount	Source of Income Declared
\$	Self employment
\$	TOTAL

I swear (or affirm) that all information on this declaration is true, correct and complete to the best of my ability, knowledge and belief.

I give permission to the Office of Home Energy Programs (OHEP) and/or the Office of the Inspector General (OIG) to check all household income, bank accounts, housing expenses, insurances and any other benefits and for other governmental/non-governmental agencies to give and/or receive information from OHEP needed to complete this application.

Maryland has a fraud law. Punishment can occur for not telling the truth when applying for assistance to pay home energy costs.

I understand that I will be penalized by fine and/or imprisonment for giving false statements. My signature below makes this statement binding.

When this form is completed by other than the applicant, the signer agrees to report to the local agency any changes of which he is aware in the financial circumstances of the applicant or in his relationship to the applicant.

Declarer's Signature Date Signed

Intake Worker's Signature Date Signed

DHR/OHEP 253 (Rev. 03/12)

SAMPLE FUND AVAILABILITY LETTER

(LAA Letterhead)

Applicant Name _____

Date of Application _____

I understand that federal funds are currently not available to the Maryland Energy Assistance Program (MEAP). If I am found eligible, my energy assistance benefit will not be sent to my energy supplier until funds are available to the program.

If I am found ineligible for MEAP, I will be notified by this agency within 30 days of the date of my application. If I do not hear from this agency within 30 days, I may assume that I am eligible for the program.

Applicant Signature

Date

Intake Worker Signature

Date

1 copy for applicant

1 copy for applicant file

(LAA Letterhead)

REQUEST FOR VERIFICATION OF UNEMPLOYMENT BENEFITS

TO: _____ Social Security #: _____

FROM: _____ Applicant Name: _____

RE: Request verification of unemployment benefits for the individual listed below:

Name: _____ Social Security#: _____

Address: _____

(if name and/or address are different from above, note as they appear in UI files)

Name: _____

Address: _____

Information is requested for the period: _____ to _____.

Is this individual eligible for UI? YES NO

If YES, list checks issued during the specific time period:

Issue Date	Week Ending	Check Amount

Please list last employer's name and address:

_____ Date: _____
UI Representatives' Signature

I hereby authorize the release of unemployment insurance information necessary for documentation of income to the MARYLAND OFFICE OF HOME ENERGY PROGRAMS.

RELEASE OF INFORMATION SIGNATURE: _____ Date: _____

DHR/OHEP 627 (7/04)

MARYLAND OFFICE OF HOME ENERGY PROGRAMS
INCOME VERIFICATION OF SELF-EMPLOYMENT RECORDS/BOOKKEEPING

Applicants' Name: _____

Date: _____

Business Owner _____ SS#: _____

Type of Business: _____

Period covered: _____ to _____

Reported Income: _____

I declare that this information is true. Maryland has a fraud law. I can be punished for not telling the truth when applying for assistance to pay home energy costs.

Applicant Signature _____ Date _____

I have reviewed the applicant's self-employment documentation (circle all that apply) books/statements, ledgers sales slips, cancelled checks, invoices, bank statements/deposits, purchase orders or cash receipts.

Worker Signature: _____ Date _____

MARYLAND OFFICE OF HOME ENERGY PROGRAMS
RESOURCE PROVIDER STATEMENT

Please assist us by providing information about how you helped _____ during the past ninety (90) days, from _____ to _____.) Thank you for your cooperation.

Please tell us how much of the following types of assistance you gave the household named above:

TYPE OF ASSISTANCE	VALUE AND DESCRIPTION OF ASSISTANCE
1. Shelter -(rent/house payment)	
2. Food	
3. Utility	
4. Transportation	
5. Other Non-food items (clothing, personal items, etc)	
6. Additional Comments	

Please give us **YOUR** name, address & phone number:

Name: _____
Address: _____

Phone: _____

I understand that there are criminal penalties (up to \$10,000 fine and five years in jail or both) for knowingly providing false information.

Your Signature Date

PLEASE RETURN TO THE ADDRESS SHOWN ABOVE.

OFFICE USE: Date received: _____ Reviewed and approved: _____ Worker Signature Date
--

DHR/CSA (7/04)

MARYLAND OFFICE OF HOME ENERGY PROGRAMS
HOUSEHOLD WORKSHEET

Applicant Name: _____

Address: _____

Social Security #: _____

I, _____, am the head of household and my household has no income since
(Date).

Name/address of last employer:

Employer Phone:

Date of last paycheck:

Have you applied for Unemployment Insurance? ____ Yes ____ No

Have you applied for or received public assistance in the last 30 days? ____ Yes ____ No

Explain how your basic needs have been met during the past 30 days?

BASIC NEEDS	APPLICANT RESPONSE	CONFIRMATION
1. Shelter (rent/house payment)		
2. Food		
3. Utility		
4. Transportation		
5. Other Non-food items (clothing, personal items, etc.)		
Additional Comments:		
(Continue on back of form if necessary)		

Applicant Signature _____

Date _____

PLEASE RETURN TO THE ADDRESS SHOWN ABOVE

OFFICE USE:	
Date received	Reviewed and approved: _____
	Worker Signature Date

MARYLAND OFFICE OF HOME ENERGY PROGRAMS
REQUEST FOR ADDITIONAL INFORMATION

Applicant's Name _____ Date: _____

Address _____ SS#: _____

Address _____

We will complete your application for energy assistance when you give us the information checked below. We must receive this information by _____, or **WE WILL DENY YOUR APPLICATION.**

☐ All proof of income from _____ through _____	
☐ WAGES (Pay stubs or Wage Verification Form)	PROOF OF:
☐ ADDITIONAL PAY STUBS dated for	☐ SOCIAL SECURITY for
☐ SOCIAL SECURITY CARDS for	☐ SSI for
☐ ELECTRIC/UTILITY BILL	☐ RETIREMENT for
☐ BANK STATEMENT (for interest income)	☐ VA PENSION for
☐ TCA (Grant letter) for	☐ UNEMPLOYMENT for
	☐ SELF-EMPLOYMENT for
☐ CHILD SUPPORT/ALIMONY	☐ RESIDENCY (Lease, rent receipt, tax bill)
☐ OTHER	

Also include any other household income. When you have the information, you may bring or mail it to this office. Please return this paper with the information so we may process your application in a timely manner.

Applicant's Signature _____ Date _____

Please contact _____ at _____ if you have any questions. Return your information to:

MARYLAND OFFICE OF HOME ENERGY PROGRAMS

PROXY AUTHORIZATION FORM

I permit, _____ who is my _____ (Relationship to Applicant), to act as my proxy in requesting energy assistance under the Maryland Office of Home Energy Programs. I also grant access to all information needed to prove my income and the right to make a declaration of income for me.

Proxy Address

Telephone Number

I cannot apply in person because:

NOTE: Proxy must be 18 years of age or older.

APPLICANT:

Signature Date

PROXY:

Signature Date

WITNESSES:

Signature Date

Signature Date

Letter to Landlord

Date: _____

Dear _____:

Your tenant, _____, has applied for assistance under the Maryland Energy Assistance Program. Because your tenant's rent payments include the cost of residential heating, the tenant's energy assistance benefit may be paid directly to you as the provider of heat for that residence.

As explained in the attached "Landlord Agreement", if you accept energy assistance benefits for any tenant, you are agreeing to reduce the tenant's rent by the amount of the benefit you have received on his/her behalf. For example, if you receive a \$250 benefit for a tenant whose monthly rent is \$400, that tenant would pay \$150 in rent for one designated month.

Your tenant's Maryland Energy Assistance Program (MEAP) benefit is to be used only to reduce their rent in relation to heating costs. Therefore, the MEAP benefit may not be used toward a security deposit or retained for dwelling damage costs. The enclosed Landlord Agreement states the current rent of the tenant applicant.

Please complete the enclosed form and return it to the Local Administering Agency, within fifteen (15) days of the date of this letter, in the self-addressed envelope provided. Your participation in the program will help us to operate a successful energy assistance program for eligible Maryland residents.

If you have any questions, please call _____,
at _____.

Sincerely,

[Name and Title of LAA Designee]

MARYLAND OFFICE OF HOME ENERGY PROGRAMS
LANDLORD AGREEMENT

I, _____, affirm that I am the Landlord (or Landlord's representative) of an applicant for energy assistance who resides in a rental unit at that I manage.

Please initial the appropriate lines below:

___ I do not wish to participate in the Maryland Energy Assistance Program.

I wish to participate and affirm that heating costs are:

___ included in the tenants' rent payments: or,

___ payable as a separate utility charge as billed.

___ The tenant's heat is subsidized with the rent (Section 8 HUD--Housing & Urban Development).

___ The above named housing unit has been funded through the Department of Housing & Urban Development's Below Market interest Rate Program (BMIR).

___ The tenant's rent is subsidized through a State of Maryland program. Please indicate the name of the program. _____

Please circle the fuel type by which heat is provided: Gas Electric Oil Propane

___ I hereby agree to the following:

1) If the tenant is determined to be eligible for assistance under the Maryland Energy Assistance Program, a benefit to pay towards heating costs will be sent to me and

___ I will apply the full benefit to any MEAP certified tenant's rent payment(s), reducing the amount owed by the tenant accordingly until the benefit is exhausted.; or,

___ I will apply the full benefit to the utility charge until the benefit is exhausted.

___ In the event of a Liability Offset reduction in the benefit check I understand that the requirements above must be met.

NOTE: Payments issued by the State of Maryland are subject to a Liability Offset. This means that each payment being issued by the State is reviewed for any obligations owed to the State. If found, it will be deducted from the check. Your obligation is still to credit the full amount of the benefit to the tenant.

2) I will not apply the tenant's MEAP benefit toward a security deposit or retain OHEP benefit in lieu of dwelling damages.

I will immediately notify the Agency named below should any eligible tenant move from the above address, prior to exhaustion of benefits and return the balance to OHEP.

I will notify the Agency named below if I decide to no longer participate in the Maryland Energy Assistance Program.

Landlords of roomers/boarders complete this section:

Current residents of each room may receive one benefit per room. If current residents leave, new tenants may receive a benefit for that room.

(Landlord Agreement continued)

NUMBER of rooms being rented: _____

CURRENT RESIDENTS of each room. Please list below:

Room #1: _____

Room #2: _____

Room #3: _____

Use additional space if necessary.

I am aware that anyone who knowingly provides false information in connection with the Maryland Energy Assistance Program will be fined not more than \$10,000 or imprisoned not more than five years or both.

Landlord/Company Name

Signature of Landlord or Authorized Representative

Date Signed

Telephone Number

Office Address

Federal Tax I.D. Number or Social Security Number

Note: This agreement is not valid if a Federal Tax I.D. or Social Security Number is not provided.

OFFICE USE ONLY

Date received:

MARYLAND OFFICE OF HOME ENERGY PROGRAMS
VERIFICATION OF SUB-METERED GAS OR ELECTRIC

I _____ affirm that I am the Landlord of
(Landlord's Representative)

(Applicant's Name)

(Applicant's Address)

an applicant for heating assistance from the Maryland Energy Assistance Program.

I affirm that heating costs for this unit are **not included** in the rent. Heating costs are measured by:
_____, and a bill is sent to the tenant.
(Name of Sub-Meter Gas or Electric Company)

Because payment of the tenant's heating bill is to be remitted to this office, I will accept payment of the Maryland Energy Assistance Program benefit on behalf of the above named tenant.

I AM AWARE THAT ANYONE WHO KNOWINGLY PROVIDES FALSE INFORMATION IN CONNECTION WITH THE MARYLAND ENERGY ASSISTANCE PROGRAM WILL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED NOT MORE THAN FIVE YEARS OR BOTH.

Local Agency

Signature of Landlord or
Authorized Representative

Agency Address

Date Signed

Contact Name

Address

Telephone Number

Telephone Number

Sample of Student Financial Aid Letter

MARYLAND ENERGY ASSISTANCE PROGRAM
SPECIAL ASSISTANCE CERTIFICATION FORM

I, _____, swear that at this time my household is experiencing a
(applicant's name)
heating problem due to:

The proof of the heating problem is:

I declare that all information on this form is true, as I know. Under Maryland law, I can be punished for not telling the truth when applying for help.

When this form is filled out by other than the applicant, the signer agrees to report any known changes in the financial condition of the applicant. The signer also agrees to report any changes in the relationship to the applicant.

(Applicant's Signature)

(Date)

(Time)

FOR AGENCY USE ONLY:

County Code: _____ Center Code: _____

_ 18 HOUR _ 48 HOUR

Type of problem household is experiencing:

VERIFICATION:

VENDOR CONTACT:

COMMENTS:

Worker's Signature: _____ Phone _____ Date _____

MARYLAND ENERGY ASSISTANCE PROGRAM
GUARANTEE OF BALANCE OF COST FOR INOPERABLE OIL TANK OR FURNACE

I _____, do certify that at this time my household is experiencing a heating crisis due to the fact that I have an inoperable oil tank or furnace.

I have requested that the Crisis Assistance portion of my MEAP grant (not to exceed the minimum benefit for the fuel type) be used as partial payment toward the purchase of a new oil tank or furnace.

By signing this document, I understand that I am guaranteeing that I will make available immediately the balance of the purchase price of the oil tank or furnace owed to the equipment supplier.

Applicant Signature

Date

Denial Letter

(LAA LETTERHEAD)

Applicant Name:

Application Date:

Address:

Document Control # _____

Center Code:

Date

Dear _____:

Your application for assistance under the Maryland Energy Assistance Program (MEAP) has been denied for the following reason(s):

- () Your total household's gross income of \$_____ per month as computed by MEAP exceeds the eligibility standard of \$_____. If you have a change in your income or family size, you may file another application 30 days after the date of your previous application. {D1}
- () You did not provide complete proof of household income by the specified date of _____ {D2}
- () You did not provide:

requested of you by the specified date of _____. {D3}
- () Your household received assistance during the current heating season under the name of -. {D4}
- () Your household is not responsible for paying its own heating costs. {D5}
- () Your household has another pending MEAP application. {D6}
- () Your household has moved to another county. {D7}
- () Your household has requested that the application be rescinded. {D8}
- () The applicant has died. {D9}
- () Other. {D99}

If your circumstances change, you may file another application on or after _____. This date is 15 days after the date of your previous application. (Examples of changes in family circumstances are: move out of subsidized housing; change in family size or changes in family income). PLEASE bring this letter with you when you reapply.

YOUR HEARING RIGHTS

You have the right to appeal this decision if:

- * Your application is denied.
- * Your application is neither approved nor denied within 45 days after all required information has been furnished by you.

If you wish to appeal, you must complete the form below and return it to us by _____. If you need assistance in completing this form, please contact _____ at _____.

Sincerely,

(Name & Title of LAA Designee)

TO: (LAA Name & Address)

FROM: Your Name:

Your Address:

Phone # Where You May Be Reached:

I wish to appeal your decision because:

Date Your Signature

THIS FORM MUST BE RETURNED BY:

MARYLAND ENERGY ASSISTANCE PROGRAM
APPLICANT/ENERGY SUPPLIER INFORMATION CHANGE FORM

Applicant's Name: _____ SS#: _____

Enter the original information **TO BE CHANGED** in the "CHANGE FROM" column. Enter new information in the "CHANGE TO" column.

ITEM	CHANGE FROM:	CHANGE TO:
Applicant Name or Address		
Social Security Number		
Energy Supplier Information		
Supplier Code		
Fuel Type		
Benefit Amount		
EDS Number		
Check Number		
Other (specify):		

- How was the amount of the remaining grant verified?

- Has the original supplier returned funds? YES _ NO _

- Date funds were received: _____. Check #: _____

- Provide information regarding other types of changes (death, underpayment, overpayment, reason for change, etc.):

(For additional comment, use reverse.)

- Date the MEAP Data System was updated to reflect change(s): _____

Agency Representative's Signature

Collection Letter 1

(LAA Letterhead)

(Date)

Applicant Name
Applicant Address

Dear (Applicant Name)

You received a benefit payment from the Maryland Energy Assistance Program on (Date of Benefit Check). The benefit payment amount that you received was more than it should have been. The amount of the benefit overpayment was (Total Amount Overpaid). You must pay back (Amount Applicant Must Re-pay) to this agency by (Date - 15 days from Date of Letter).

Please call (LAA Phone Number) to arrange to pay back this money.

Sincerely,

LAA Program Director

Collection Letter 2

(LAA Letterhead)

(Date)

Applicant Name
Applicant Address

Dear (Applicant Name):

On (Date of 1st Letter), you were sent a letter telling you that your Maryland Energy Assistance Program benefit payment was more than it should have been. The letter also said that you must return the money that was overpaid to you by (Date Money was Due). You must contact this agency at (LAA Phone Number) to arrange to pay back all of this money. Not responding to these letters is a serious action.

If you do not repay this money, your name and other identifying information, as well as the amount of money that you owe, will be given to the State of Maryland. The State of Maryland's collection process is a legal process. It may result in judgments being executed against you for the amount of money that you owe.

You must call the phone number above by (Date 15 days from Date of this Letter) to repay the (Balance Applicant Owes as of the Date of this Letter) that you owe and to avoid any State collection action being taken against you.

Sincerely,

(LAA Program Director)

Collection Letter 3

(LAA Letterhead)

(Date)

Applicant Name
Applicant Address

Dear (Applicant Name):

You have been sent two letters telling you that the Maryland Energy Assistance Program benefit that you received on (Date of Benefit Check) was more than it should have been. The letters also gave you a telephone number to call to arrange to pay back the money that you owe.

