

Regulations of Connecticut State Agencies

TITLE 16a. Planning and Energy Policy

Agency

Department of Social Services

Subject

Energy Assistance

Inclusive Sections

§§ 16a-41(b)-1—16a-41(b)-16

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Energy Assistance

Sec. 16a-41(b)-1. Definitions

As used in Sections 16a-41 (b)-1 through 16a-41 (b)-16 inclusive:

(a) “Applicant” means any person who is age eighteen or older or the head of a household and who has signed an application for energy assistance.

(b) “Commissioner” means the Commissioner of the Department of Human Resources.

(c) “Connecticut Energy Assistance Program” means a program to offset winter heating costs of the state’s lower income households whose gross incomes fall at or below 150 percent of the federal poverty income guidelines.

(d) “Crisis Assistance” means a vendor payment on behalf of an applicant household or service recipient who is in a crisis situation.

(e) “Department” means the Department of Human Resources.

(f) “Desk review” means an informal hearing conducted by a service provider agency in response to a written appeal filed by an applicant or service recipient.

(g) “Disabled” means any individual who has a physical or mental impairment, whether congenital or acquired, which substantially limits one or more of life’s major activities, has a record of having such an impairment, or is regarded as having such an impairment, including, but not limited to, blindness, epilepsy, deafness or hearing impairment, or reliance on a wheelchair or other remedial appliance or device.

(h) “Elderly” means any individual 60 years of age or over.

(i) “Excluded income” is as follows:

(1) Payments received for day care or homecare services.

(2) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1902, 42 USC 1636).

(3) The value of the coupon allotment made under the Food Stamp Act of 1964 (78 Stat. 705, as amended, 7 USC 2016 (c)).

(4) The value of assistance to children under the National School Lunch Act (60 Stat. 230, 42 USC 1751 et. seq.) as amended by PL 90-302.

(5) The value of assistance to children under the Child Nutrition Act of 1966 (80 Stat. 889, USC 1780 (b)).

(6) Payments to volunteers under the Domestic Volunteer Service Act of 1973 as provided by Section 404 (g) of that act (87 Stat. 409, 42 USC 5044).

(7) The value of any assistance paid with respect to a dwelling unit under the United States Housing Act of 1937, the National Housing Act, section 101 of the Housing and Urban Development Act of 1965, or Title V of the Housing Act of 1959, as provided by section 2 (h) of PL 94-375 (90 Stat. 1068).

(8) Value of Federally donated foods distributed pursuant to section 32 of PL 94-320 or section 416 of the Agriculture Act of 1949 (7 CFR 250.69e (9) as authorized by 5 USC 301).

(9) Payments for supporting services or reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior

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companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to section 418 of PL 93-113.

(10) Income from employment or self-employment of individuals under 18 years of age who are at least part-time students and are not heads of household.

(j) “Household” means any individual or group of individuals living together in a house, apartment, stationary mobile home, group of rooms or a single room with either exclusive or shared kitchen facilities and in which the individuals share living expenses.

(k) “Included income” is as follows:

(1) “Income from employment” means the gross earnings from salaries, wages, and tips for all household members excluding those cited in Section 16-41 (b)-1 (i) (10).

(2) “Income from self-employment” means the total gross profit from business enterprises, including farming, for all household members, excluding those cited in Section 16-41 (b)-1 (i) (10), remaining after the total cost of business expenses or cost of production of the income is deducted from the gross income. Personal expenses such as income tax payments, social security deductions, lunches, transportation, etc., are not classified as business expenses.

(3) “Income from all other sources” means gross income from whatever source derived (except as excluded in subsection (i) of this section) including, but not limited to: pensions, annuities, dividends, interest (if more than \$10.00 a month), rental income, boarders, estate or trust incomes, royalties, social security or supplemental security income, veterans’ benefits, unemployment compensation, workers’ compensation, alimony, child support, and cash assistance from federal, state, and municipally funded assistance programs that are not otherwise expressly excluded as income by federal or state laws for purposes of these regulations.

(l) “Life threatening situation” means a household that is without or within one week of being without its primary deliverable heating fuel and lacking resources to pay for fuel without depriving the household or individual of the ability to pay for food, shelter, utilities and necessary medical expenses.

