

TITLE 8: SOCIAL SERVICES
CHAPTER 150: LOW INCOME HOME ENERGY ASSISTANCE PROGRAM
PART 100: GENERAL PROVISIONS FOR THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

8.150.100.1 ISSUING AGENCY: New Mexico Human Services Department.
 [7-1-95, 11-1-95; 8.150.100.1 NMAC - Rn, 8 NMAC 22.LHP.000.1, 10-1-01]

8.150.100.2 SCOPE: The rule applies to the general public.
 [7-1-95, 11-1-95; 8.150.100.2 NMAC - Rn, 8 NMAC 22.LHP.000.2, 10-1-01]

8.150.100.3 STATUTORY AUTHORITY: 27 NMSA 1978 (1992 Repl.) provides for the department to "...adopt, amend and repeal bylaws, rules and regulations...". It also provides for administration of public assistance programs.
 [7-1-95, 11-1-95; 8.150.100.3 NMAC - Rn, 8 NMAC 22.LHP.000.3, 10-1-01]

8.150.100.4 DURATION: Permanent.
 [7-1-95, 11-1-95; 8.150.100.4 NMAC - Rn, 8 NMAC 22.LHP.000.4, 10-1-01]

8.150.100.5 EFFECTIVE DATE: November 15, 1996, unless a different date is at the end of a section or paragraph.
 [7-1-95, 11-1-95; 1-15-96, 8.150.100.5 NMAC - Rn, 8 NMAC 22.LHP.000.5, 10-1-01]

8.150.100.6 OBJECTIVE: The objective of these regulations is to provide policy and procedures for the administration of the low income home energy assistance program.
 [7-1-95, 11-1-95; 8.150.100.6 NMAC - Rn, 8 NMAC 22.LHP.000.6, 10-1-01]

8.150.100.7 DEFINITIONS: [RESERVED]

8.150.100.8 STATUTORY AUTHORITY: The legal basis for the low income home energy assistance program (LIHEAP) is the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Public Law 101-501) as amended by Title III of the Human Services Amendments of 1994 (Public Law 103-252). Title XXVI of the Act is referred to as the Low Income Home Energy Assistance Act. The following sections cite the main statutory authorities for the state of New Mexico's administration of the LIHEAP grant award.
 [7-1-95; 8.150.100.8 NMAC - Rn, 8 NMAC 22.LHP.001, 10-1-01]

8.150.100.9 SPECIFIC AUTHORITIES:

A. Assist eligible households: Section 2602(a) of the Low Income Home Energy Assistance Act states the purpose of LIHEAP is to assist eligible households in meeting the costs of home energy. HSD defines home energy as an energy expense that is incurred primarily for private residential heating or cooling.

B. Outreach: Section 2605(b)(3) requires the LIHEAP grantee to conduct outreach activities to insure eligible households, and especially elderly and disabled households, are made aware of the LIHEAP program as well as similar energy-related assistance, utilizing nonprofit agencies as well as the grantee's own field offices in its outreach efforts.

C. Categorical eligibility: No household is categorically eligible to receive LIHEAP. Eligibility is determined during the application process.

D. 110% state poverty level: Section 2605(b)(2)(B) further states that no household may be excluded because of income if it has an income which is less than 110% of the state poverty level.

E. Timely issuance of benefits: Section 2605(b)(2)(B) requires the LIHEAP grantee to provide energy assistance benefits in a timely manner.

F. Crisis funding: Section 2604 (C) requires the LIHEAP grantee to reserve a reasonable amount of funds for a crisis intervention program. Section 2604 (C)(1) requires the LIHEAP grantee to provide assistance to eligible households within 48 hours of the household's application for benefits. This subsection further requires the LIHEAP grantee to provide assistance within 18 hours to eligible households that apply for benefits in a life-threatening situation.

G. Energy need and vulnerable populations: Section 2605 (b)(5) requires the LIHEAP grantee to take into account the energy needs of low income households, giving priority to those having members of vulnerable populations such as young children, older individuals and individuals with disabilities.

H. Owners and renters: Section 2605(b)(8) requires owners and renters to be treated equitably under the program.

I. Tribal LIHEAP: Section 2604(d)(1) requires that a portion of the grant award be set aside for any Indian tribe in the state requesting an allocation of LIHEAP funds for the purpose of administering its own energy assistance program.