You now owe (Amount Owed as of Date of this Letter). Since this amount has not been paid back, your name and the amount you owe has been sent to the State for collection.

Sincerely,

(LAA Program Director)

MARYLAND ENERGY ASSISTANCE PROGRAM

REPAYMENT AGREEMENT

I, (Applicant Name) _____, (Social Security Number) _____, of
(Address) _____
do hereby state that energy assistance benefits in the amount of \$ _____ paid on my behalf to
(Energy Supplier) _____ on (Date of Check) _____ were (insert appropriate language such as
overpaid, falsely obtained, etc.)

I agree to repay _____ to (LAA name) _____ in the following manner:

Witness:

Applicant Signature Date

LAA Director Signature Date

MARYLAND OFFICE OF HOME ENERGY PROGRAMS

Payment Guarantee Letter

(LAA Letterhead)

Date

This document is to guarantee payment by the undersigned to

Energy Supplier name

for a requested immediate fuel delivery not to exceed \$_____. This delivery is for the following customer:

Name: _____

Address: _____

Phone: _____

Account No.: _____

All parties understand that the above named energy supplier will receive an Energy Delivery Statement (EDS) that will include this customer's name as well as the exact amount of assistance that this household is eligible to receive. The cost for this requested delivery should be charged to this Energy Delivery Statement benefit credit amount. Please note that the cost of this delivery may total the full benefit credit that this household is eligible to receive.

This document is used because the above customer has not yet been determined as eligible for a regular benefit grant. When final determination is made and the household is determined eligible for a larger benefit, another Energy Delivery Statement that includes this household's final amount will be sent.

LAA Signature

Applicant Benefit Notice
DHR\CSA\MEAP 624

MARYLAND OFFICE OF HOME ENERGY PROGRAMS
REFERRAL TO EMERGENCY ASSISTANCE FOR FAMILIES WITH CHILDREN

1 Date _____

2 To: _____ Department of Social Services

3 From: _____

4 Applicant Name: _____

5 Social Security Number: _____

6 Date of OHEP Application: _____

7 Address _____

The OHEP applicant named above is having a heating crisis. OHEP assistance is not available to ease this crisis because:

[1] Federal funds are not available for MEAP now. _____ (name of energy supplier) has been contacted and will not provide service without an immediate payment.

[2] The applicant needs additional aid for a second energy source:

_____ (name of energy supplier)

[3] The MEAP Crisis amount is not enough to resolve the emergency.

[4] The MEAP grant has been exhausted.

[5] Other (explain): _____

9 Comments (contacts made, additional information, etc.)

10 _____ 11 _____
Signature of LAA Representative Date

12 _____ 13 _____
Name (Please Print or Type) Phone Number

14 _____
Title

INSTRUCTIONS FOR COMPLETING THE MEAP REFERRAL TO EAFC

1. Date Enter the date of the referral
2. To Enter the name and location of the local DSS
3. From Enter the LAA name
4. Name Enter the client name
5. Social Sec. No. Enter the applicant's Social Security No.
6. Date of MEAP Enter the date of the regular MEAP application
7. Address Enter the client's home (delivery) address
8. The LAA is to indicate the reason for the referral by checking the box corresponding to the appropriate reason.
 - 1) It is possible that MEAP benefit Funds may not be received by the LAA before November, (YEAR). Prior to receipt of funds, it may be necessary for the LAA to arrange for an expedited delivery of fuel to the client. If the client's energy supplier refuses to provide service due to the unavailability of funds, the client may be referred to EAFC.
 - 2) The LAA may refer the client to EAFC if the client receives a MEAP benefit for one fuel source while also experiencing a heating crisis with another fuel source (example: MEAP for utility, EAFC for oil).
 - 3) In some cases, the maximum crisis assistance benefit of \$180 may not occur when crisis assistance has been granted for fuel burner repair or temporary shelter. Such a client may be referred to the local DSS.
 - 4) A client may be referred to EAFC if he/she experiences a heat related crisis after the regular MEAP benefit has been issued. The LAA does not need to contact the energy supplier to see if the full benefit has been delivered.
 - 5) If the referral to EAFC is made for a reason other than those provided above, enter the reason on the lines provided.
9. Comments: On the lines provided, enter any additional information regarding the clients situation, contacts made with other providers of energy assistance.
10. The LAA representative is to sign (10) and date (11) the form, print his/her name (12) and enter his/her phone number (13) and job title (14).

Notification of Appeal Hearing - Local
DHR/CSA/MEAP 212

(LAA Letterhead)

Applicant Name & Address

Date

Dear

In response to your request for appeal, a local hearing has been scheduled for _____
(Date) at _____ (Time) at _____ (Location).

Please bring the following information to the hearing:

You may provide any additional information that you feel will be helpful in resolving the issues involved. You may bring another person to represent you if you wish. We hope to resolve your concerns as soon as possible. If you have any questions, please call _____ at _____.

Sincerely,

LAA Program Director

cc: Applicant File

MARYLAND OFFICE OF HOME ENERGY PROGRAMS

VERIFICATION OF NON-EMPLOYMENT INCOME

Please assist us by completing this form for the person listed below for the period _____ to _____. Please return the completed form to our office by _____. Thank you for your cooperation.

_____ OHEP Intake Worker

Applicant's Name: _____

Address: _____

1. **Fill in the dollar amount paid beside the type(s) of payment(s) made.**
For Column C, enter an amount in Column D if money is given directly to the person listed above. Use Column E if the resource was provided to the person.
2. **Sign and date this form.** Include address and phone number.

A. INCOME	B. AMOUNT	C. RESOURCE PROVIDED	D. AMOUNT	E. DESCRIPTION AND VALUE
1. Child Support Case Number: _____	\$	1. Shelter -(rent/house payment)	\$	
2. Rental Income	\$	2. Food	\$	
3. Support	\$	3. Utility	\$	
4. VA Pension Account Number: _____	\$	4. Transportation	\$	
5. RR UI Claim Number: _____	\$	5. Other Non-food items (clothing, personal items, etc)	\$	
6. Child Care	\$			
5. Other (Specify)	\$			

Payer's signature _____ Date _____

Payer's Printed Name: _____

Payer's Address: _____

Payer's Phone: _____

I understand that there are criminal penalties (up to \$10,000 fine and five years in jail or both) for knowingly providing false information.

Please place this form on your agency letterhead.

Request for the Return of Funds

DATE _____

To: (Utility name and address)

Reference (EDS number): _____

Name _____

Address _____

Account No. _____

Energy Assistance Rep. _____

We are requesting the return of the funds listed below:

MEAP BENEFIT AMOUNT _____

BILL ASSISTANCE BENEFIT AMOUNT _____

ARREARAGE BENEFIT AMOUNT _____

REASON FOR RETURN _____

Thank you for your cooperation in this matter. If you require additional assistance, please contact _____

at _____.

Please place this form on your agency letterhead.

Letter Requesting Information about Applicant Move

Date

Applicant Name

Applicant Address

Dear ((Applicant Name)):

(Name of Vendor) has returned your Maryland Energy Assistance grant / Electric Universal Service grant. This has happened because you moved or changed suppliers.

Please contact us within 30 days with your new supplier's name and your new address and we will transfer the remainder of your benefit grant. If we do not hear from you within 30 days your benefit grant will be cancelled. This is the only notification you will receive regarding this action.

Sincerely,

MARYLAND OFFICE OF HOME ENERGY PROGRAMS
FURNACE REFERRAL TO LOCAL ENERGY WEATHERIZATION OFFICE

Sent by fax to: _____ Date: _____ Tracking # _____

To: _____, Coordinator of WAP

From: _____, Coordinator of OHEP

Telephone Number: _____

The household named below has reported that their furnace is inoperable.

Because this situation falls during the heating season (between November and March), the OHEP office requests that your staff give this household priority service by immediately assessing the repairs to the household's heating system.

Household Name: _____

Telephone Number: Home: _____
Work or other: _____

Address: _____

City: _____

Please fax back this sheet when assessment and plan of action is prepared.

Assessment and Recommendation: _____

Weatherization signature: _____ Phone number: _____

Please place this form on your agency letterhead.
MARYLAND OFFICE OF HOME ENERGY PROGRAMS

APPLICATION FOR WAIVER

Dear Energy Assistance Applicant:

The OHEP office provides a provision for clients with significant medical expenses to apply for a waiver of the income guidelines. You have indicated that a member of you household has significant medical expenses that make it difficult for you to manage your finances. Please complete the attached form and return it to this office with your completed energy assistance application. Please include copies of your income verification, electric bill, lease, social security cards, and medical documentation for medical condition and out of pocket expenses for past 90 days.

APPLICATION FOR WAIVER

Please Print

Name _____ Telephone _____

Address _____

Family size: _____ Income: \$ _____ month Source(s) of Income: _____

Describe the medical condition:

Summary of Out of Pocket (non-reimbursed) Medical Expenses from (date) _____ to _____:

Prescriptions	Cost	\$ _____ month	How many?	_____
Medical Supplies	Cost	\$ _____ month	For what?	_____
Doctors	Cost	\$ _____ month	How many?	_____
Therapy	Cost	\$ _____ month	How many?	_____
Other	Cost	\$ _____ month	Explain	_____
Other	Cost	\$ _____ month	Explain	_____

Additional Information about the problem or family situation:

I, _____ certify that the above information is true and correct.

Applicant Signature

Date

APPLICATION FOR SOCIAL SECURITY NUMBER

SEE SS-5.PDF

APPENDIX B – ADMINISTRATIVE FORMS

The following forms are available in an electronic version upon request to State OHEP.

FINANCIAL STATUS REPORT - LAA ADMINISTRATIVE ALLOWANCE

ADMINISTRATIVE BUDGET REVISION REQUEST

REQUEST FOR APPROVAL OF SOLICITATION/CONTRACT FOR SERVICES & DURABLE GOODS
PRICED OVER \$300

LOGON REQUEST FORM (Available on OHEP web site)

REQUEST FOR THE RETURN OF FUNDS

REQUEST FOR REMOVAL FROM EUSP

SAMPLE COVER LETTER FOR EDS TO LANDLORDS

MONTHLY FINANCIAL STATUS REPORT - BENEFIT FUNDS

MARYLAND OFFICE OF HOME ENERGY PROGRAMS

LOGON REQUEST FORM

DATE OF REQUEST: _____

EMPLOYEE NAME (Print):

E-Mail: _____

AGENCY: _____

ACTION REQUESTED: Add Delete Revise VPN*

USER ROLE (Circle): Inquiry / Worker / Certifier / Fiscal / Supervisor /

Administrator / State Administrator / SAIL

Local Agency Approval:

Supervisor signature: _____

To be completed by State OHEP:

ASSIGNED TO GROUP : _____

ASSIGNED LOGON ID: _____ VPN LOGON _____

TEMPORARY PASSWORD: _____

REJECTED:____ REASON: _____

CREATED/REVISED BY: _____

DATE: _____

* For VPN access, complete the Network Dial-Up Request Form

Revised 7/28/09

DHR NETWORK DIAL-UP ACCOUNT REQUEST

INSTRUCTIONS FOR COMPLETING THE DHR NETWORK DIAL-UP ACCOUNT REQUEST

Each employee requiring access to the OHEP Data System through Network Dial-Up through the Virtual Private Network (VPN) is required to complete and submit this form. Complete each item as noted. Return the form to Ralph Markus, Security Monitor for sign-off. The Security Monitor then forwards the form to the DHR Security Unit for Logon ID assignment. Once assigned the form is returned to the Security Monitor who notifies the employee of the Logon ID. This process will take about 1-2 weeks normally.

1. Action: Check the appropriate action needed.
2. Date of Request: Enter the date.
3. Current group/Logonid: Leave blank unless you have a Logon ID to access other DHR systems, specifically CARES or FMIS. Do NOT put the OHEP System logon here.
4. Other Action: Leave blank.
5. Social Security Number: Leave blank as this is no longer required.
6. Employee Name: Please clearly print the employee name.
7. LDSS: Print your agency name.
8. Phone: Enter the employee's phone number.
9. Job Classification: Enter the name or description 's of the employee's position.
10. District: Leave blank.
11. Location code: Leave blank
12. State employee: Check as appropriate. In most cases this will be No. If no, enter as explanation "OHEP Contractor"
13. Justification: Enter the following for justification:

Access is required through the DHR VPN to utilize the OHEP Data System.

14. Supervisor: The employee's supervisor is to sign and print their name along with the date and their phone number.

Once the above is complete send the form to OHEP for Security Monitor sign-off. The form is mailed to:

Maryland Department of Human Resources
311 W. Saratoga St. – OHEP
Baltimore, MD 21201

Please place this form on your agency letterhead.

Request for the Return of Funds

DATE _____

To: (Utility name and address)

Reference (EDS number): _____

Name _____

Address _____

Account No. _____

Energy Assistance Rep. _____

We are requesting the return of the funds listed below:

MEAP BENEFIT AMOUNT _____

BILL ASSISTANCE BENEFIT AMOUNT _____

ARREARAGE BENEFIT AMOUNT _____

REASON FOR RETURN _____

Thank you for your cooperation in this matter. If you require additional assistance, please contact _____

at _____.

Please place this form on your agency letterhead.

MARYLAND OFFICE OF HOME ENERGY PROGRAMS
REQUEST FOR REMOVAL FROM EUSP

DATE _____

To: (Utility name and address)

From:

Reference (EDS number): _____

Name _____

Address _____

Account No. _____

The above named person has requested to be removed from participation in the Electric Universal Service Program. Please comply with this request and return any applicable EUSP funds.

Thank you for your cooperation in this matter. If you require additional assistance, please contact _____ at _____.

Cover Letter for EDS to Landlords

DHR/CSA/MEAP 205

(LAA Letterhead)

(Date)

(Landlord Name & Address)

Dear Landlord:

Enclosed is a check (#_____) totaling \$_____ for rent credit given by your firm on behalf of tenants approved for the Maryland Energy Assistance Program for heating assistance. Each tenant has been notified of eligibility and benefit amount and that a check is being sent to you as payment towards the cost of heating their rental residence.

You should review the check and accompanying tenant list (called Energy Delivery Statement - EDS) to verify tenant information: particularly, the renter name, apartment unit, and address. If discrepancies appear or you will not credit this payment to the tenant's rent, please contact our office immediately.

Because this benefit is granted to tenants to defray the cost of heating their residence, and this cost is included in their total rent payment, you should advise each tenant of how the benefit will be applied to his/her rental cost.

Should the tenant move before the total rent credit has been exhausted, you are to refund the remaining balance to this office immediately. Complaints in regard to failure to refund this grant will be investigated with possible prosecution for fraud.

Thank you for your continued cooperation in the Maryland Energy Assistance Program.

If you have any questions, please contact _____ at _____.

Sincerely,

(LAA Program Director's Name & Title)

MARYLAND OFFICE OF HOME ENERGY PROGRAMS
MONTHLY FINANCIAL STATUS REPORT
BENEFIT FUNDS

LAA: _____ MONTH OF _____

CONTRACT NO.: _____

	This Month	Cumulative
A. STATE ADVANCES		
B. EXPENDITURES		
1. Computer Payments		
2. Other (_____)		
3. Shelter Payments		
4. Family/Energy Services to promote Self-Sufficiency		
SUB-TOTAL B.		
C. ADJUSTMENTS		
1. From Energy Suppliers		
2. Check Cancellations		
3. From EDR Returns		
4. Other (_____)		
SUB-TOTAL C.		
D. NET EXPENDITURES (B-C)		
E. CASH ON HAND (A-D)		

A COPY OF THE COMPUTER WORKLOAD REPORT FOR THE SAME DATE AS THIS REPORT IS ATTACHED.

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT IS COMPLETE AND ACCURATE.

LAA Fiscal Officer Date

LAA Program Director Date

APPENDIX C – REGULATIONS

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 03 FAMILY INVESTMENT ADMINISTRATION

Chapter 21 Maryland Energy Assistance Program

Authority: Human Services Article, §§5-5A-07 and 5-608, Annotated Code of Maryland

(Agency Note: Federal Regulatory Reference—45 CFR 96, Subpart H.)

.01 Purpose.

The purpose of the Maryland Energy Assistance Program (MEAP) is to provide assistance to low-income Maryland residents in meeting their immediate home energy needs under the Low-Income Home Energy Assistance Act to the extent that funds are available.

.02 Definitions.

A. The following terms have the meanings indicated.

B. Terms Defined.

- (1) "Administration" means the Community Services Administration of the Department of Human Resources.
- (2) "Applicant" means the head of household and spouse or cohabitant of the head of household, or representative of a shelter.
- (3) "Benefit" means the amount of assistance or related service that is provided on behalf of an eligible household.
- (4) "Boarder" means an individual to whom a household furnishes lodging and meals for compensation. A relative may be given boarder status if aged 60 years old or older, or disabled.
- (5) "Crisis assistance" means a benefit provided an eligible household during an energy-related emergency and required to be delivered within 18 or 48 hours in accordance with Regulation .10F or G of this chapter.
- (6) "Current program year" means the State fiscal year from July 1 through June 30.
- (7) "Department" means the Maryland Department of Human Resources.
- (8) "Disabled" means an individual who has a physical or mental impairment that interferes with one or more of life's major activities, such as walking, seeing, hearing, speaking, working, or learning.
- (9) "Domiciliary care facility" means an institution which admits aged or disabled persons, maintains the necessary facilities, and provides a protective institutional or home type environment to persons who are of advanced age or have a physical or mental disability.
- (10) "Duration of benefit" means the length of a State fiscal year during which a household expends an energy benefit or has it returned to the Maryland Energy Assistance Program.
- (11) "Elderly" means a person 60 years old or older.
- (12) "Energy crisis" means weather-related or supply-shortage emergencies, or other household energy-related emergencies.
- (13) "Energy supplier" means a vendor of home energy. An energy supplier may be a company or sole proprietorship supplying electricity, natural gas, propane, kerosene, coal, or wood for residential use.
- (14) "Head of household" means a person who is designated by the household as the head or representative of the household.
- (15) "Homeless person" means a resident of Maryland without shelter and lacking resources to provide shelter.
- (16) "Household" means an individual or group of individuals who are living together as one unit and for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

(17) "Landlord" means the owner of the property who leases or rents the property to the household.