(m) “Primary heating fuel” means the principal fuel, either deliverable or a utility, used by a household to heat its dwelling unit.

(n) “Renters” means households which do not make direct vendor payments and includes owners of dwelling units where the primary source of heat is not separately billed to the household by a vendor.

(o) “Service provider agency” means an entity that is under contract with the Department to provide fuel assistance services.

(p) “State Appropriated Fuel Assistance Program” means a program to provide fuel assistance to elderly and disabled persons whose household gross income is between 150 and 200 percent of the federal poverty income guidelines.

(Effective July 30, 1992)

Sec. 16a-41(b)-2. Scope

These regulations apply to Community Action Agencies or any other qualified non-profit or for profit entities authorized by the Commissioner to provide Connecticut Energy Assistance Program (CEAP) services or State Appropriated Fuel Assistance Program (SAFA) services. These regulations shall also apply to applicants or service recipients of either the Connecticut Energy Assistance Program (CEAP) or the State Appropriated Fuel Assistance (SAFA) Program.

(Effective July 30, 1992)

Sec. 16a-41(b)-3. Income eligibility for CEAP

The Connecticut Energy Assistance Program (CEAP) provides fuel and rental assistance to households whose gross annual income falls at or below 150% of the federal poverty income guidelines promulgated by the Federal Department of Health and Human Services and in effect prior to the beginning of the current program year.

(Effective July 30, 1992)

Sec. 16a-41(b)-4. Income eligibility for SAFA

The State Appropriated Fuel Assistance Program (SAFA) provides fuel assistance to households if one or more of the members of the household is disabled and/or elderly and the gross annual income of the household is between 150 and 200% of the federal poverty income guidelines promulgated by the Federal Department of Health and Human Services and in effect prior to the beginning of the current program year.

(Effective July 30, 1992)

Sec. 16a-41(b)-5. Eligibility certification

(a) The Department will require all household members to document their income for the previous four (4) weeks or for the previous six (6) calendar months, if self-employed, which will be extrapolated to 52 weeks. Documentation must be verifiable, or supported by affidavits, and applicants must comply with all reasonable requests for assistance in verifying income.

(b) Households claiming no income in the previous four (4) weeks must sign an affidavit declaring their means of support for that period. The affidavit shall include authorization to verify all income and the financial status of the household.

(c) An applicant household has the option of having its eligibility determination based on its income for the previous 52 weeks from the date of application if that will more accurately reflect its annual income.

(d) Food Stamp recipients may use a letter from the Department of Income Maintenance that verifies food stamp eligibility, household size and annual income. Non food stamp recipient members of the household shall provide income verification as stated in subsections (a) and (c) of Section 16a-41 (b)-5.

(Effective July 30, 1992)

Sec. 16a-41(b)-6. Limits of assistance

(a) Energy Assistance is not an entitlement program. For the Connecticut Energy Assistance Program (CEAP) and the State Appropriated Fuel Assistance Program (SAFA), benefits are limited to the amounts contained in the Connecticut Energy Assistance Program State Plan as approved in accordance with Connecticut General Statute 4-28b. Rental benefits are not available for the SAFA income eligible households.

(b) In accordance with Sections 245A and 210A of the Immigration and Nationality Act, as amended by Sections 201 and 303 of the Immigration Reform and Control Act of 1986, certain individuals granted residence pursuant to the Immigration Reform and Control Act of 1986 shall not be eligible to receive Energy Assistance.

(Effective July 1, 1993)

Sec. 16a-41(b)-7. Crisis assistance for CEAP and SAFA

Subject to the availability of funds, crisis assistance will be provided within the following restrictions.

(a) **Type I Crisis Assistance**—To receive a one-time crisis assistance payment, an applicant household shall be without or within a week of being without its primary deliverable heating fuel and file and sign an application for assistance. For those applicant households who are determined eligible, the total amount of crisis assistance provided shall be deducted from their heat benefits. For those applicant households who are determined ineligible, the total amount of crisis assistance shall be repaid to the service provider agency.

Service provider agencies shall arrange for the delivery to the applicant household's dwelling within 24 hours of the request.

Service provider agencies are not required to provide this assistance if the applicant household is found ineligible within 24 hours of the request.