J. Administering agency: Section 2605(b)(6) allows the grantee to designate local administrative agencies to carry out the program and to give special consideration to nonprofit agencies receiving federal funds for other energy-

related assistance programs.

[7-1-95, 11-1-95, 11-15-96, 10-01-97, 10-15-98; 8.150.100.9 NMAC - Rn, 8 NMAC 22.LHP.001, 10-1-01]

8.150.100.10 MISSION STATEMENT:

A. HOUSEHOLD RELATED POLICIES:

(1) HSD households: Households that receive benefits from programs administered by HSD will be notified of the LIHEAP application period. Those households that wish to apply for LIHEAP benefits may submit an application. It is HSD's policy to issue regular benefits under this program to eligible households that apply for benefits during the specified period of application for regular benefits and that meet the income eligibility requirement and have a responsibility to pay for energy costs as specified in this policy.

(2) Non-HSD households: It is HSD's policy to issue regular benefits under this program to eligible households that receive no other assistance from HSD but that apply for LIHEAP benefits during the specified period of application for regular benefits and that meet the income eligibility requirement and have a responsibility to pay for energy costs as specified in this policy.

(3) Wood-primary heat source: With the exception of households that use wood as their primary heat source and gather their own wood supply, households that do not incur a direct or indirect home energy cost are not eligible.

(4) Renter with energy costs: Renters who meet the eligibility criteria and incur a home energy cost are eligible for benefits under this program.

B. CRISIS INTERVENTION RELATED POLICIES:

(1) Crisis verification: Eligible households that have received a written disconnect notice from their utility vendor or a statement of non-delivery or sale of fuel from their fuel vendor due to lack of payment or inability to pay may be eligible to receive a LIHEAP benefit. When a crisis situation is identified, the department is required to provide intervention to resolve the energy crisis. The processing of the applications for households in a crisis situation includes contacting the utility company or fuel provider within the specified time frames to resolve the crisis situation. Eligible households with insufficient funds to open an account with a utility vendor or meet the security deposit requirements of a utility vendor may also be eligible to receive a LIHEAP benefit. These households must also be assisted with crisis intervention. Crisis intervention is not available to households that have received a LIHEAP benefit in the current federal fiscal year.

(2) Crisis timeliness: Assistance to resolve a crisis situation will be provided no later than 48 hours after the household's application for LIHEAP benefits. Eligible households with a life-threatening emergency will be provided assistance no later than 18 hours after the household's application for LIHEAP benefits. Assistance is defined as a contact with the vendor to intercede on the household's behalf to resolve the crisis situation.

(3) Utility/vendor mediation: HSD also assists households in negotiating with the household's utility or fuel vendor regarding the payment of arrearages or past due amounts. If the utility or fuel vendor refuses to make arrangements with the household for payment of outstanding balances, the household will be notified that the LIHEAP benefit alone will not resolve their crisis situation. The household will be informed of other community resources.

[7-1-95, 11-1-95, 11-15-96, 10-01-97, 10-15-98, 10-1-00; 8.150.100.10 NMAC - Rn, 8 NMAC 22.LHP.002, 10-1-01; A, 10-01-06]

HISTORY OF 8.150.100 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

ISD 600.0000, Energy Assistance Programs, 11-12-82.

ISD 600.0000, Low Income Energy Assistance Program, 1-9-84.

ISD 710.0000, Energy Assistance Programs, 11-15-85.

ISD 620.0000, Crisis Intervention Assistance, 11-12-82.

ISD 620.0000, Energy Crisis Intervention Assistance, 12-27-83.

ISD 714.0000, Energy Crisis Intervention, 11-20-85.

ISD 630.0000, Program Administration, 11-12-82.

ISD 630.0000, Program Administration, 12-27-83.

ISD 715.0000, Administration of Energy Assistance Programs, 11-20-85.

ISD FA 710, Energy Assistance Programs, 12-5-89.

ISD CAS 700, Energy Assistance Program, 11-13-91.

ISD CAS 700, Energy Assistance Program, 11-10-92.

ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 5-6-94.

ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 7-28-94.

History of Repealed Material: [RESERVED]