(18) "Local agency" means the local administering agency that the Department has designated to administer a component or components of the Program.

(19) "Public housing" means a dwelling complex owned and operated by a local government and whose:

(a) Residents are determined eligible based on income; and

(b) Rental fees are subsidized by local or federal funding.

(20) "Qualified alien" means an individual who is not a citizen of the United States who:

(a) Is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

(b) Is admitted to the United States as a refugee under §207 of the Immigration and Nationality Act;

(c) Is granted asylum under §208 of the Immigration and Nationality Act;

(d) Has had deportation or removal withheld under §234(h) or 241(b)(3) of the Immigration and Nationality Act;

(e) Has been granted status as a Cuban or Haitian entrant as defined in §501(e) of the Refugee Education Assistance Act of 1980;

(f) Is paroled into the United States under §212(d)(5) of the Immigration and Nationality Act for a period of at least 1 year;

(g) Is granted conditional entry pursuant to §203(a)(7) of the Immigration and Nationality Act as in effect before April 1, 1980; or

(h) Is a battered spouse, battered child, or parent or child of a battered individual.

(21) "Renter" means an individual who leases a residential dwelling from a landlord.

(22) "Roomer" means an individual to whom a household furnishes lodging but not meals for compensation. A relative may be given roomer status if 60 years old or older, or disabled.

(23) Shelter.

(a) "Shelter" means a public or private nonprofit residential facility whose function is to provide temporary or intermediate accommodations to battered spouses and homeless persons.

(b) "Shelter" does not include residential treatment programs, for example, those funded by the Departments of Juvenile Services, Aging, Human Resources, and Health and Mental Hygiene.

(24) Subsidized Housing.

(a) "Subsidized Housing" means a privately owned dwelling complex where eligibility for residency is based on income and the rental fees are subsidized by federal or local funding.

(b) "Subsidized Housing" does not include a dwelling funded under the Department of Housing and Urban Development's Below Market Interest Rate Program or under the Rental Assistance Program.

(25) "Verification" means proof of accuracy of statements made by the applicant or recipient.

.03 Eligibility for Assistance.

A. A household is eligible for assistance if the:

(1) Household resides in Maryland;

(2) Total household countable income as described in Regulation .04 of this chapter does not exceed the percent of the current poverty levels as published annually by the Department of Health and Human Services for the Low Income Home Energy Assistance Program (LIHEAP) under 45 CFR Part 96 and established as the income eligibility limits in the current LIHEAP plan;

(3) Applicant completes an application as described in Regulation .05 of this chapter; and

(4) Members of the household are U.S. citizens or fit the definition of qualified alien.

B. Homeless or Battered Spouse Shelter.

(1) A shelter is eligible for assistance if the:

(a) Shelter is in Maryland; and

(b) Shelter incurs energy expenses during the State fiscal year.

(2) A shelter is ineligible for energy assistance if the shelter has received assistance through the Maryland Energy Assistance Program during the current State fiscal year.

C. Waiver. The Administration may establish a policy each year to waive §A(2) of this regulation. Notification of a waiver shall be provided as part of its annual plan. If a waiver is provided for in the given year, the application may be granted a waiver to §A(2) of this regulation based on substantial out-of-pocket medical expenses incurred within 3 months of the application date. A waiver request shall include documentation of the expenses.

.04 Income Requirements.

A. The applicant's total household income is determined by using countable income, as described in §D of this regulation, received by household members during the 30-day period before the date of application.

B. The Administration shall determine the maximum allowable income for households as indicated in Regulation .07 of this chapter.

C. Treatment of Income of Household Members Not Meeting the U.S. Citizenship or Qualified Alien Requirements.

(1) Any member of the applicant's household, including the applicant, who does not meet the U.S. citizenship or qualified alien requirements as provided in Regulation .02B(19) of this chapter, shall have the member's income included on the application, but may not be counted as a member of the applicant's household.

(2) In determining the household's eligibility, the income attributed to the individual who is not a U.S. citizen or qualified alien shall be verified and included in the household's total income.

D. Countable Income. Income from the following sources is countable income:

(1) Gross wages, tips, and commissions received from employment;

(2) Self-employment and rental income, less operating expenses except for depreciation necessary to produce the income;

(3) Social Security income less Medicare payment deduction;

(4) Supplemental Security Income (SSI);

(5) Dividends;

(6) Interest received from savings or checking accounts;

(7) Interest or dividends received from the redemption of bonds;

(8) Estate or trust fund income;

(9) Royalties;

(10) Temporary cash assistance (TCA);

(11) Temporary Disability Assistance Program (TDAP);

(12) Pensions;

(13) Disbursements from annuities, individual retirement accounts (IRAs), or other retirement accounts;

(14) Child support payments;

- (15) Alimony or spousal support;
- (16) Workers' compensation benefits;
- (17) Unemployment insurance benefits;
- (18) Veteran's pension benefits;
- (19) Mine worker's benefits;
- (20) Armed forces dependent allowances;
- (21) Criminal Injuries Compensation Board payments;
- (22) Monetary gifts and loans, excluding the portion of a student loan used to cover tuition and required fees;
- (23) Stipends for educational or research fellowships for living expenses excluding that portion that covers tuition and required fees;
- (24) Employee strike funds if there is no employee contribution;
- (25) Third-party payments received by live-in home care providers for the care of adults who cannot care for themselves; and
- (26) Railroad retirement benefits less Medicare payment deduction.

E. Income or resources from the following sources are not countable income:

- (1) Third-party payments over which the household has no discretion of the use of the funds;
- (2) In-kind contributions of a commodity or service such as gifts of food, building materials used for repairs, or labor;
- (3) Employment income of:
 - (a) A child younger than 18 years old;
 - (b) A full-time student;
- (4) Educational assistance funded under Title IV of the Higher Education Act or under the Bureau of Indian Affairs;
- (5) Educational assistance, such as grants, scholarships, fellowships, educational loans on which payment is deferred, work-study, and veteran's benefits, to pay for tuition, books, and other required materials, and required fees:
 - (a) At a recognized institution of postsecondary education;
 - (b) At a school for individuals with disabilities;
 - (c) In a vocational education program in a vocational or technical school; or
 - (d) In a program that provides for obtaining a secondary school diploma or an equivalent;
- (6) Payments under the Federal Action Program to participants in the Retired Senior Volunteer Program, Foster Grandparents, or Senior Companion Program;
- (7) Stipends to participants in State or federally funded job training programs;
- (8) Federal Department of Housing and Urban Development (HUD) direct payment subsidies provided to households;
- (9) Food stamp benefits;
- (10) Welfare avoidance grants (WAGs);
- (11) Public assistance vendor payments provided for emergency assistance or special assistance;
- (12) Foster care grants and foster child care payments;

- (13) Child support paid as required by court order pursuant to §F of this regulation;
- (14) Payments to employees on strike if the strike fund consists of employee contributions;
- (15) Reinvested interest and dividends from individual retirement accounts (IRAs) or other retirement accounts;
- (16) A nonrecurring lump sum payment including income tax refunds and lottery winnings;
- (17) Maryland Renters' Tax Credit Program payments;
- (18) Maryland Homeowners' Tax Credit Program credits;
- (19) Federal earned income tax credits or payments;
- (20) Medicare payments deducted from Social Security grants;
- (21) Subsidized adoption payments; and
- (22) Americorps of VISTA payments.

F. Calculating Allowable Child Support Payments.

- (1) Verified child support payments may be deducted from the applicant's or another household member's gross income up to the amount specified by court order.
- (2) Child support payments made in excess of the specified amount on the court order may not be deducted from the applicant's or another household member's gross income.

.05 Application Process.

A. An applicant or the applicant's representative shall submit a MEAP application to the local agency:

- (1) In person; or
- (2) By the mail-in application process.

B. A complete MEAP application includes:

- (1) The application form signed and dated by the applicant or the applicant's representative;
- (2) The names of all household members;
- (3) Verification of a Social Security number or documentary evidence that each member has applied for a number;
- (4) Verification of all income of all household members, except for the Social Security income of individuals who have received Social Security benefits for more than 2 years;
- (5) Verification of the applicant's identity;
- (6) Verification of immigrant status for those eligible household members applying for the benefit who are not U.S. citizens;
- (7) Verification of residence;
- (8) Proof of rental status, if renter; and
- (9) A statement signed by the applicant or the applicant's representative authorizing the local agency to verify, through any appropriate sources, statements made or documents presented by the applicant or the applicant's representative during the application process.

C. Shelter Application.

- (1) A complete application for a shelter includes:
 - (a) A shelter application form;

- (b) Verification and location of shelter;
- (c) The name and address of the energy supplier which services the shelter;
- (d) Proof of current year heating bills as designated by the Administration; and
- (e) A release from authorizing the Administration to verify shelter status through any appropriate sources.

(2) Applications are accepted during the period set forth in Regulation .02B(6) of this chapter.

D. A shelter administered by a designated local agency shall submit a shelter application to the Maryland Office of Home Energy Programs for processing.

.06 Local Agency Response to Application.

A. Receipt of Application. Upon receipt of the application, the local agency shall:

- (1) Record the date the application was received by the local agency;
- (2) Record the date of application as described in §B of this regulation; and
- (3) Assess the application for completeness.

B. Date of Application. The date of application is:

- (1) For a walk-in application, the date the local agency receives the application; or
- (2) For an application received by mail, the date it was signed by the applicant or the applicant's representative if the local agency receives the application:
 - (a) Within 10 working days of the date the applicant or the applicant's representative signs the application; or
 - (b) For good cause shown, at a later reasonable date after 10 working days of the date the applicant or the applicant's representative signs the application.

C. Incomplete Application. If the application is incomplete:

- (1) The local agency shall request the applicant or the applicant's representative to provide the missing information within 15 calendar days from the date of the notification; and
- (2) If the applicant or the applicant's representative does not provide the requested information within 15 calendar days from the date of the notification, the local agency shall deny the application as specified in §D(3) of this regulation.

D. Decisions on an Application.

- (1) The local agency shall approve or deny the application within 45 calendar days of receipt of a completed application, except as allowed in §D(5) of this regulation.

(2) Approved Application.

- (a) The local agency shall mail notification to the applicant or the applicant's representative of the approval within 10 working days after sending benefits to the applicant's energy supplier.

(b) The written notice of the local agency's decision shall include:

- (i) The amount or description of benefits approved on behalf of the applicant's household;
- (ii) The duration of the benefits;
- (iii) The name of the energy supplier to which the benefits are paid; and
- (iv) An explanation of the applicant's right to appeal any part of the agency's decision and the method for requesting an administrative hearing of an appeal as set forth in Regulation .12 of this chapter.

(3) Denied Application. The local agency shall deny the application for benefits if the:

- (a) Applicant's household countable income exceeds the income set forth in Regulation .03A(2) of this chapter;
- (b) Applicant or the applicant's representative has not provided information requested by the local agency as required in Regulation .06B of this chapter;
- (c) Applicant dies while the application is being processed;
- (d) Applicant establishes residency outside Maryland while the application is being processed;
- (e) Applicant does not meet the eligibility criteria as required in Regulation .03 of this chapter;
- (f) Applicant abandons the applicant's residence;
- (g) Applicant withdraws the application for MEAP assistance;
- (h) Information supplied at application was incorrect and the household was originally ineligible;
- (i) Applicant resides in public or subsidized housing where heat is included in the rent;
- (j) Household as constituted at time of application has received assistance through Maryland Energy Assistance Program during the current program year; or
- (k) Applicant resides in an assisted living facility.

(4) Notice of Denial.

- (a) The local agency shall mail notification to the applicant of the decision to deny the application within 10 working days of the decision.
- (b) The written notice shall include:
 - (i) The reason for the denial;
 - (ii) The COMAR citation of the regulation supporting the decision to deny the application;
 - (iii) An explanation of the applicant's right to appeal the decision and the method for requesting an administrative hearing set forth in Regulation .12 of this chapter; and
 - (iv) The date by which the local agency shall receive the applicant's administrative hearing request.

(5) Delaying MEAP Benefits. The local agency may delay the delivery of MEAP benefits if:

- (a) The applicant moves to another residence that cannot be serviced by the household's originally designated energy supplier;
 - (b) The local agency has reason to believe the applicant or the applicant's representative provided incorrect information on the application; or
 - (c) The applicant or the applicant's representative fails to notify the local agency of a new address and the local agency cannot contact the applicant.
- (6) The applicant or the applicant's representative shall notify the local agency of the applicant's new energy supplier if the applicant changes residence to an area serviced by another energy supplier.

E. Unused benefits. The energy supplier shall return any unused benefit, for which the applicant may not be held liable, to the local agency or the Department of Human Resources as specified by the Administration in its procedures.

F. Termination of MEAP Benefits.

- (1) The local agency shall terminate an applicant's MEAP benefits and notify the energy supplier to return the applicant's unused benefits to the local agency if the applicant:

- (a) Move to a residence outside of the State;
 - (b) Move to an area outside of the applicant's energy supplier's service area and fails to report the new address to the local agency;
 - (c) Is no longer a customer of the energy supplier receiving the benefit;
 - (d) Submits an application for an individual who has died;
 - (e) Abandons the residence;
 - (f) Informs the local agency that the benefit is not wanted;
 - (g) Moves to an assisted living facility;
 - (h) Is incarcerated; or
 - (i) Supplies incorrect information at application and the applicant was originally ineligible.
- (2) If the local agency determines that termination of the benefit is required, the local agency shall notify the household in writing. The written notice shall include:
- (a) The reason for termination;
 - (b) The COMAR citation supporting the decision; and
 - (c) An explanation of the applicant's right to appeal and method for requesting an administrative hearing.

.07 Delivery of Benefit.

A. Delivery of benefit may be accomplished by a:

- (1) Benefit payment to the energy supplier on behalf of the applicant, as determined by the Administration in accordance with the provisions of the current contract in effect with the energy supplier.
- (2) Benefit payment to the landlord on behalf of the applicant when heating costs are included in the rent. The payment is to be credited to the applicant's rent.
- (3) Direct benefit payment to the applicant if:
 - (a) The vendor or landlord refuses to accept payment; or
 - (b) Other circumstances as determined by the local agency prevent the issuance of the benefit to a vendor; and
- (4) Direct benefit payment to the shelter.

B. Amount of Benefit Payment.

- (1) The Administration shall determine annually the benefit payment levels and include the levels in each year's approved State plan.
- (2) The Administration may authorize a supplemental benefit increase, and shall determine the amount of any supplemental increase and provide notice of the amount by:
 - (a) An approved State plan amendment for the current year;
 - (b) A benefit letter to the household; and
 - (c) A letter to the energy supplier.
- (3) The Administration shall determine annually the percentage of a shelter's total documented current heating bill that comprises the benefit payment to shelters, and provide written notice of the benefit amount to eligible shelters.

C. The local agency shall send written notification to each energy supplier to return to MEAP the undelivered benefits of households that no longer have an active account with the energy supplier. The written notice shall request that the energy supplier return to MEAP balances remaining at the close of a customer's account, by the time specified in the supplier's current contract.

.08 Delay or Termination of Service.

A. The local agency may delay the delivery of service when the:

(1) Household moves to another residence and cannot be serviced by the original energy supplier or landlord. In this case the:

(a) Applicant shall notify the local agency of the new address and new energy supplier or landlord.

(b) Original energy supplier or landlord shall return any unused benefit to the local agency. The applicant may not be held liable for the failure of the energy supplier or landlord to return the unused benefit.

(c) Local agency shall arrange for continued delivery of the remaining benefit.

(2) Household moves to another residence and can be serviced by the original energy supplier. The applicant shall notify the local agency of the new address and shall arrange for continued delivery of the benefit.

(3) Local agency has reason to believe that incorrect information was supplied on the application.

B. The local agency shall terminate the benefit and notify the energy supplier or landlord to return any unused portion of the benefit to the local agency when the:

(1) Household moves and is no longer eligible;

(2) Household moves and fails to report the new address;

(3) Household consists of one person who has died;

(4) Residence is abandoned;

(5) Applicant informs the local agency that the benefit is not wanted;

(6) Information supplied at application was incorrect and the household originally was ineligible.

C. When the local agency determines that termination of the benefit is required, the local agency shall notify the household in writing. The written notice shall include:

(1) The reason for termination;

(2) The specific regulation supporting the decision; and

(3) An explanation of the applicant's right to appeal and method for requesting a fair hearing. If the household files an appeal within 15 calendar days, the benefit is continued until the hearing decision has been made.

.09 Division of the Household.

A. If a household is divided, the energy supplier shall credit the undelivered benefit to the part of the household that remains at the original residence.

B. The energy supplier shall return the undelivered benefit to MEAP for reallocation if the original residence is abandoned.

C. New households formed as a result of division of the original household may apply for assistance.

D. A household may receive only one benefit during the heating season except as provided for in Regulation .07B(2) of this chapter.

.10 Crisis Assistance.