(b) **Type II Crisis Assistance**—To receive a crisis assistance benefit, a service recipient household shall have exhausted their heat benefits and be without or within one week of being without its primary deliverable fuel. To receive Type II Crisis Assistance, service recipient households shall sign a statement attesting to the veracity of their crisis situation and allow for an inspection/energy audit of their dwelling unit, within the extent of their legal power to do so.

Income eligibility redetermination will not be required to receive Type II Crisis Assistance.

Service provider agencies shall arrange for the delivery to the service recipient's dwelling within 24 hours of the request.

(Effective July 30, 1992)

Sec. 16a-41(b)-8. Rental assistance

Rental assistance is available only under the Connecticut Energy Assistance Program (CEAP) and if all of the following conditions are met:

- (1) the household is income eligible;

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- (2) the household pays for its heat in its rent; and
- (3) the household pays over 30% of its income towards the cost of rent.

(Effective July 30, 1992)

Sec. 16a-41(b)-9. Safety-net

(a) Subject to the availability of funds, the Department will implement a Safety-Net Program to address the needs of service recipient households who have exhausted their heat and Type II Crisis Assistance benefits and are in a life-threatening situation. The Safety-Net Program will assist service recipient households with obtaining shelter with adequate heat and, as a last resort, may authorize an emergency fuel delivery to provide heat to those households who have no other means of obtaining shelter with adequate heat.

(b) An emergency fuel delivery may be authorized for a service recipient household if it is determined that:

- (1) the household is out of fuel or will be out of fuel in less than a week;
- (2) there are no family or friends with whom to reside temporarily;
- (3) they have no one to assist with the purchase of fuel;
- (4) they have no paycheck or entitlement funds coming into the household prior to the time at which they will be out of fuel;
- (5) there is no emergency shelter within a reasonable distance which can provide temporary shelter; and

(6) after allowing for essential living costs, the household has no liquid assets from which fuel may be purchased. The department shall not authorize an emergency fuel delivery if the household has resources due to income or liquid assets that are equal to or greater than \$150. Liquid assets shall include, but not be limited to: cash, checking accounts, savings, stocks, bonds, certificates of deposit, and money market accounts.

(c) A fuel delivery may also be authorized for a service recipient household if it is determined that there is a family member who is elderly or with an illness or disability or under two (2) years of age and would be in danger without the provision of heat.

(d) After two-thirds of the funds reserved for the Safety-Net Emergency Program are committed, or in other exigent circumstances, the Department may restrict Safety-Net eligibility to those households with a member who is seriously ill, elderly, disabled or under two (2) years of age.

(Effective July 1, 1993)

Sec. 16a-41(b)-10. Application process

(a) Service provider agencies and their designees shall use a standard application form provided by the Department.

(b) All individuals shall be allowed to file an application.

(c) Service provider agencies and their designees shall take simultaneous applications from individuals for any energy, utility, weatherization or conservation loans, audits, assistance, or service made available by the Commissioner and administrated by the service

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provider agency.

(d) Service provider agencies shall take whatever actions are necessary to insure that elderly and disabled individuals are not denied equal access to the program due to their age or physical condition, including, but not limited to, the provision of home visits where necessary.

(e) Service provider agencies and their designees shall attempt to locate interpreters for applicants whose primary language is not English.

(f) Applicant households who are denied energy assistance due to missing documentation and/or incomplete applications shall provide the required information/documentation within ten (10) days from the applicant household's receipt of the notice of ineligibility. Should the applicant household fail to provide the required information/documentation within the allotted time, and if assistance is still being sought, the applicant household will be required to reapply, documenting the most recent four (4) week period, or six (6) calendar months if someone in the applicant household is self-employed.

(g) As a condition of initial and continuing eligibility, the applicant or service recipient shall make himself or herself available for a personal interview at a location designated by the service provider agency.

(h) The application or service recipient shall cooperate with the Department's fraud early detection (FRED) program by completing all required forms, cooperating and participating in home visits by FRED investigators, responding to interview appointments and by making all requested records or information available to the Department. The applicant or service recipient who does not cooperate, as determined by the Department, may be ineligible until they cooperate.

(i) The applicant or service recipient shall verify all information pertaining to eligibility as required by the Department or its agents. Verification shall include, but not be limited to, a household's included income or excluded income as defined in Section 16a-41(b)-1. Denial or discontinuance of assistance shall result from failure to provide verification of information deemed by the Department or its agents to be essential to the determination or redetermination of eligibility.

(j) The applicant or service recipient or his or her duly authorized representative shall have access to his or her application file during the regular business hours of the service provider agency which received his or her application.

(k) The applicant or service recipient shall, within twenty-eight (28) days, excluding state designated holidays, from the date of application or reapplication have a decision rendered that eligibility has been approved or that eligibility has been denied or discontinued.

(l) The service provider agency shall mail a notice of approval or denial to the applicant or service recipient. Such notice shall be postmarked within twenty-eight (28) days, excluding state designated holidays, of the date of application.

(m) If the primary heating fuel is deliverable, the service provider agency shall issue payment to the vendor within thirty (30) days of receipt of a bill. If the primary heating fuel

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is provided by a utility, payment will be issued directly to the vendor, providing that verification of the service recipient's account number has been provided.

(n) A service provider agency or its designee shall provide each applicant with a notice of applicant rights and service availability as part of the application process. The notice shall contain a listing of the dates by which applications will be received and bills must be presented for payment in the Energy Assistance program. All program participants shall comply with those scheduled dates for the submission of applications and presentment of bills for payment.

(Effective July 30, 1992; Amended March 7, 2007)

Sec. 16a-41(b)-11. Payments disregarded as income

No payment under this program shall be considered income for the purpose of determining eligibility for benefits or level of benefits under any other program of assistance.

(Effective July 30, 1992)

Sec. 16a-41(b)-12. Weatherization services

(a) Households who refuse weatherization services without good cause shall be ineligible to receive fuel assistance in the program year following their refusal of services. Good cause for refusing weatherization services shall include, but not be limited to the following:

(1) A household member is ill and weatherization efforts would compound the health problem(s).

(2) No adult is at home during the day due to employment and cannot take time off from work without loss of income.

(3) No adult is at home during the day because of participation in a therapy or treatment program or a job training or educational program.

(4) The applicant no longer lives at the address where the initial weatherization agreement was made.

(5) If agreement was for home-owned property and it is now in the process of being sold.

(6) Recipient lives in rental housing which is the subject of a dispute with the recipient's landlord and the issue of weatherization services could adversely affect the dispute.

(7) Recipient is not the primary lessee of the unit and the primary lessee does not want weatherization work to be done.

(b) The burden of proof to demonstrate good cause rests with the client. Those households who are unable to accept weatherization services due to their landlords' refusal to authorize weatherization services shall not be subject to denial of fuel assistance benefits.

(Effective July 30, 1992)

Sec. 16a-41(b)-13. Fraud early detection, fraud investigation, recoupment of overpayment(s) and vendor fraud

(a) **Identification and reporting of overpayment(s):**

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(1) All overpayment(s) will be referred to the Department; and

(2) Any service provider agency referring any overpayment(s) to the Department shall indicate whether, in its judgment, the overpayment was caused by the applicant/service recipient or by agency error.

(b) Recoupment of overpayment(s):

(1) An overpayment(s) which occurs through the error of a service provider agency shall be fully reimbursed by the service provider agency from funds which are not derived from state or federal governments.

(2) An overpayment(s) which results from the provision of Type I Crisis Assistance to ineligible households shall be reimbursed by the applicant household. The total amount of Type I Crisis Assistance shall be repaid by the applicant to the service provider agency within ninety (90) days of receipt of the Notice of Repayment.

(A) The applicant household shall be:

(i) provided with a Notice of Ineligibility from the service provider agency; and

(ii) provided with a Notice of Repayment from the service provider agency which states the amount to be repaid.

(B) If no payment is received from the applicant household after ninety (90) days from the postmarked date of the notice of repayment, the service provider agency shall notify the Department in writing.

(C) Upon receipt of said notification, the Department shall re-notify, in writing, the applicant household of the amount to be repaid. Repayment is to be made to the service provider agency within thirty (30) days of the postmarked date of this final notice. The Department shall make every reasonable effort to recoup the overpayment(s).

(3) An overpayment(s) resulting from error, misrepresentation or fraud by service recipient households shall be fully reimbursed by the service recipient households. The Department shall provide written notification to the service recipient household and service provider agency as to the decision regarding the overpayment(s) and the amount to be repaid. No further assistance shall be provided to the service recipient household in the current program year. In addition, the household is prohibited from participation for a period of two (2) program years following the year in which the offense occurred.