A. A household may apply for crisis assistance from November through March.

B. The applicant shall sign a declaration form attesting to the crisis situation.

C. A household may apply for crisis assistance at the time of application for MEAP or after the date of application, but before notification that the benefit has been granted.

D. The local agency shall determine income eligibility based on the documentation provided by the applicant at the time of application. The applicant shall declare the amount of income by signing an income declaration form, if the documentation provided is insufficient to complete the application.

E. The local agency shall determine eligibility for crisis assistance and provide a benefit for crisis assistance to equal the amount needed to alleviate the crisis, up to the current year's approved crisis assistance payment level in accordance with each year's State plan and any corresponding amendment or amendments to the plan.

F. The local agency shall arrange for delivery of the benefit within 18 hours of the time that the crisis is declared if the:

- (1) Household has no supply of fuel;
- (2) Household's utility service is disconnected; or
- (3) Household has a broken furnace or fuel burner.

G. The local agency shall arrange for delivery of the benefit within 48 hours of the time that the crisis is declared if the household has:

- (1) Not more than a 3 to 4 day supply of fuel; or
- (2) A "true" disconnection notice for within 3 or 4 days.

H. Crisis assistance benefits may take the form of:

- (1) Payment to an energy supplier;
- (2) Furnace repair; or
- (3) Temporary shelter.

I. If the household is determined eligible based on the completed application, the local agency shall deduct the value of the crisis assistance from the benefit. The local agency shall authorize the energy supplier to deliver the remainder of the benefit.

J. If the applicant is found to be ineligible after receiving crisis assistance, the local agency shall attempt to recover the benefit.

K. The local agency shall deny a household crisis assistance if the household applies for crisis assistance after the benefit has been exhausted, but the local agency shall refer the household to other agencies for assistance.

.11 Recovery.

A. Applicants are liable for payments made in excess of the allowable benefit as determined by the Administration.

B. The local agency shall require the energy supplier or landlord to return the amount of the overpayment from any unused benefit.

C. If the amount of the unused benefit is not sufficient to cover the amount of overpayment, the local agency shall attempt to recover the overpayment from the applicant.

D. If the applicant fails to comply with the request for repayment, the local agency shall refer the recovery of the overpayment to the Administration. The Administration shall refer the case to the Central Collections Unit of the Department of Budget and Management.

.12 Administrative Hearing Process.

A. The local agency shall have a grievance procedure and shall attempt to resolve a grievance at the local level.

B. Except as provided in §C of this regulation, an applicant may appeal as set forth in COMAR 07.01.04.

C. The appellant has 15 calendar days from the date the notice of decision or action was sent by the local agency to file a request.

Administrative History

Effective date: April 22, 1985 (12:8 Md. R. 801)

Regulations .02B, .03, .04B, .05F, .06, .12 amended effective July 28, 1986 (13:15 Md. R. 1733)

Regulation .02B amended effective April 6, 1987 (14:7 Md. R. 829)

Regulations .03E and .06B amended effective February 24, 1986 (13:4 Md. R. 395)

Regulation .03 amended effective April 6, 1987 (14:7 Md. R. 829)

Regulation .04B amended effective April 6, 1987 (14:7 Md. R. 829)

Regulation .12 amended effective May 4, 1987 (14:9 Md. R. 1079)

Annotation: COMAR 07.06.06 cited in Attorney General Opinion No. 86-013 (March 5, 1986)

Chapter revised effective April 15, 1991 (18:7 Md. R. 771)

Chapter revised effective May 24, 2004 (31:10 Md. R. 794)

Regulation .03A, C amended effective April 9, 2007 (34:7 Md. R. 697)

Regulation .04D amended effective April 9, 2007 (34:7 Md. R. 697)

Regulation .06D amended effective April 9, 2007 (34:7 Md. R. 697)

Regulation .07B, C amended effective April 9, 2007 (34:7 Md. R. 697)

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 06 Family Investment Administration

Chapter 22 Electric Universal Service Program

Authority: Article 41, §§6-401(b); Public Utility Companies Article, §7-512), Annotated Code of Maryland

.01 Purpose and Scope.

A. The purpose of the Electric Universal Service Program (EUSP) is to:

(1) Provide cash assistance and weatherization services to eligible low-income Maryland residents under the Universal Service Program provisions of The Electric Competition and Customer Choice Act to the extent that funds are available; and

(2) Help residents reduce and manage their electric costs and maintain their electric service.

B. The assistance components under the EUSP administered by the Office of Home Energy include:

(1) Bill assistance; and

(2) Arrearage retirement.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Administration" means the Community Services Administration of the Department of Human Resources.

(2) "All-electric residence" means a dwelling that uses electricity as its primary source of heat.

(3) "Annual consumption" means the amount of electricity, stated in kilowatt hours as reported by the customer's electric company, an electric customer uses in a 12-month period.

(4) "Applicant" means an electric customer for whom EUSP assistance is being requested.

(5) "Arrearage" means the amount of money owed by an electric customer to an electric company which is 21 days or more past due.

(6) "Assisted living facility" means an institution that admits elderly or disabled individuals and provides a protective institutional or home-type environment for a fee.

(7) "Benefit" means cash assistance or other EUSP service that is provided on behalf of an eligible applicant.

(8) "Department" means the Maryland Department of Human Resources.

(9) "Disabled" means an individual who has a physical or mental impairment that interferes with one or more of life's major activities, such as walking, seeing, hearing, speaking, working, or learning.

(10) "Elderly" means an individual 60 years old or older.

(11) "Electric company" means the company that provides electric distribution services to an electric customer.

(12) "Electric customer" means an individual:

- (a) With an active retail electric service account in the individual's name; or
 - (b) Who is applying for retail electric service in the individual's name.
- (13) "Household" means an individual or group of individuals who are living together as one unit and for whom residential electric service is purchased in common.
- (14) "Income" means gross income unless otherwise specified in Regulation .04 of this chapter.
- (15) "Landlord" means the owner of the property who leases or rents the property to the household.
- (16) "Local agency" means an agency with which the Department has contracted to administer a component or components of the EUSP.
- (17) "Low-income weatherization" means cost effective measures that reduce electric energy consumption.
- (18) "Non-all-electric residence" means a dwelling that:
- (a) Does not use electricity as its primary source of heat; and
 - (b) Is equipped with fossil fuel-burning heating equipment for oil, gas, propane, kerosene, or coal.
- (19) "Off-service applicant" means an EUSP applicant who does not have an active retail electric service account.
- (20) "On-service applicant" means an EUSP applicant who has an active account for electric service.
- (21) "Program year" means July 1 through June 30.
- (22) "Proxy" means an individual 18 years old or older who is authorized by signature of the applicant to:
- (a) Participate in the intake interview; and
 - (b) Provide information and documentation on behalf of the applicant.
- (23) "Public housing" means a dwelling complex owned and operated by a local government whose:
- (a) Residents are determined eligible based on income; and
 - (b) Rental fees are subsidized by local or federal funding.
- (24) "Qualified alien" has the meaning stated in 8 U.S.C. §1641.
- (25) "Renter" means an individual who rents or leases a residential dwelling from a landlord.
- (26) Subsidized Housing.
- (a) "Subsidized housing" means a public or privately owned dwelling where:
 - (i) Eligibility for residency is based on income; and
 - (ii) The rental fees are subsidized by federal or local funding.
 - (b) "Subsidized housing" does not include a dwelling funded under the following programs of the Maryland Department of Housing and Community Development:
 - (i) Below Market Interest Rate Program; or
 - (ii) Rental Assistance Program.
- (27) "Verification" means documentation or proof of accuracy of statements made by the applicant, proxy, or recipient of EUSP benefits.

.03 Eligibility for Assistance.

A. An applicant is eligible for assistance if the applicant:

- (1) Is an electric customer;
- (2) Resides in Maryland;
- (3) Has total household countable income as described in Regulation .04 of this chapter which does not exceed 175 percent of the federal poverty level; and
- (4) Is a:
 - (a) U.S. citizen,
 - (b) Legal immigrant admitted for permanent residence or otherwise legally residing in the United States, or
 - (c) Qualified alien.

B. For purposes of receiving an arrearage, an applicant:

- (1) May not have received an arrearage benefit from the EUSP within the preceding 7 fiscal years; and
- (2) Shall have a qualified arrearage reported by the applicant's current electric company.

C. Waiver. Waivers to §A(3) of this regulation may be granted according to policy established under COMAR 07.06.06.03C.

.04 Income Requirements.

A. Total Household Income. The applicant's total household income is determined by using countable income, as described in §D of this regulation, received by household members during the 30-day period before the date of application.

B. Maximum Allowable Income. The Administration shall determine the maximum allowable income for households as indicated in Regulation .03C of this chapter.

C. Income of Household Members Not Meeting the U.S. Citizenship Requirements.

- (1) Any member of the applicant's household, including the applicant, who does not meet the U.S. citizenship requirements as provided in Regulation .03D of this chapter shall be included on the application but may not be counted as a member of the applicant's household.
- (2) For the purpose of determining the household's eligibility, the income attributed to the individual who is not a U.S. citizen shall be verified and included in the household's total income.

D. Countable Income. Income from the following sources is considered countable income:

- (1) Gross wages, tips, and commissions received from employment;
- (2) Self-employment income and rental income, less expenses (excluding depreciation expenses) necessary to produce the income;
- (3) Social Security income less Medicare payment deduction;
- (4) Supplemental Security Income (SSI) less Medicare payment deduction;
- (5) Dividends;
- (6) Interest received from savings or checking accounts;
- (7) Interest or dividends received from the redemption of bonds;
- (8) Estate or trust fund income;
- (9) Royalties;
- (10) Temporary Cash Assistance (TCA);

- (11) Temporary Disability Assistance Program (TDAP);
- (12) Pensions;
- (13) Disbursements from annuities, individual retirement accounts (IRAs), or other retirement accounts;
- (14) Child support;
- (15) Alimony or spousal support;
- (16) Workers' Compensation benefits;
- (17) Unemployment Insurance benefits;
- (18) Veteran's pension benefits;
- (19) Mine worker's benefits;
- (20) Armed forces dependent allowances;
- (21) Criminal Injuries Compensation Board payments;
- (22) Monetary gifts and loans, excluding the portion of a student loan used to cover tuition and required fees;
- (23) Stipends for educational or research fellowships for living expenses excluding that portion that covers tuition and required fees;
- (24) Employee strike funds where there is no employee contribution;
- (25) Third-party payments received by live-in home care providers for the care of adults who cannot care for themselves; and
- (26) Railroad retirement benefits less Medicare payment deduction.

E. Noncountable Income. Income or resources from the following sources are not considered countable income:

- (1) Third-party payments over which the household has no discretion of the use of the funds;
- (2) In-kind contributions of a commodity or service such as gifts of food, building materials used for repairs, or labor;
- (3) Employment income of children 17 years old or younger;
- (4) Educational assistance funded under Title IV of the Higher Education Act or under the Bureau of Indian Affairs;
- (5) Educational assistance, such as grants, scholarships, fellowships, educational loans on which payment is deferred, work-study, and veterans' benefits, to pay for tuition, books, and other required materials, and required fees which are awarded to a household member enrolled:
 - (a) At a recognized institution of post-secondary education,
 - (b) At a school for individuals with disabilities,
 - (c) In a vocational education program in a vocational or technical school, or
 - (d) In a program that provides for obtaining a secondary school diploma or an equivalent;
- (6) Payments under the Federal Action Program to participants in the Retired Senior Volunteer Program, Foster Grandparents, or Senior Companion Program;
- (7) Stipends to participants in State or federally funded job training programs;
- (8) Federal Department of Housing and Urban Development (HUD) direct payment subsidies provided to households;
- (9) Food Supplement Program benefits;
- (10) Welfare Avoidance Grants (WAGs);

- (11) Public assistance vendor payments provided for emergency assistance or special assistance;
- (12) Foster care grants and foster child care payments;
- (13) Child support paid as required by court order pursuant to §F of this regulation;
- (14) Payments to employees on strike when the strike fund consists of employee contributions;
- (15) Reinvested interest and dividends from individual retirement accounts (IRAs) or other retirement accounts;
- (16) A non-recurring lump sum payment including income tax refunds and lottery winnings;
- (17) Maryland Renters' Tax Credit Program payments;
- (18) Maryland Homeowners' Tax Credit Program credits;
- (19) Federal Earned Income Tax credits or payments;
- (20) Medicare payments deducted from Social Security grants;
- (21) Subsidized adoption payments;
- (22) Americorps or VISTA payments;
- (23) Reverse mortgage loans; and
- (24) Court ordered garnishments and tax levies.

F. Calculating Allowable Child Support Payments.

- (1) Verified child support payments may be deducted from the applicant's household member's gross income up to the amount specified by court order.
- (2) Child support payments made in excess of the specified amount on the court order may not be deducted from the applicant's household member's gross income.

.05 Application Process for EUSP.

A. An applicant or proxy shall submit an EUSP application to the local agency:

- (1) In person; or
- (2) By the mail-in application process.

B. A completed EUSP application shall include:

- (1) The application form signed and dated by the applicant or proxy;
- (2) The names of all household members;
- (3) Verification of Social Security numbers for all household members or, when a Social Security number is not available, verification of the application for a Social Security number;
- (4) Verification of all income of all household members;
- (5) Verification of the applicant's identity;
- (6) Verification of immigration status for all household members who are not U.S. citizens;
- (7) Verification of location of residence;
- (8) Proof of receipt of electric service in the applicant's name, such as an electric bill from the applicant's electric company or confirmation from the electric company that electric service is being requested in the applicant's name;

(9) If a renter, proof of rental status; and

(10) A statement signed by the applicant or proxy authorizing the local agency to verify, through any appropriate sources, statements made or documents presented by the applicant or proxy during the application process.

C. For EUSP applicants who are off-service, the applicant's electric company must confirm that electric service is being applied for in the applicant's name.

D. The local agency may certify an applicant for assistance once every program year.

.06 Local Agency Response to Application.

A. Receipt of Application. The local agency shall:

- (1) Record the date the application was received by the local agency;
- (2) Record the date of application as described in §B of this regulation; and
- (3) Assess the completeness of the application.

B. Date of Application. The date of application is the date:

- (1) The local agency receives the application for walk-in applications; or
- (2) The application was signed by the applicant or proxy when the local agency receives the application by mail within 10 working days of the date the applicant or proxy signed the application.

C. Incomplete Application.

- (1) If the application is incomplete, the local agency shall notify the applicant or proxy to provide the missing information within 15 calendar days from the date of the notification.
- (2) If the applicant or proxy does not provide the requested information within 15 calendar days from the date of the notification, the local agency shall deny the application.

D. Decisions on Application.

- (1) The local agency shall, within 45 calendar days of receipt of a completed application, approve or deny the application.

(2) Approved Application.

(a) The local agency shall mail notification to the applicant or proxy of the approval within 10 working days after sending benefits to the applicant's electric company.

(b) The written notice of the local agency's decision shall include:

- (i) The amount or description of benefits approved on behalf of the applicant's household;
- (ii) The duration of the benefits;
- (iii) The name of the electric company to which the benefits are paid; and
- (iv) An explanation of the applicant's right to appeal any part of the agency's decision and the method for requesting a fair hearing of an appeal.

(3) Denied Application. The local agency shall deny the application for benefits when:

- (a) The applicant's household countable income exceeds 175 percent of the federal poverty level;
- (b) The applicant or proxy has not provided the information requested by the local agency as prescribed in §B of this regulation;
- (c) The applicant dies while the application is being processed;

- (d) The applicant establishes residency outside Maryland while the application is being processed;
 - (e) The applicant does not meet the eligibility criteria as prescribed in Regulation .03 of this chapter;
 - (f) The applicant abandons the applicant's residence;
 - (g) The applicant withdraws the application for EUSP assistance;
 - (h) The information supplied at application was incorrect and the household was originally ineligible; or
 - (i) The applicant resides in a assisted living facility.
- (4) The local agency shall mail notification to the applicant of the decision to deny the application within 10 working days of the decision. The written notice shall include:
- (a) The reason for the denial;
 - (b) The citation of the regulation supporting the decision to deny the application;
 - (c) An explanation of the applicant's right to appeal the decision and the method for requesting a fair hearing; and
 - (d) The date by which the local agency must receive the applicant's fair hearing request.
- (5) Delaying EUSP Benefits. The local agency may delay the delivery of EUSP benefits when:
- (a) The applicant moves to another residence and cannot be serviced by the household's originally designated electric company;
 - (b) The local agency has reason to believe the applicant or proxy provided incorrect information on the application; or
 - (c) The applicant or proxy fails to notify the local agency of a new address and the local agency cannot contact the applicant.
- (6) The applicant or proxy shall notify the local agency of the applicant's new electric company when the applicant changes residence to an area serviced by another electric company.
- E. Unused Benefits. The electric company shall return any unused benefit in the event the benefit cannot be applied to an active electric account, for which the applicant may not be held liable, to the Administration.
- F. Termination of EUSP Benefits.
- (1) The local agency shall terminate an applicant's EUSP benefits and notify the electric company to return the applicant's unused benefits to the local agency when the applicant:
- (a) Moves to a residence outside Maryland;
 - (b) Moves to an area outside of the applicant's electric company's service area and fails to report the new address to the local agency;
 - (c) Is no longer an electric customer;
 - (d) Submits an application for an individual who has died;
 - (e) Abandons the residence;
 - (f) Informs the local agency that the benefit is not wanted;
 - (g) Moves to an assisted living facility;
 - (h) Is incarcerated; or
 - (i) Supplies incorrect information at application and the applicant was originally ineligible.
- (2) When the local agency determines that termination of the benefit is required, the local agency shall notify the household in writing. The written notice shall include:

- (a) The reason for termination;
- (b) The citation of the regulation supporting the decision; and
- (c) An explanation of the applicant's right to appeal and method for requesting a fair hearing.

.07 Bill Assistance.

A. Subject to Regulations .03—.05 of this chapter and the availability of funds, the local agency or Administration may deliver bill assistance benefits on behalf of an eligible EUSP applicant by a payment, or payments, to the applicant's electric company.

B. Bill assistance benefits shall be:

- (1) Available to help an eligible electric customer maintain electric service;
- (2) Payable to the electric company, a retail electric supplier, or both, in the EUSP applicant's service area; and
- (3) Returned by the eligible applicant's electric company to the Administration for reallocation when the electric company cannot apply the benefits to the applicant's active account.

C. Amount of Benefits.

- (1) The Administration shall determine allowable benefit amounts for bill assistance based on:
 - (a) The household's income poverty level;
 - (b) The applicant's household's electric consumption during the 12 months before the date of application; and
 - (c) The applicant's status as a resident in public or subsidized housing.
- (2) An eligible applicant may receive one bill assistance benefit during one program year.

D. Supplemental Bill Assistance Benefits. If the Administration authorizes a supplemental bill assistance benefit increase, the Administration shall send a written notification to eligible applicants and their respective electric companies.

.08 Arrearage Retirement.

A. Subject to Regulations .03—.05 of this chapter and the availability of funds, the local agency or Administration may issue benefits for electric arrearage retirement to an electric company in an applicant's service area on behalf of an eligible EUSP applicant who owes an outstanding arrearage to the electric company for electric service.

B. Arrearage retirement benefits:

- (1) Shall be issued to assist an eligible electric customer maintain or reestablish electric service; and
- (2) Are limited to arrearages owed to the applicant's electric company for electric service arrearages the applicant incurred, prior to current monthly bill and which has been verified by the applicant's electric company during the application process.

C. The local agency or Administration shall allow the applicant or proxy to review arrearage information provided by the applicant's electric company during the application process.

D. Delivery of Arrearage Retirement Benefits. The local agency or Administration shall:

- (1) Issue the arrearage retirement benefits within the minimum and the maximum amount authorized by Public Service Commission order; and
- (2) Make a benefit payment, or series of payments, on behalf of the applicant.

E. Amount of Benefits. Benefit levels for arrearage retirement shall be based on the applicant's arrearage balance with a minimum and maximum amount established by the Public Service Commission, subject to §§A—D of this regulation, verified by the applicant's electric company.

F. Disputes Regarding Arrearage Data.

(1) The local agency shall:

(a) Forward an EUSP applicant dispute regarding arrearage data supplied by the applicant's electric company to the Public Service Commission for resolution; and

(b) Continue the application and payment process pending the Public Service Commission's notification of the dispute resolution.

(2) In disputed cases, the payment amount the local agency makes for the applicant's arrearage retirement shall be the amount specified by the applicant's electric company.

(3) Following resolution of the dispute, the applicant's electric company shall refund to the local agency benefits received on behalf of the applicant in excess of the amount the Public Service Commission determines to be correct.

.09 Recovery of Benefits.

A. An applicant is liable for all EUSP payments made on the applicant's behalf in excess of the maximum allowable benefit.

B. The local agency shall require the eligible household's electric company, or low-income weatherization contractor or vendor, to return the amount of an overpayment from any unused benefit to the Administration.

C. The electric company shall return any unused benefit for which the applicant may not be held liable, in the event the benefit cannot be applied to an active electric account.

.10 Fair Hearing Process.

A. The local agency shall have a grievance procedure and attempt to resolve grievances at the local level.

B. An applicant or proxy has 15 calendar days from the date the local agency mails or gives the applicant the notice of decision or action to file a written request for a fair hearing with the local agency.

C. When the local agency is not able to resolve the applicant's dispute or complaint, the applicant or proxy may request an administrative hearing according to COMAR 07.01.04. Within 2 working days of receipt of a request for an administrative hearing, the local agency shall forward the applicant's request and all pertinent information to the Administration.

Administrative History

Effective date:

Regulations .01—.11 adopted as an emergency provision effective July 1, 2000 (27:15 Md. R. 1391)

Regulations .01—.11 adopted effective December 11, 2000 (27:24 Md. R. 2199)

Chapter revised effective June 18, 2007 (34:11 Md. R. 971)

Regulation .02B amended effective November 16, 2009 (36:23 Md. R. 1816)

Regulation .03A, B amended effective November 16, 2009 (36:23 Md. R. 1816)

Regulation .04E amended effective November 16, 2009 (36:23 Md. R. 1816)

Title 20 PUBLIC SERVICE COMMISSION

Subtitle 31 TERMINATIONS OF SERVICE

Chapter 05 Utility Service Protection Program

Authority: Public Utility Companies Article, §§2-113, 2-121, 5-101, and 7-307, Annotated Code of Maryland

.01 Scope and Applicability.

- A. This chapter applies to all electric utilities, gas utilities, and combination electric and gas utilities, as defined in this subtitle, under the jurisdiction of the Public Service Commission.
- B. This chapter governs terminations and reconnections of electric service, gas service, or both, for residential customers qualifying for the Utility Service Protection Program.
- C. Upon good cause shown, the Commission may authorize a municipally owned electric utility, a municipally owned electric and gas utility, or an electric or gas utility with fewer than 5,000 customers to establish instead of the Utility Service Protection Program another program designed to safeguard MEAP customers from termination of service during the heating season. In order to obtain this authorization, the utility shall show to the satisfaction of the Commission that implementation of the USPP will be unduly burdensome for the utility and that the alternative program provides adequate and appropriate safeguards to MEAP customers.

.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) "Arrearage" or "outstanding arrearage" means amounts owed by a customer for gas or electric service other than the most current billing cycle usage.
 - (2) "Heating season" means billing months of November through March of successive calendar years.
 - (3) "MEAP" means the Maryland Energy Assistance Program administered by the Maryland Department of Human Resources.
 - (4) "MEAP eligible" means a utility customer who has met the criteria established by the Maryland Energy Assistance Program for receipt of an energy assistance grant.
 - (5) "Poverty levels" or "percentages of poverty" means the income guidelines used by the Department of Human Resources to establish income eligibility for MEAP grants.
 - (6) "Program participant" means a customer who has met all eligibility requirements, completed all application procedures, and is enrolled in the Utility Service Protection Program.

.03 Utility Service Protection Program.

- A. Each utility under the jurisdiction of the Public Service Commission shall provide and administer a Utility Service Protection Program consistent with these regulations.
- B. Each utility shall establish and offer its Utility Service Protection Program before November 1 of each year.
- C. Before November 1 of each year, each utility shall advise customers of the availability of the Utility Service Protection Program through all of the following:
 - (1) Bill inserts in September and October which provide a description of the Utility Service Protection Program.
 - (2) Either a Customer Rights Pamphlet which includes a general summary of the Utility Service Protection Program or a separate pamphlet explaining the Utility Service Protection Program.
 - (3) Normal collection procedures.

- (4) A letter to all electric and gas heating customers whose service was terminated since the last heating season and not reconnected. The letter should include:
 - (a) The provisions of the Utility Service Protection Program;
 - (b) The amount of the customer's arrearage;
 - (c) The conditions for service reconnection under Regulation .08; and
 - (d) Information regarding the availability and sources of assistance for which the customer may qualify.
- (5) Other reasonable promotional efforts.

.04 Eligibility for Utility Service Protection Program.

Utility customers eligible for energy assistance from the Maryland Energy Assistance Program (MEAP) are eligible for participation in the Utility Service Protection Program, provided that the customer:

- A. Complies with the application procedures set forth in Regulation .05; and secures reconnection of any terminated gas or electric service by making the designated payment for outstanding arrearages described in Regulation .08

.05 Application Procedures.

- A. For participation in the Utility Service Protection Program, a customer shall apply for the Maryland Energy Assistance Program for those utilities which provide gas and electric service to the customer.
- B. Completed applications forwarded by MEAP to the utility shall include:
 - (1) A written certification from MEAP that the applicant has applied and is eligible for MEAP; and
 - (2) A written designation from MEAP of the applicant's poverty level and grant amount payable to the utility.
- C. The applicant shall sign a form requesting participation in the USPP and agreeing to:
 - (1) Comply with the terms of the Utility Service Protection Program;
 - (2) Make payments pursuant to an annual payment plan which is specific to the customer and calculated in accordance with Regulation .06; and
 - (3) Make payments pursuant to a supplemental payment plan to retire any accumulated arrearages under COMAR 20.31.01.08. The utility shall consider the poverty level of the household as determined in the MEAP application in establishing the amount of the required monthly payment to liquidate arrearages.
- D. At the time of application, an applicant shall be notified of all protections and responsibilities accorded under Regulations .06, .07, and .08. Applicants eligible for protection under Regulation .07E shall be notified of the \$40 per month minimum payment provision set forth under Regulation .07E, and that any amount due to the utility in excess of the minimum payment requirement shall be payable during the ensuing non-heating season.
- E. An applicant shall be promptly notified by the utility of his acceptance into the Utility Service Protection Program and be provided with a copy of the equal monthly payment plan designated for that applicant under Regulation .06 of this chapter.
- F. Each utility shall reimburse the MEAP for its administrative costs of taking applications from program participants and forwarding them to the utility. The charge shall be as established by the Commission upon request by MEAP. .06 Equal Monthly Payment Plan.
 - A. An equal monthly payment plan based on the estimated cost of average annual utility usage minus annual MEAP benefits payable to the utility shall be used as the basis to determine appropriate payments for participation in the Utility Service Protection Program.
 - B. Monthly payments shall be calculated as follows:
 - (1) The utility shall calculate average annual cost based on a 12-month history of the customer's dwelling or a comparable dwelling;
 - (2) The average annual cost shall be reduced by the amount of the participant's MEAP benefit; and

- (3) The estimated annual cost shall be divided by 12 to give the monthly payment obligation.
- C. The monthly bill shall separately state each of the following:
- (1) The combined amount due under the equal monthly payment plan plus the amount due under the supplemental payment plan under COMAR 20.31.04.01, if applicable;
 - (2) The actual usage for the month; and
 - (3) The cost of the actual usage for the month.
- D. The estimated annual obligation shall be recalculated at least once a year to reflect actual customer consumption. If actual usage exceeds the average monthly billing, the excess may be amortized over future monthly payments.

.07 Terminations of Service.

- A. If a customer fails to make a payment in compliance with his equal monthly payment plan, a utility shall provide at least one warning notice that the payment is past due and that nonpayment of two consecutive bills shall render the customer subject to removal from the Utility Service Protection Program and service termination.
- B. Except as otherwise provided in §D, a customer may be removed from the Utility Service Protection Program and subject to service termination if the customer fails to pay, on two consecutive monthly due dates, the amount due.
- C. Notwithstanding a customer making payments in compliance with his equal monthly payment plan, the customer may be subject to service termination when applicable grounds exist under COMAR 20.31.02.03 or COMAR 20.31.02.04.
- D. In initiating service termination, the utility shall comply with COMAR 20.31 before any termination of service may occur.
- E. Except as otherwise provided in §C, if a participant's MEAP application establishes that the participant will receive a MEAP benefit for a household that is at or below 50 percent of poverty, the participant may not be terminated from service between November 1, 1988 and March 31, 1989 if the participant has paid to the utility, exclusive of any MEAP grant, on or after November 1, 1988 a cumulative amount which is at least equal to \$40 times the number of full months between November 1, 1988 and the proposed termination date. Before termination the utility shall inform a participant of this option, and provide at least 10 working days' notice to the participant to meet this minimum payment requirement.

.08 Reconnection of Service.

- A. A customer eligible for participation in the Utility Service Protection Program who is not receiving utility service shall have his utility service reconnected for the purpose of participation in the Utility Service Protection Program, provided that the customer:
- (1) Is certified eligible for MEAP assistance;
 - (2) Complies with the application procedures in Regulation .05; and
 - (3) Makes the designated payment for outstanding arrearages as described in §B.
- B. Amount of Payment.
- (1) A customer who has not previously participated in the Utility Service Protection Program shall pay an amount sufficient to reduce the outstanding arrearage to \$400.
 - (2) A customer who has previously participated in and has been removed from the Utility Service Protection Program shall pay the greater of:
 - (a) An amount sufficient to reduce outstanding arrearage to \$400; or
 - (b) The amount covering the monthly installments in arrears in the customer's equal monthly payment account and supplemental payment account at the date of reconnection.
- C. First-Time Applicants.

(1) First-time applicants for the USPP program may elect to apply all or part of the MEAP benefit to past arrearages to qualify for participation in the Utility Service Protection Program after all other emergency funds, public and private, for which the client is eligible have been used.

(2) In the case of an election in §C(1), the equal monthly payment shall be based on estimated annual consumption less any remaining MEAP benefits.

(3) An election is for one time only, and for subsequent benefits the MEAP benefit may not be used to reduce arrearages.

D. A reconnection fee or additional security deposit may not be charged to customers eligible for reconnection under §A.

.09 Utility Data Collection.

In order to evaluate the impact of the Utility Service Protection Program, each participating utility shall compile and maintain certain data, as specified by the Public Service Commission, to be filed with the Commission for the year ending March 31. The data shall be filed with the Commission not later than May 1.

.10 Notifications to Department of Housing and Community Development.

A. For purposes of scheduling low-cost weatherization, utilities shall provide the Department of Housing and Community Development Weatherization Program with the names and addresses of customers with incomes at 50 percent of poverty or below whose service is reconnected pursuant to Regulation .08.

B. Each utility shall furnish the Department of Housing and Community Development with the name, address, and winter energy consumption, November through March, of those Utility Service Protection Program participants whose usage is 135 percent or more of the system average for residential consumption of that fuel. The utility shall also notify the customer of his high energy consumption.

Administrative History

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Regulation .03B, C amended effective August 25, 1986 (13:17 Md. R. 1924); September 20, 1987 (14:19 Md. R. 2060)

Regulation .05 amended effective August 25, 1986 (13:17 Md. R. 1924)

Regulation .05F amended effective September 20, 1987 (14:19 Md. R. 2060)

Regulation .06C amended effective October 6, 1986 (13:20 Md. R. 2213); September 20, 1987 (14:19 Md. R. 2060)

Regulation .06D amended effective September 20, 1987 (14:19 Md. R. 2060)

Regulation .08 amended effective August 25, 1986 (13:17 Md. R. 1924); September 20, 1987 (14:19 Md. R. 2060)

Regulation .09C amended effective September 20, 1987 (14:19 Md. R. 2060)

Regulations .01—.10, Winter Heating Protection Program, repealed effective November 14, 1988 (15:23 Md. R. 2661)

Regulations .01—.10, Utility Service Protection Program, adopted effective November 14, 1988 (15:23 Md. R. 2661)

Regulation .05F amended effective December 24, 1990 (17:25 Md. R. 2909); June 17, 1996 (23:12 Md. R. 873)

Title 20 PUBLIC SERVICE COMMISSION

Subtitle 31 TERMINATIONS OF SERVICE

Chapter 01 General Regulations

Authority: Public Utility Companies Article, §§2-113, 2-121, 5-101, and 7-307, Annotated Code of Maryland

.01 Applicability.

- A. This subtitle applies to all electric utilities, gas utilities, and combination electric and gas utilities, as defined in this subtitle, under the jurisdiction of the Public Service Commission.
- B. COMAR 20.31.02, 20.31.03, and 20.32.01 govern all terminations of electric service, gas service, or both, as the case may be, where the service, in whole or in part, is for use in a dwelling unit or units, except for those terminations governed by COMAR 20.31.05.
- C. If unreasonable hardship to a utility or to a customer results from the application of any of the regulations of this subtitle, applications may be made by the affected person to the Commission for the modification of the regulation or regulations or for a temporary or permanent exemption from its requirements.
- D. This subtitle does not relieve any utility to which it applies of any of its duties under the laws and regulations of Maryland or the United States.
- E. This subtitle is not intended to discourage utilities from working with local, State, or federal agencies to create or implement energy assistance programs.
- F. All references to the masculine gender in this subtitle include the feminine gender.
- G. All references to "days" in this subtitle refer to calendar days unless otherwise specified.

.02 Definitions.

- A. In this subtitle, the following terms have the meanings indicated.

- B. Terms Defined.