(c) Vendor fraud

Vendors convicted of program fraud, misrepresentation, or a violation of any aspect of their agreement with the energy assistance program, are subject to prosecution and indefinite suspension from the program. Vendors suspected of fraud may be suspended during the pendency of legal proceedings.

(d) Fraud early detection and fraud investigations

(1) The applicant or service recipient shall cooperate with the Department's fraud early detection (FRED) program and with any fraud investigation by completing all required forms, cooperating and participating in home visits by FRED investigators, responding to interview appointments and by making all requested records or information available to the Department. The applicant or service recipient who does not cooperate may be determined

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to be ineligible until they do cooperate.

(2) Service provider agencies shall make referrals to the Department on applications that meet FRED criteria, as determined by the Department.

(Effective July 1, 1993; Amended March 7, 2007)

Sec. 16a-41(b)-14. Program schedule

(a) This program shall operate in accordance with the dates established for the operation of the Energy Assistance Program as outlined in the approved Connecticut Energy Assistance State Plan.

(b) The Department shall annually notify service provider agencies of the time schedule for the operation of the Energy Assistance Program.

(Effective July 30, 1992)

Sec. 16a-41(b)-15. Record maintenance and retention

(a) Service provider agencies shall maintain books, records, documents, program and individual service records and other evidence of its accounting and billing procedures and practice, which sufficiently and properly reflect all direct and indirect costs of any nature incurred in the program. These records shall be subject during normal business hours to monitoring, inspection, review or audit by authorized employees or agents of the Commissioner or the State or interested Federal agencies.

(b) Service provider agencies shall also collect fiscal, and/or statistical data and submit fiscal and/or statistical reports at times and in the manner prescribed by the Commissioner. Services provider agencies will retain all such books, records, other financial, program and individual service documents concerning this program for a period of three (3) years after a completed audit.

(Effective July 30, 1992)

Sec. 16a-41(b)-16. Appeals

(a) Desk Review

(1) The Desk Review shall be the initial step in the grievance resolution process when as a result of an action or decision by the service provider agencies:

(A) An applicant household has been denied assistance;

(B) An applicant or service recipient is aggrieved because the service provider agency failed to notify the household of the decision of eligibility or ineligibility within twenty-eight (28) days, excluding state designated holidays, of the date of application;

(C) A service recipient is aggrieved because he or she believes that an incorrect level of assistance has been awarded.

It is not necessary for an applicant or service recipient to have a desk review to change its rental option if the applicant or service recipient has moved.

(D) A service recipient is aggrieved because assistance has been discontinued.

(2) Process for a Desk Review

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(A) A request for a desk review shall be in writing to the executive director of the service provider agency and shall be signed by the aggrieved.

(B) A request for a desk review shall be mailed within sixty (60) days of the mailing date of the decision being appealed or within sixty (60) days of the occurrence or the discovery of the occurrence, of the action complained of, but no later than the end of the program year.

(C) Notwithstanding the provisions of Section 16a-41 (b)-16 (a) (2) (B), all applicants or service recipients who request a desk review prior to the end of the program year shall be afforded a full sixty (60) days from the date of the desk review to request a fair hearing.

(D) The executive director, or any supervisor he designates, who has not participated in the original decision regarding the recipient's eligibility, shall make a finding based on the desk review.

(E) The applicant or service recipient may withdraw the request for a desk review if a satisfactory resolution of the matter has been reached.

(F) Within fifteen (15) days, excluding state designated holidays, from the date of the receipt of the request, the service provider agency person responsible for the desk review shall make a decision based on an evaluation of the evidence as submitted at the time of application and shall notify the recipient in writing, on a form provided by the Department, of the decision. This written statement shall state the reason(s) for the decision.

(b) Fair Hearings

(1) An aggrieved applicant or service recipient shall be given notice of the right to request a fair hearing from the Department.

(2) An aggrieved applicant or service recipient shall be given an opportunity for a fair hearing in accordance with Conn. Gen. Stat. Sections 17-603 and 17-604, as same may be amended. The Department's fair hearing procedures are governed by applicable provisions of the Uniform Administrative Procedures Act and the agency's separate fair hearing regulations.

(Effective July 30, 1992)