- (1) "Commission" means the Public Service Commission of Maryland.
- (2) "Customer" means a person receiving service from a utility, in whose name the account is maintained, for use in the premises.
- (3) "Disputed bill" means a bill which is the subject of a bona fide controversy between a customer and the utility regarding any billing error, including, but not limited to, matters such as errors in computation, failure of the bill to reflect a payment or other credit, and billing for service which the customer alleges was not used or was used by another person.
- (4) "Dwelling unit" means a room or rooms suitable for occupancy as a residence containing sanitary or kitchen facilities.
- (5) "Elderly" means an individual 65 years old or older.
- (6) "Equipment" means any device or apparatus, including piping, electrical wires, and meters, which is used by a utility to provide service to a customer or used by a customer to receive service from a utility.
- (7) "EUSP" means Electric Universal Service Program established under Public Utility Companies Article, §7-512.1, Annotated Code of Maryland.
- (8) "Handicapped" means an individual who:
 - (a) Has any physical disability or mental impairment which substantially limits one or more of the individual's life activities; and
 - (b) Is:
 - (i) Receiving disability insurance payments from a government agency that requires certification of the disability, or

- (ii) Certified as being physically disabled by a licensed physician or mentally impaired by a licensed psychiatrist or registered psychologist.
- (9) "Life-support equipment" means any electric or gas energy-using device certified by a licensed physician as being essential to prevent, or to provide relief from, a serious illness or to sustain the life of the customer or an occupant of the premises.
- (10) "Master-metered building" means a building with a dwelling unit or units, the owner or landlord of which buys electricity or gas from the utility and provides it to the tenant or tenants in the building either as a part of the rent or as a separate charge under the authority of Public Utility Companies Article, §7-303, Annotated Code of Maryland.
- (11) "Occupant" means any individual who permanently resides in the premises.
- (12) "Person" has the meaning stated in Public Utility Companies Article, §1-101, Annotated Code of Maryland.
- (13) "Premises" means a building, or portion of a building, that is receiving service from a utility for use in a dwelling unit or units.
- (14) "Serious illness" means an illness certifiable by a licensed physician to be such that termination of service during the period of time covered by the certificate would be especially dangerous to the health of the person certified to be seriously ill.
- (15) "Service" means providing electricity or gas, or both, to a premises.
- (16) "Termination" means to discontinue electric, gas, or electric and gas service to a premises by a utility.
- (17) "Third person" means an individual, organization, or government agency designated by the customer to receive notices of termination.
- (18) "USPP" means Utility Service Protection Program, established under COMAR 20.31.05.
- (19) "Utility" has the same meaning as the terms "electric company" and "gas company" as defined by Public Utility Companies Article, §1-101, Annotated Code of Maryland, and includes a combination electric and gas company.

.03 Customer Responsibilities.

A. Upon receiving a notice of termination, any customer may notify the utility either before the date on which the termination is scheduled or within 14 days of receiving the notice, whichever occurs first, that he or an occupant of the premises is elderly, handicapped, seriously ill, or relies upon life-support equipment. The customer shall obtain any necessary certification of status and shall inform the utility of this occupant's name and address, if different than the customer's, to prevent termination of service.

B. Notice to the utility includes sending to the utility a written statement of the status of the individual and sending to the utility the required certifications not later than the scheduled date of termination of service.

C. A customer who wishes to dispute the reasons for termination of his service or to dispute his bill shall first contact the utility and shall make every effort to resolve the dispute with the utility before contacting the Commission.

D. Customer Responsibility for Bills.

- (1) A customer shall be responsible for all past-due, current, and future bills for service provided to the customer.
- (2) A customer's failure to comply with the provisions of this subtitle may subject that customer to termination action by the utility.

.04 Utility Responsibilities.

A. A utility may terminate electric or gas service, or both, in accordance with the provisions of this subtitle. However, the utility shall use its discretion in unusual circumstances, including a situation involving a master-

metered building, and may not terminate service if it has or is presented with reasonable grounds to believe that termination will endanger human health, life, or safety.

B. This subtitle contains minimum requirements, and a utility may expand upon these requirements so as to provide further protections for its customers, in a manner best suited to that utility's service area and other factors.

C. Each utility shall provide its customers with a reasonable opportunity to contest the proposed termination in accordance with the provisions of this subtitle.

.05 Service Reconnection Charge.

If a utility terminates service to a customer in compliance with this subtitle, and the customer requests reconnection, he shall be liable for the charge for reconnection of service contained in the utility's tariffs and the past-due amount except as provided in COMAR 20.31.05 of this subtitle.

.06 Termination Policy Statement.

A. Each utility shall include a termination policy statement as a separately identified part of the Customer Rights Pamphlet required by COMAR 20.30.04 Customers' Rights Pamphlet.

B. This statement shall include, at a minimum, the following information:

- (1) The permissible grounds for termination of service;
- (2) A statement of the procedures for terminating and reconnecting a customer's service;
- (3) A statement that the customer may designate a third party to receive termination notices;
- (4) A statement that the customer may notify the utility if the customer or an occupant of the customer's residence is elderly, is handicapped, is seriously ill, relies upon life-support equipment, or has any existing condition for which a termination of service would be a threat to life, health, or safety.
- (5) A statement of the customer's rights and remedies in termination proceedings, which shall include the information required by Regulation .06 Text of Notices of Termination under COMAR 20.31.02 Terminations;
- (6) A statement that alternate payment plans are offered by the utility; and
- (7) A statement describing the Utility Service Protection Program under COMAR 20.31.05.

.07 Third-Party Notification.

A. Each utility shall inform its customers of the availability of third-party notification, by which the customer can designate a third person to receive notices of termination of service in addition to the customer. The third party designated and notified in accordance with these regulations is not liable for the account of the customer.

B. The designated third party may initiate appropriate action to prevent termination of the customer's service.

C. Each utility shall set up a procedure for handling this third-party notification process in a manner best suited to the circumstances of the particular utility

.08 Alternate Payment Plans.

A. If a customer is unable to pay the charges for service, the utility may negotiate an alternate payment plan.

B. When devising alternate payment plans, the utility shall consider the circumstances and financial condition of the customer.

C. If an alternate payment plan cannot be arranged, the utility shall promptly notify the customer.

D. If a customer fails to adhere to the alternate payment plan, the utility shall notify the customer that termination procedures may be begun pursuant to this subtitle.

Administrative History

Effective date: October 12, 1981 (8:20 Md. R. 1637)

Regulations .01B, .05, and .06B amended effective October 22, 1984 (11:21 Md. R. 1815)

Regulation .01 amended effective August 6, 1990 (17:15 Md. R. 1862)

Regulation .02B amended effective January 20, 2003 (30:1 Md. R. 28)

Regulation .03A amended effective May 24, 1982 (9:10 Md. R. 1023)

Regulation .03D amended effective May 10, 1993 (20:9 Md. R. 779)

Regulation .06B amended effective January 20, 2003 (30:1 Md. R. 28)

Regulation .08 adopted effective August 6, 1990 (17:15 Md. R. 1862)

————— **Annotation: Challenges to the validity of the regulations governing termination of service come under Article 78, § 89 (Declaratory judgment on validity of rules and regulations) and not under Article 78, §§90 and 91. People's Counsel v. Public Service Commission et al, September Term 1982, No. 869 (Unreported)**

APPENDIX D – ADMINISTRATIVE HEARINGS

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 01 OFFICE OF THE SECRETARY

Chapter 04 Administrative Hearings

Authority: Human Services Article, §§5-303, 5-408, and 5-501; State Government Article, §§9-1607.1, 9-1607.2, and 10-201—10-222; Family Law Article §§10-108.1—10-108.4, 10-112.1, 10-113, 10-113.1, 10-113.2, 10-114, 10-119, 10-119.3, and 12-102.3; and Transportation Article, §11-203; Annotated Code of Maryland; **Agency Note:** Federal Regulatory Reference: 7 CFR §§273.15 and 273.16, and 45 CFR §§303.32c(5), 303.72 and 303.105; and 42 U.S.C. §666(a)(17) and (c)(1)(G)(ii)

.01 Scope.

A. This chapter applies to contested case hearings relating to:

- (1) All programs provided for in COMAR 07.02 Social Services Administration;
- (2) All programs provided for in COMAR 07.03 Family Investment Administration;
- (3) All programs provided for in COMAR 07.07 Child Support Enforcement Administration; and
- (4) Other programs specifically referring to this chapter.

B. Construction.

- (1) In hearings conducted by an administrative law judge of the Office of Administrative Hearings (OAH), this chapter shall, whenever possible, be construed as supplementing and in harmony with COMAR 28.02.01 Rules of Procedure of the OAH.
- (2) In the event of a conflict between this chapter and COMAR 28.02.01, this chapter applies.
- (3) In the event of a conflict between this chapter and program regulations, the program regulations apply.

07.01.04.03

.03 Appeal Request.

A. Appeal by Applicant. An applicant may request a hearing when the agency:

- (1) Denies in full or in part an application for assistance;
- (2) Denies in full or in part an application for licensing, approval, or registration;
- (3) Fails to act with reasonable promptness on an application for, or a request for adjustment of, assistance; or
- (4) Gives notice of its intention to take any of the actions listed in §A(1)—(3) of this regulation.

B. Appeal by Recipient. A recipient may request a hearing when the agency:

- (1) Suspends, reduces, or terminates assistance;
- (2) Makes a decision affecting a plan of service to a recipient;
- (3) Makes a decision affecting a recipient's licensing, approval, or registration;
- (4) Makes a decision affecting the method of providing assistance;

- (5) Refers a recipient to a work program;
- (6) Takes a position regarding the disposition of the conciliation process as set forth in COMAR 07.03.03.15;
- (7) Imposes sanctions on a recipient;
- (8) Recovers an overpayment or overissuance in assistance; or
- (9) Gives notice of its intention to take any of the actions listed in §B(1)—(8) of this regulation.

C. Child Support Enforcement Appeals. An individual may request a hearing or a record review when the agency:

- (1) Has caused the interception or offset of all or part of the individual's State tax refund, payment from the Comptroller of the Treasury, or lottery prize as a result of an arrearage in child support;
- (2) Has caused the interception or offset of all or part of the individual's federal tax refund or federal payment authorized under 31 U.S.C. §3716 as a result of a child support arrearage reported to the federal Office of Child Support Enforcement;
- (3) Has caused the denial or revocation of the individual's passport as a result of a child support arrearage reported to the federal Office of Child Support Enforcement;
- (4) Has decided to disclose information regarding the individual's court-ordered child support obligation to:
 - (a) The Motor Vehicle Administration;
 - (b) A consumer reporting agency; or
 - (c) A business, occupation, or professional licensing authority; or
- (5) Has denied the individual participation in the payment incentive program; or
- (6) Has conducted an investigation pursuant to COMAR 07.07.12, 07.07.15, 07.07.16, 07.07.19, 07.07.20, or 07.07.21, and the individual disagrees with the results of that investigation.

D. Notice. At the time of application, and at any time an individual expresses to the agency disagreement with an agency action or intended action, the agency shall notify the individual in writing of:

- (1) The right to request an appeal;
- (2) The method by which an appeal may be requested;
- (3) Any applicable fees;
- (4) The right to be represented in an appeal by a lawyer, relative, friend, or other individual; and
- (5) The availability of any free legal services.

E. Adverse Action Notice. The agency shall send written notice of any adverse action in writing, and, in addition to the information specified in §D of this regulation, the notice shall include the:

- (1) Decision;
- (2) Basis for the decision; and
- (3) Specific regulation supporting the decision.

F. Time to Appeal—General. Except as provided in §§H and I of this regulation, the request for a hearing or record review is effective if the agency receives the request:

- (1) Within 90 calendar days of the agency mailing or delivering timely and adequate notice, whichever is earlier;
- (2) Within 90 calendar days of the agency action if the agency failed to give timely and adequate notice;

(3) Within 90 calendar days of any date by which the agency was required to act on an application or to make an adjustment in assistance and failed or refused to act; or

(4) With regard to a dispute as to the current level of food stamps, at any time within the current food stamp certification period.

G. Time to Appeal—Child Support Enforcement. With regard to child support enforcement appeals, the request is effective if OAH receives it within:

(1) 15 calendar days:

(a) Of the State Lottery Agency's notice of action or intended action pursuant to COMAR 07.07.10; or

(b) After the appellant receives the written results of an investigation issued by the Administration pursuant to COMAR 07.07.20;

(2) 20 calendar days of the Child Support Enforcement Administration's notice of action or intended action pursuant to COMAR 07.07.15; or

(3) 30 calendar days:

(a) After the date of the notice denying the individual participation in the payment incentive program;

(b) After the date of the notice of the results of an investigation conducted by the Administration pursuant to COMAR 07.07.19 and 07.07.21; or

(c) Of notice of action or intended action in any other child support matter from:

(i) The Child Support Enforcement Administration;

(ii) The State Comptroller;

(iii) Any licensing authority;

(iv) The Internal Revenue Service of the United States;

(v) The United States Department of State; or

(vi) The Financial Management Service of the United States Department of the Treasury.

H. An appeal request:

(1) Is made by expressing a desire to appeal;

(2) May be received by any social worker, caseworker, or manager, interviewer, or other employee of the agency whose assignment requires contact with the public; and

(3) Whether communicated formally or informally, shall be reported immediately to the agency's designated hearing coordinator.

I. Except as provided in §§H and L of this regulation, the filing date of the appeal request is the date the agency received the request in writing.

J. Oral Appeal Requests.

(1) Either the agency or the appellant shall reduce an oral appeal request to writing within 7 calendar days of the oral appeal request.

(2) The agency shall ask the appellant to reduce an oral request to writing and shall offer to assist the appellant.

(3) If the appellant refuses to do so, the agency shall reduce the request to writing.

(4) When the request is reduced to writing, the date of the oral request is considered to be the filing date of the request.

K. Agency Assistance in the Appeal Request.

- (1) The agency shall assist the appellant in completing an appropriate appeal request form to ensure that it contains all the information required to process the request.
- (2) When it is unclear from the request what action is being appealed, the agency may ask the appellant to clarify the request.
- (3) When necessary, the agency shall provide an interpreter to:
 - (a) Assist the appellant in filing an appeal request; and
 - (b) Assure that the hearing procedure is explained in a manner understood by the appellant.

07.01.04.04

.04 Processing of Appeal Requests.

A. The procedures in this regulation do not apply to appeals concerning child support enforcement. OAH is responsible for processing child support appeal requests.

B. The agency shall establish procedures to acknowledge receipt of and process all appeal requests in a timely manner.

C. Within 5 business days of either the filing date of a written appeal request or the date that an oral request is reduced to writing, the agency shall:

- (1) Forward the following information to OAH:
 - (a) Date of the request,
 - (b) Name and address of the appellant,
 - (c) Name and address of the agency representative,
 - (d) Action being appealed,
 - (e) Date of the action being appealed; and
 - (f) Date notice of the action was mailed to the appellant; and
- (2) Acknowledge to the appellant receipt of the appeal request.

D. Conference.

- (1) When the agency acknowledges receipt of an appeal request, the agency shall promptly:
 - (a) Offer the appellant a conference; and
 - (b) Advise the appellant that the conference is optional and will not delay or replace the hearing.
- (2) An agency supervisor shall attend the conference.
- (3) The case manager responsible for the action may also attend.
- (4) Although a conference may lead to an informal resolution of the dispute, a hearing shall be held unless the appellant withdraws the appeal request in writing.
- (5) If an appellant requests a conference in an appeal concerning denial of a request for expedited food stamps, the agency shall hold the conference within 2 business days of the filing date of the request unless the appellant asks that it be delayed.

07.01.04.05

.05 Continuation of Assistance Pending Appeal.

A. Except as provided in §B of this regulation and COMAR 07.02.25, assistance shall be automatically continued or reinstated if the filing date of the appeal request is within 10 calendar days of the later of:

- (1) The mailing of timely and adequate notice from the agency;
- (2) The date of the agency's action if the agency failed to give timely notice; or
- (3) The date by which the agency was required to act on an application or to make an adjustment in assistance, and the agency failed or refused to act.

B. Assistance may not be continued or reinstated pending appeal if:

- (1) An appellant specifically requests that assistance not be continued or reinstated pending appeal;
- (2) The eligibility or certification period for the assistance has expired;
- (3) Assistance has been reduced or terminated due to a change in federal or State law or regulation and the appeal does not appear to concern misapplication of the change; and
- (4) Continuation or reinstatement of the service at issue would threaten the health or safety of other individuals.

C. An appeal request form shall contain:

- (1) An opportunity for the appellant to request that assistance not be continued or reinstated pending appeal; and
- (2) A statement that the appellant is responsible for repaying any assistance paid during the appeal process if the agency's position is upheld.

D. Once continued or reinstated, assistance may not be suspended, reduced, or terminated before the appellant and the agency receive a final administrative decision unless:

- (1) The eligibility or certification period expires, in which case the appellant may reapply and be considered for eligibility for the new eligibility or certification period;
- (2) The administrative law judge makes a preliminary written determination, after a hearing, that:
 - (a) Assistance has been reduced or terminated due to a change in State or federal law or regulation, and
 - (b) The appellant has no valid claim that the agency misapplied the change;
- (3) An appellant fails to request an appeal after receiving a separate and unrelated notice that assistance will be suspended, reduced, or terminated; or
- (4) The appellant receives a subsequent notice of adverse action while the appeal is pending that is based on a change in State or federal law or regulation, and the appellant has no valid claim that the agency misapplied the change.

E. The agency shall promptly inform the appellant in writing when assistance is suspended, reduced, or terminated while the appeal is pending.

07.01.04.06

.06 Denial or Dismissal of Request for Appeal.

OAH may deny or dismiss an appeal if:

- A. The appeal request is not effective pursuant to Regulation .03 of this chapter;
- B. The appellant withdraws the request in writing;
- C. As provided in Regulation .11 of this chapter, the appellant fails to appear at the scheduled hearing;
- D. Assistance has been reduced or terminated due to a change in federal or State law or regulation and the appeal does not concern misapplication of the change; or

E. The appellant has failed to pay any filing fees required by OAH.

07.01.04.07

.07 Scheduling and Notice.

A. Except as provided in B and D of this regulation, upon receiving an appeal request, OAH shall:

- (1) Promptly schedule a hearing; and
- (2) Send the parties a hearing notice at least 15 calendar days before the scheduled hearing.

B. Intentional Program Violation Appeal. When the agency makes a referral to OAH concerning an intentional program violation, OAH shall:

- (1) Promptly schedule a hearing; and
- (2) Send the parties a hearing notice at least 30 calendar days before the scheduled hearing.

C. Hearing Notice. The hearing notice shall:

- (1) Summarize the hearing procedures;
- (2) Advise the appellant of:
 - (a) The date, time, and place of the hearing,
 - (b) The right to be represented at the hearing by a lawyer, relative, friend, or other individual,
 - (c) The availability of any free legal services,
 - (d) The right to present documents and witnesses, including agency employees, at the hearing,
 - (e) The right to examine the agency's case record in preparation for the hearing,
 - (f) The procedure to follow if the appellant cannot attend the hearing, and
- (g) Except in an appeal concerning an intentional program violation, the authority of an administrative law judge to dismiss the appeal if the appellant fails, without good cause, to attend the hearing; and
- (3) In an appeal concerning an intentional program violation, include:
 - (a) The charge,
 - (b) A warning that the decision shall be based solely on information provided at the hearing if the appellant fails to appear at the hearing,
 - (c) A statement that, to have a hearing rescheduled, the appellant has 10 calendar days from the date of the hearing to present to the administrative law judge good cause for not appearing and for not asking for a postponement before the hearing,
 - (d) A description of the disqualification penalties and a statement of the applicable penalty,
 - (e) A statement of the appellant's rights during the hearing, and
 - (f) A warning that the hearing does not preclude the State or federal government from prosecuting the appellant or pursuing collection of the overpayment.

D. Child Support Enforcement Record Review. Upon receipt of a request for a record review pursuant to COMAR 07.07, OAH shall send notice of:

- (1) The date on which the record review will be conducted;
- (2) The agency's obligation to submit the relevant collection record before the scheduled record review;

(3) The parties' right to submit additional evidence not later than 5 calendar days before the scheduled record review; and

(4) The appellant's right to examine the collection record in preparation for submitting additional evidence.

E. Upon being advised by the appellant or an agency that an appellant plans to move from the State, OAH shall expedite the processing of the appeal so that a final administrative decision may be rendered before the move.

F. OAH may schedule a group hearing when it receives multiple appeal requests concerning a change in State or federal law or regulation to the extent that each appellant has waived the right to confidentiality.

G. Consolidated Appeals.

(1) OAH may consolidate appeals concerning a single appellant when the factual issues arise out of the same circumstances.

(2) OAH shall provide notice to the parties of the consolidation before the hearing.

(3) If one of the appeals concerns an intentional program violation, OAH shall follow the time frames applicable to intentional program violation appeals, unless those time frames are waived at the appellant's request.

07.01.04.08

.08 Prehearing Procedures.

A. Rescheduling.

(1) A party may request a change in a hearing time, date, or location by:

(a) Submitting a written request, with copies served on all parties, to the OAH clerk's office at least 5 business days before a scheduled hearing; or

(b) In the case of an unforeseen event requiring postponement and occurring less than 5 business days before a scheduled hearing, calling the OAH clerk's office as soon as possible.

(2) Except as provided in §A(3) of this regulation, if OAH finds that good cause exists, OAH shall set another time or place for the hearing and notify the parties of the change.

(3) In an appeal concerning food stamps or an intentional program violation, the appellant is entitled to one postponement of the scheduled hearing of up to 30 calendar days without the need to demonstrate good cause.

(4) Any time limits applicable to the issuance of a final administrative decision are extended by the length of the delay caused by a postponement:

(a) Requested by the appellant; or

(b) Granted by the administrative law judge due to the appellant's introduction of new evidence pursuant to Regulation .10I of this chapter.

B. Summaries.

(1) The agency shall:

(a) Prepare a summary of the facts pertinent to the case and of the basis for its action; and

(b) Send the summary and copies of all documents that it intends to present at the hearing to the appellant and to OAH at least 6 calendar days before the date of the hearing.

(2) If the agency fails to comply with the requirements of §B(1)(b) of this regulation, the administrative law judge may, at the appellant's request, grant a continuance as necessary to allow the appellant to review an agency summary and any proposed exhibits.

C. The appellant may examine the agency's records relating to the appellant's case to prepare for the hearing, but the agency shall protect from disclosure information that the agency is required to keep confidential.

D. Except as provided in this chapter, a party may not engage in prehearing discovery.

07.01.04.09

.09 Motions.

A. Procedure.

(1) Unless otherwise provided by this chapter, a party may move for appropriate relief:

(a) Before a hearing or prehearing conference by submitting a written motion; or

(b) During a hearing or prehearing conference by making an oral motion.

(2) A written motion shall:

(a) Be filed not later than 10 calendar days before a scheduled hearing or prehearing conference;

(b) State concisely the question to be determined;

(c) Be accompanied by any necessary supporting documentation and argument;

(d) Be served on each party; and

(e) Include:

(i) A statement as to whether the party requests a prehearing telephone conference, and

(ii) A telephone number where the party may be reached.

(3) Any answer to a written motion shall:

(a) Be filed on the earlier of:

(i) 5 calendar days after receipt of the motion, or

(ii) The date of any hearing or prehearing conference; and

(b) Include a telephone number where the party may be reached.

(4) When requested, the administrative law judge shall attempt to hold a prehearing conference with the parties by telephone and rule on all written motions that may affect the conduct of the hearing.

(5) The administrative law judge shall rule on all motions:

(a) On the record during a hearing or prehearing conference; or

(b) In a written decision issued before or with the administrative law judge's proposed or final decision.

B. Dispositive Motions.

(1) In ruling on a motion that disposes of the appeal or of a substantive issue in the appeal, the administrative law judge shall issue a proposed or final order in accordance with the Secretary's delegation.

(2) Motion to Dismiss. The administrative law judge may grant a motion to dismiss an appeal that is untimely or that otherwise fails to state a claim for which agency relief may be granted.

(3) Motion for Summary Decision.

(a) A party may move for summary decision on any substantive issue in the case.

(b) The administrative law judge may grant a motion for summary decision if the administrative law judge finds that:

- (i) There is no genuine issue as to any material fact; and
- (ii) The moving party is entitled to prevail as a matter of law.

07.01.04.10

.10 Hearing Procedures.

A. A hearing conducted under this chapter is not open to the public. If the appellant waives the privilege of confidentiality, the administrative law judge may:

- (1) Grant the appellant's request to allow a reasonable number of individuals to attend;
- (2) Limit the number of individuals at the hearing; and
- (3) Cause the removal of any individual whose conduct is detrimental to an orderly hearing.

B. Witnesses.

- (1) Upon request by a party, the administrative law judge shall exclude witnesses other than the parties and their representatives from the hearing room, except when testifying.
- (2) The administrative law judge shall order the witnesses, parties and their representatives, and all others present not to disclose to any witness excluded under this section the nature, substance, or purpose of testimony, exhibits, or other evidence introduced in the witness' absence.
- (3) An expert witness who is to render an opinion based on testimony given at the hearing may remain during that testimony.

C. Interpreters.

- (1) When necessary and upon adequate notice, the agency shall provide an interpreter to assist the appellant during the hearing.
- (2) Upon the motion of a party, an administrative law judge may appoint an interpreter to assist the appellant during the hearing.
- (3) An administrative law judge shall require any interpreter to take an oath or affirm on the record that the translation or interpretation will be accurate.

D. Presentation of Evidence.

- (1) The hearing shall be conducted in accordance with State Government Article, §10-213, Annotated Code of Maryland.
- (2) Each party may:
 - (a) Present witnesses, affidavits, documentary evidence, and oral argument;
 - (b) Cross-examine any adverse witness; and
 - (c) Examine all documents introduced in the hearing.
- (3) An administrative law judge may admit probative evidence that reasonable and prudent individuals commonly accept in the conduct of their affairs and give effect to that evidence.
- (4) Evidence may not be excluded solely on the basis that it is hearsay.
- (5) In a hearing concerning an intentional program violation, the administrative law judge:
 - (a) Shall advise the individual or representative that the individual may refuse to answer questions during the hearing; and
 - (b) May not introduce into the hearing record or rely on the following in making a decision:
 - (i) Confidential information that is protected from release, or
 - (ii) Other documents or records that the appellant is not able to contest or challenge.

E. Telephone and Electronically Conducted Hearings.

(1) If a party does not object, an administrative law judge may conduct all or part of a hearing by telephone, video, or other electronic means.

(2) All substantive and procedural rights shall apply, subject only to the limitations of the physical arrangement.

(3) Unless waived by the parties, documentary evidence to be offered shall be sent to all parties and the administrative law judge at least 6 calendar days before the hearing.

(4) The following may be considered a failure to appear:

(a) Failure on two occasions not less than 15 minutes apart to:

(i) Answer the telephone, or

(ii) Free the telephone for a hearing; or

(b) Any other failure to be ready to proceed with the hearing as scheduled.

F. All hearings shall be recorded.

G. The appellant may be represented by a lawyer, relative, friend, or other individual.

H. The agency shall be represented by an individual designated by the agency.

I. Newly Produced Evidence. If the appellant seeks to introduce evidence having a bearing on the issue to be decided that the appellant has not previously presented to the agency, the administrative law judge may, at the request of the agency, grant a continuance or postponement to allow the agency to review the newly produced evidence.

J. Additional Medical Assessment. If the hearing involves medical issues, the administrative law judge may, if necessary, require and receive as part of the administrative record further medical assessment at the agency's expense.

K. Group Hearing. In a group hearing, OAH shall:

(1) Follow the procedure applicable to an individual hearing; and

(2) Permit each individual appellant to be represented and to present a case.

07.01.04.11

.11 Failure to Appear.

A. In General. Except as provided in §C of this regulation, if, after receiving proper notice, a party fails to attend or participate in a prehearing conference or hearing, an administrative law judge may:

(1) Proceed in that party's absence; or

(2) Issue an order advising the party that unless the party establishes in writing within 20 calendar days good cause for failing to appear, a proposed or final default order, in accordance with the Secretary's delegation, will be entered without further notice to the parties.

B. If a party claims good cause for failure to appear, as provided in §A of this regulation:

(1) Within 2 business days of receiving the written claim of good cause, OAH shall forward a copy to all other parties, unless it appears on the face of the document that the other parties have already been served with a copy; and

(2) Within 10 calendar days of receiving the written claim of good cause, any other party may submit a written response.

C. Intentional Program Violation Appeals. If the appellant fails to attend a hearing in an appeal concerning an intentional program violation, the administrative law judge:

(1) Shall determine whether proper notice of the hearing was sent and whether the appellant requested a postponement;

- (2) Shall reschedule the hearing if proper notice was not sent, or the appellant made a proper request for a postponement;
- (3) Shall conduct the hearing if proper notice was sent, and the appellant did not make a proper request for a postponement;
- (4) May reopen the record and conduct another hearing if notified within 10 calendar days of the original hearing date that the appellant had good cause for not appearing and for not asking for a postponement before the hearing.

07.01.04.12

.12 Burdens of Going Forward and Persuasion.

A. When, by specific statute or regulation, the burden of going forward or the burden of persuasion rests upon a certain party, this regulation does not shift that burden.

B. Except as provided in §A of this regulation:

(1) An applicant who has requested a hearing pursuant to Regulation .03A of this chapter bears the burden of:

- (a) Going forward to establish a prima facie case of entitlement to the assistance, approval, license, or registration sought, and
- (b) Persuasion that the agency decision was incorrect;

(2) When a recipient or other individual has requested a hearing or record review pursuant to Regulation .03B or C of this chapter, the agency bears the burden of:

- (a) Going forward to establish that its decision was prima facie correct, and
- (b) Persuasion that the agency decision was correct.

C. A party with the burden of persuasion shall meet the burden with:

- (1) Clear and convincing evidence on the issue of whether an intentional program violation occurred; and
- (2) A preponderance of the evidence in all other instances.

D. Except as provided by A-----C of this regulation, the party asserting the affirmative of an issue has the burden of going forward and the burden of persuasion.

07.01.04.13

.13 Ex Parte Communication.

A. Prohibited. Except in the presence of all parties, a party or a party's representative may not communicate regarding the merits of any issue in a case with:

- (1) Anyone at OAH, including an administrative law judge; or
- (2) The Secretary or anyone known to be representing the Secretary.

B. Written Communication. A copy of all written communication to and between any party and OAH or the Secretary shall be sent to all parties in the case. Failure to send a copy as required may be grounds for a continuance or dismissal.

07.01.04.14

.14 Transcripts.

A. A transcript need not be made unless requested by a party or the Secretary.

B. Cost.

- (1) OAH shall establish the cost of recordings or transcripts.

(2) Unless otherwise ordered, the party requesting the recording or transcript shall bear the cost.

(3) When a party files exceptions, the Secretary may order that some or all of the cost be borne by other parties.

07.01.04.15

.15 Administrative Law Judge's Decision.

A. The administrative law judge shall render a proposed or final decision in accordance with the Secretary's delegation.

B. The decision shall:

(1) Be based on the record; and

(2) Contain:

(a) Separate statements of findings of fact and conclusions of law;

(b) Citation to pertinent State and federal law;

(c) An order; and

(d) A statement of the appellant's rights:

(i) In the case of a final decision, to seek judicial review, and

(ii) In the case of a proposed decision, to submit exceptions to the Secretary or seek judicial review.

07.01.04.16

.16 Final Decision.

A. Except as provided in §B of this regulation, within 90 calendar days of the filing of the appeal request:

(1) The administrative law judge shall issue a final decision to all parties with a written statement of the right to seek judicial review; and

(2) The agency shall complete all administrative or corrective action necessary to implement the decision.

B. In an appeal concerning food stamps, within 60 calendar days of the filing of the appeal request:

(1) The administrative law judge shall issue a final decision with a written statement of the right to seek judicial review; and

(2) The agency shall complete all administrative or corrective action necessary to implement the decision.

C. If the decision is favorable to the agency, the agency may:

(1) Take immediate steps to implement the decision; and

(2) Reduce or terminate assistance that has been continued pending appeal effective with the next scheduled issuance after the agency's receipt of the decision or, in the case of assistance for which there is no scheduled issuance, immediately upon receipt.

D. If the decision is favorable to the appellant, the agency shall, within 10 calendar days of the date of the decision:

(1) Comply with the decision;

(2) Take corrective action retroactive to the date the incorrect action was taken, except that food stamp benefits may not be restored for more than 12 months before the earlier of the date the agency:

(a) Receives the request for a restoration of benefits, or

(b) Discovers that the loss has occurred; and

(3) Immediately notify OAH that it has completed all required action.

E. The agency's obligation to take corrective or administrative action when a final decision is favorable to the appellant does not prevent the agency from appealing an adverse decision of an administrative law judge and seeking any remedy available to it, including but not limited to obtaining a stay of the final order.

F. The Record.

(1) After issuing a final administrative decision, OAH shall promptly forward to the agency the complete record, including all:

- (a) Papers filed;
- (b) Evidence submitted; and
- (c) Orders and decisions issued.

(2) This record constitutes the exclusive record and shall be made available for review by a party for 2 years or until all litigation in the matter has ended, whichever is later.

G. Consistent with confidentiality requirements, OAH shall prepare a periodic compilation of hearing decisions, which shall be accessible to the public.

07.01.04.17

.17 Proposed Decision.

A. Within 60 calendar days of the filing of the appeal request, the administrative law judge shall issue a proposed decision with a written statement to the parties of the right to:

- (1) Seek judicial review; and
- (2) File exceptions with the Secretary and specifically request an opportunity to present oral argument.

B. The administrative law judge shall transmit a copy of the proposed decision or the complete administrative record, including the proposed decision, to the Secretary within 5 business days of mailing the proposed decision to the parties.

C. If no party has filed exceptions and, after reviewing the proposed decision, the Secretary is unable to approve that decision as written, the Secretary shall notify all parties and invite arguments on the issues the Secretary is reconsidering.

D. A proposed decision becomes final when the time for filing exceptions has expired unless:

- (1) The Secretary decides to review the proposed decision; or
- (2) A party files exceptions pursuant to Regulation .18 of this chapter.

07.01.04.18

.18 Exceptions.

A. Any party may file exceptions with the Secretary within 10 calendar days of receiving the administrative law judge's proposed decision. Receipt of the proposed decision is presumed to occur 3 business days after mailing.

B. Exceptions shall:

- (1) Be in writing;
- (2) Contain:
 - (a) A concise statement as to each portion of the administrative law judge's determination to which exception is taken, and
 - (b) The asserted basis for taking the exception; and

(3) Be served on all parties to the proceedings and the Secretary.

C. All parties shall be afforded the opportunity to submit written argument to the Secretary in support of, or in response to, exceptions.

D. The Secretary may hear oral argument and may limit the time for argument.

E. Argument from the Hearing Record.

(1) In any written or oral argument, a party shall identify specific evidence produced at the hearing before the administrative law judge supporting that party's position.

(2) A party wanting the Secretary to review some or all of the testimony presented at the hearing shall submit, at the party's expense, a copy of the relevant portions of tape or transcript with the party's written argument, not later than 5 calendar days before any scheduled oral argument.

F. Additional and New Evidence.

(1) Additional evidence may only be admitted into the record during the exception process with the agreement of all parties.

(2) Absent agreement and upon a finding that the evidence is material and relevant, the Secretary may remand the case to the administrative law judge to:

(a) Accept the new evidence; and

(b) Prepare and submit a revised proposed decision.

07.01.04.19

.19 Final Decision of the Secretary.

A. Within 90 calendar days of the filing of the appeal request:

(1) The Secretary shall issue a final decision; and

(2) The agency shall complete all administrative or corrective action necessary to implement the decision.

B. The Secretary's final decision may:

(1) Adopt the proposed decision in whole or in part;

(2) Modify the proposed decision;

(3) Replace the proposed decision; or

(4) Remand the case to the administrative law judge to take additional evidence or prepare and submit a revised proposed decision.

C. The Secretary's final decision shall:

(1) Include written notice of the appellant's right to judicial review; and

(2) Be binding on the agency.

D. If the decision is favorable to the agency, the agency may:

(1) Take immediate steps to implement the decision; and

(2) Reduce or terminate assistance that has been continued pending appeal effective with the next scheduled issuance after the agency's receipt of the decision or, in the case of assistance for which there is no scheduled issuance, immediately upon receipt.

E. If the decision is favorable to the appellant, the agency shall, within 10 calendar days of the date of the decision:

(1) Comply with the decision;

(2) Take corrective action retroactive to the date the incorrect action was taken, except that food stamp benefits may not be restored for more than 12 months before the earlier of the date the agency:

- (a) Receives the request for a restoration of benefits, or
 - (b) Discovers that the loss has occurred; and
- (3) Immediately notify the Secretary that it has completed all required action.

07.01.04.20

.20 Reconsideration.

A. Any party may request reconsideration of a final decision issued by an administrative law judge or the Secretary.

B. If the final decision maker receives a request for reconsideration within 30 calendar days of the date of the final decision, the final decision may be revised if it:

- (1) Contains material errors of law or fact; or
- (2) Was based upon fraud, mistake, or irregularity.

C. If the final decision maker receives a request for reconsideration more than 30 calendar days after the date of the final decision, the decision may be revised only if it was based upon fraud, mistake, or irregularity.

07.01.04.21

.21 Delegation and Revocation of Hearing Authority.

A. The Secretary may delegate to OAH all or part of the authority to hear a contested case.

B. The Secretary has delegated to OAH the authority to issue the final decision of the agency in all cases to which this chapter applies except those specified in §C of this regulation.

C. The Secretary has delegated to OAH the authority to issue a proposed decision, including proposed findings of fact and proposed conclusions of law, in decisions rendered pursuant to:

- (1) COMAR 07.02.11 Foster Care;
- (2) COMAR 07.02.12 Adoption;
- (3) COMAR 07.02.25 LDSS Foster Home Requirements; and
- (4) COMAR 14.31.05 Licensing and Monitoring of Residential Child Care Programs.

D. Consistent with the provisions of State Government Article, §10-205, Annotated Code of Maryland, the Secretary may revoke, modify, or supplement authority delegated to OAH by written notice.

E. Criteria for Revocation of Authority in a Specific Case. The Secretary may revoke or modify all or part of OAH's authority in a specific case if the case may:

- (1) Involve novel or unanticipated factual or legal issues;
- (2) Have significant social or fiscal consequences;
- (3) Involve policy issues of general applicability; or
- (4) Be likely to have precedential value.

F. Procedures for Revocation of OAH's Authority in a Specific Case.

(1) The Secretary shall provide written notice of a revocation of OAH's authority to all parties and OAH, which shall contain a brief statement of the reason for the revocation.

(2) The Secretary may revoke OAH's authority to decide a case at any time before the earlier of:

(a) Issuance of a ruling by the administrative law judge on a substantive issue; or

(b) Taking of oral testimony from the first witness.

(3) The Secretary shall specify whether all or part of OAH's authority to decide a case has been revoked. If only part of the delegation has been revoked, the Secretary shall specify in writing in the notice of revocation the portions of the contested case for which delegation has been revoked.

(4) A decision issued by the Secretary shall reflect that OAH's authority was revoked, and a copy of the revocation notice shall be included as part of the record.

07.01.04.9999

Administrative History

Effective date: April 5, 1999 (26:7 Md. R. 540)

Regulation .03 amended effective April 15, 2002 (29:7 Md. R. 619); March 17, 2003 (30:5 Md. R. 366); October 22, 2007 (34:21 Md. R. 1913)

Regulation .03C amended effective December 11, 2003 (30:24 Md. R. 1739); October 24, 2005 (32:21 Md. R. 1706); March 9, 2009 (36:5 Md. R. 421)

Regulation .03G amended effective March 9, 2009 (36:5 Md. R. 421)

Regulation .03H amended effective December 11, 2003 (30:24 Md. R. 1739)

Regulation .04C amended effective August 19, 2002 (29:16 Md. R. 1286)

Regulation .05B amended effective October 22, 2007 (34:21 Md. R. 1913)

Regulation .08B amended effective August 19, 2002 (29:16 Md. R. 1286)

Regulation .11 amended effective August 19, 2002 (29:16 Md. R. 1286)

Regulation .21C amended effective October 22, 2007 (34:21 Md. R. 1913)

APPENDIX E – STATE AND LOCAL CONTACTS

**OFFICE OF HOME ENERGY PROGRAMS
STATE OFFICE STAFF**

STAFF PERSON	PHONE #	PRIMARY RESPONSIBILITY
Ralph Markus Director e-mail: rmarkus@dhr.state.md.us	410-767-7415	Overall supervision of the program
Blessing Gunden e-mail: BGunden@dhr.state.md.us	410-767-7443	Outreach education and customer relations
Phillis Watson e-mail: pwatson@dhr.state.md.us	410-767-7137	LIHEAP State Plan, Leveraging Report, monitoring, Policy Manual, Advisory Board, LAA assistance
Charles Fowlkes e-mail: cfowlkes@dhr.state.md.us	410-767-7229	System development and maintenance, utility payments
Hemant Patel e-mail: hpatel@dhr.state.md.us	410-767- 7545	Fiscal Manager, procurement, OHEP budget
Jacqueline Knight Secretary e-mail: jknight@dhr.state.md.us	410-767-7218	Provides and coordinates clerical support for Director and State Staff; reviews and disseminates reports from LAAs;
	FAX 410-333-0079	

OFFICE OF HOME ENERGY PROGRAMS LOCAL ADMINISTERING AGENCIES	
AGENCY	OHEP CONTACT
Allegany County H.R.D.C. Mailing: PO Box 2006 125 Virginia Ave Cumberland, MD 21502-2221 301-777-8550	Janetta Hampton 301-783-1760 FAX - 301-777-5890 e-mail address- jhampton@allconet.org
Anne Arundel County EOC, Inc. 251 West Street P.O. Box 1951 Annapolis, MD 21404-1951 410-626-1910	Erica Matthews 410-626-1900 x1022 410-269-8447 (Balt Line) FAX 410-626-1920 e-mail address – ematthews@aaeoc.com
Baltimore City DHCD Human Services Division 2700 N. Charles Street Baltimore, MD 21218 410-396-5555	Cherlyn Mitchell 410-396-3584 FAX 410-396-6067 e-mail: cherlyn.mitchell@baltimorecity.gov
Baltimore County DSS Drumcastle Center 6401 York Rd Baltimore, MD 21212 410-853-3385	Debbie Ramseur 410-853-3331 FAX 410-853-3313 e-mail address – dramseur@dhr.state.md.us
Caroline County DSS 300 Market Street Mailing: P.O. Box 400 Denton, MD 21629-1229 410-819-4500 Location: 300 Market St. Denton, MD 21629	Sharone Green 410-819-4484 FAX 410-819-4505 e-mail address – sgreen@dhr.state.md.us
Carroll County Human Service Programs Mailing: P.O. Box 489 10 Distillery Dr Westminster, MD 21157-0489 410-857-2999	Rebecca “Becky” Kemp 410-876-5407 x3057 FAX 410-857-8793 e-mail address – rkemp@hspinc.org

**OFFICE OF HOME ENERGY PROGRAMS
LOCAL ADMINISTERING AGENCIES**

AGENCY	OHEP CONTACT
Cecil County DSS 135 East High St Elkton, MD 21921-5624 410-996-0270	Mary Lou Slagle 410-996-0243 FAX 410-996-0696 e-mail address – mslagle@dhr.state.md.us
Dorchester Co. DSS 627 Race St Mailing: P.O. Box 217 Cambridge, MD 21613 410-901-4100	Bernadette (Bonnie) Barron 410-901-4105 FAX 410-901-2705 e-mail address: bbarron2@dhr.state.md.us
Frederick County DSS 100 E. All Saints Street Mailing: P.O. Box 237 Frederick, MD 21701 301-694-2410	Jeannine Jennings 301-600-4506 FAX 301-600-2690 e-mail address: jjennin1@dhr.state.md.us
Garrett County CAC 104 E. Center Street Oakland, MD 21550-1397 301-334-9431	Linda Green 301-334-9431 x120 FAX 301-334-2987 e-mail address – lgreen@garrettcac.org
Harford County CAC 1321 B Woodbridge Station Way Edgewood, MD 21014-3830 410-612-9909	Lisa Zimmerman 410-612-9909 x 2205 FAX 410-679-1142 e-mail address – Lzimmerman@harfordcommunityaction.org
Howard County CAC 6751 Columbia Gateway Drive, 2nd Floor Columbia, MD 21046-2150 410-313-6440	Anne Markson 410-313-6589 FAX 410-313-6481 e-mail address – amarksoncac-hc.org
Kent County DSS 350 High Street Mailing: P.O. Box 670 Chestertown, MD 21620 410-778-7716	Robin Hawthorne 410-810-7716 FAX 410-810-7714 e-mail address – rhawthorne@dhr.state.md.us
Montgomery County Department of Health and Human Services 1301 Piccard Drive Rockville, MD 20850-4320 240-777-4450	Rebecca Soubra 240-777-4034 FAX 240-777-4100, 4099 e-mail address - rebecca.soubra@montgomerycountymd.gov
Prince George's County DSS Mail: 805 Bright Seat Rd.	Stephanie Outlaw 301-909-6345 FAX 301-909-6301

**OFFICE OF HOME ENERGY PROGRAMS
LOCAL ADMINISTERING AGENCIES**

AGENCY	OHEP CONTACT
Landover, MD 20785 Location: 425 Brightseat Rd Landover, MD 20785 301-909-6300	e-mail address – soutlaw@dhr.state.md.us
Queen Anne's County Department of Social Services 125 Comet Dr. Centreville, MD 21617-0327 410-758-8000	Betty Whyte 410-758-8086 FAX 410-758- 8110 e-mail address – bwhyte@dhr.state.md.us
Shore Up!, Inc. 520 Snow Hill Road P.O. Box 430 Salisbury, MD 21803-0430 410-749-1142	Thomas Vanlandingham 410-749-1142 x302 FAX 410-742-9191 e-mail address – tvlandingham@shoreup.org
Southern MD Tri County C.A.C. 8371 Leonardtown Rd Luther Stuckey Bldg. PO Box 280 Hughesville, MD 20637-0280 301-274-4474	Virginia Pilkerton 301-274-4474 x212 FAX 301-274-5638 e-mail address – virginia@smtccac.org
(Talbot County) Neighborhood Service Center 126 Port Street Easton, MD 21601-2631 410-822-5015	Cardeaner Robinson 410-763-6745 x 14 FAX 410-822-4594 e-mail address – deanie@goeaston.net
Washington Co. CAC 101 Summit Avenue Hagerstown, MD 21740-5562 301-797-4161	Deanie Smith 301-797-5076 x128 FAX 301-791-9062 e-mail address – dsmith@wccac.org

APPENDIX F – BENEFIT TABLES

APPENDIX G – OHEP MONITORING TOOL

DEPARTMENT OF HUMAN RESOURCES
FAMILY INVESTMENT ADMINISTRATION
OFFICE OF HOME ENERGY PROGRAMS (OHEP)
LOCAL ADMINISTERING AGENCY (LAA) MONITORING REPORT

MARYLAND ENERGY ASSISTANCE PROGRAM (MEAP)

And

ELECTRIC UNIVERSAL SERVICE PROGRAM (EUSP)

FY 2013

SITE VISIT FINDINGS

LAA: _____

DATE OF VISIT: _____

Contact Person(s) for this review (include phone number):

1. _____

2. _____

Exit Interview with (include phone number): _____

Title: _____

OHEP Monitor(s): _____

Where appropriate, please write in yes or no.

OUTREACH:

1. What has the agency done to reach the following populations?

A. Elderly/disabled population:

Comments: _____

B. Persons with the lowest incomes with the highest energy burdens:

Comments: _____

2. What is your most effective outreach tool?

Comments: _____

Local Training:

1. How often are staff meetings held? _____

2. Have all workers been trained in confidentiality and computer security? _____

3. How many OHEP dedicated workers does your agency have? FT _____ PT _____

4. Are the following logs current?

a. Complaint Log _____

b. Hearing Log _____

c. Other: _____

Intake and Eligibility Process:

1. Does the Agency have interview space that assures confidentiality? _____

2. Are there restrooms available for use by applicants? _____

3. Are the applications filled out and printed in the data base for the customer? _____

4. Are interviews being scheduled by appointment? _____
5. What is the average length of an interview? _____
6. What are the major issues in collecting and verifying income information?
Comments/Issues of Concern: _____

7. Are customers files kept in a confidential and secure area? _____
8. What measures are used to ensure confidentiality with applications filed by employees?

SAIL (Service Access and Information Link) Applications:

1. Are you receiving any SAIL applications? _____
2. Who retrieves the SAIL applications for your agency? _____
3. How are the applications tracked? _____

4. What are the major issues/concerns in processing the applications?
Comments: _____

Applicant Pending Procedures:

- | | | |
|--|-------------|-------------|
| 1. Number of applications pending computer data entry today: | _____ | |
| | MEAP | EUSP |
| 2. Number of applications awaiting certification: | _____ | _____ |
| 3. Number of applications pending household information: | _____ | _____ |
| 4. Where are your pending files? | _____ | |
| 5. How are files pending agency action or household information tracked? | _____ | |

6. How many applications are pending over 45 days from the date of the monitoring visit? _____
Denial Procedures: MEAP EUSP

1. The percentage of denials to applications taken is _____% _____%
(OHEP will calculate the percentage by dividing the type of applications taken into the number of denials.)

2. The main reason for denials is _____

Potential Fraud Situations:

1. Have any potential or actual fraud cases been reported?
If yes, give further information:

2. How many fraud cases been referred to Office of Inspector General (OIG)? _____

3. Are the fraud posters visible? _____

4. What local special measures are used to prevent fraud?

Fiscal Administrative Expenditures:

1. Are current signed financial monthly reports on file?

With the Program Director? _____

With the Fiscal Office? _____

2. What is the status of last year's audit? Read OHEP part of audit.
Comments:

3. How many appeals requested? _____

Utility Company Contact Procedure:

1. Who is your LAA's local utility company? _____

2. What is your LAA's process for obtaining customer kilowatt-hour, therm usage and arrearage

information from the local electric company?

Computer Information:

1. Have you/your staff been experiencing any connectivity difficulties? If yes, please detail.

2. What is the number of data entry workstations that your LAA has operational? _____
Comments/Issues of Concern:

3. Do all workers using the OHEP data system have their own log-on? _____

4. Have log-on it's for all former employees been deleted? _____

Monitoring for Contract Deliverables:

Are the following contract deliverables current and on file at the state OHEP office?

- a. Annual Outreach Plan _____
- b. Monthly Outreach Logs _____
- c. Annual Crisis Plan _____

SAMPLE REVIEW

Does the sample of certified applications (both mail-in and regular) by categories listed Below meet the Minimum State standards?

95% accuracy to determine eligibility/grant and
90% accuracy in transcribing information in the applicant file
(See the summary and worksheets for applicant file review)

Sample categories are:

1. Wage earners (at least 3)
2. Fixed Income (at least 3)
3. Zero Income (at least 2)
4. Energy Crisis Assistance (at least 2)
5. Subsidized Housing (at least 2)
6. Renters where heat is included in the rent (at least 2)
7. Renters where heat is not included in the rent (at least 2)
8. Roomers and/or boarders (at least 1)
9. Self-employed (at least 1)
10. Level 1 Utility user (at least 1)
11. Direct payment (at least 2)

DOES THE SELECTED SAMPLE REVIEW?

1. Assure that households applying for energy crisis grant receive assistance within the specified time frames? _____
2. Confirm that local internal control system assures that services are provided only to eligible participants? _____
3. Confirm that homeowners and renters are treated equitably? _____
4. Confirm that assistance was provided to households with the lowest income that pays a high proportion of their income for home energy? _____
5. Confirm that all recipient households received a notification of the amount of their assistance and the name of the energy supplier? _____
6. Is the LAA following Operations Manual procedures in the
 - a. Application Process _____
 - b. Crisis Assistance Application Process _____
 - c. Utility Service Protection Program _____
 - d. Zero income applications _____
 - e. Family Energy Services (FES) procedures _____
 - f. Applicant file organization _____

g. Quality Control (Certification Procedures) _____
Summary Sheet-Certified File Review:

Sample size _____

I. Applicant's documents compared with data management system data file's hard copy or household notification letter.

1. Name, address, etc. consistent _____

2. Supplier name, code, fuel type consistent _____

II. Application, Income Area, Documentation Review

3. Proof of identity _____

4. Proof of residence _____

5. Number in household consistent with documents (income) _____

6. SS cards/SS verification for all adults and children _____

7. Documentation recorded correctly _____

8. Household numbers consistent _____

9. Dated legible signatures of two different LAA staff; no initials _____

10. Dated household benefit notification letter in file or available on the database _____

11. Kilowatt and/or therms recorded correctly and if not in the file referenced on the back of the application as to its location _____

12. Application completed _____

Total _____

*ADMINISTRATIVE ERROR RATE IS _____%

III. Accuracy of Computations and Documentation of Eligibility

1. Sufficient documentation _____

2. Income transcribed accurately _____

3. Grant amount correct _____

Total _____

PAYMENT ERROR RATE IS _____%

* Administrative error rates are calculated by dividing the sample size x **12** into the sum of errors.

Payment error rates are calculated by dividing the sample size x **3 into the sum of errors.

GENERAL COMMENTS SECTION

LAA: _____

DATE: _____

Sample Size: _____

[illegible]

GLOSSARY

