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## ENERGY PROGRAMS

### **EP-600 LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)**

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#### **600.01 GENERAL INFORMATION**

Low Income Household Water Assistance Program (LIHWAP) is a federally funded program that provides emergency assistance to low-income households to prevent disconnection or provide assistance with reconnection of drinking and wastewater services.

#### **600.02 PRIORITY GROUPS**

- A. LIHWAP assistance will be made available to households based on a priority group system. To lessen the hardship on those households that have already lost water services or are in jeopardy of losing water services, groups 1 and 2 will be served first. If funds are available, group 3 will be served after groups 1 and 2 are completed. The classification of groups are as follows:
1. Group 1 consists of households that have had water services disconnected.
  2. Group 2 consists of households that are in jeopardy of water services being disconnected, unless action is taken to prevent the disconnect.
  3. Group 3 consists of households that have current water services bills and need assistance to maintain service.
- B. LIHWAP assistance will be made available through one of two methods:
1. Optional Data matching:
    - a. Households in Priority Groups 1 or 2 that are receiving TANF, FNS or received LIEAP in Fiscal year 2020-2021 are categorically eligible and do not need to make an application, complete an interview or provide income. These households may be matched automatically using information received from the local water providers and payments will be sent to the providers.
    - b. To issue the payment for these households, a simplified application must be keyed in NC FAST. The households do not need to complete an interview, application or provide any verification, keying of the application is solely for the purposes of issuing and tracking of the payment. Use the information available to complete the application including only the Head of Household. Do not enter income or resource information. When completing the application in NC FAST for categorically eligible cases, answer "NO" to applicable questions and make a note under the communications tab in the Notes folder stating that the application is either a "Categorically Eligible Priority 1 or 2 Application".

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#### 2. Application:

##### a. Non-categorically eligible households:

If a household is not categorically eligible as defined above, the household must apply for assistance. When applying, the applicant must provide:

- Verification of the household's income; and
- Water/wastewater bill.

##### b. Categorically eligible households:

- i. If the household submits an application or contacts the county to apply for assistance and it is determined that the applicant is categorically eligible, the household does not need to complete an application or provide verification of income. The agency must verify the household's priority status, provider, and amount needed to alleviate the need.
- ii. To issue the payment for these households, a simplified application must be keyed in NC FAST. The households do not need to complete an interview, application or provide any verification, keying of the application is solely for the purposes of issuing and tracking of the payment. Use the information available to complete the application including only the Head of Household. Do not enter income or resource information. When completing the application in NC FAST for categorically eligible cases, answer "NO" to applicable questions and make a note under the communications tab in the Notes folder stating that the application is either a "Categorically Eligible Priority 1 or 2 Application".

**Note:** See Job Aid in NC FAST Help titled "Energy – Low Income Household Water Assistance Program (LIHWAP) Application to Case."

#### **600.03 ASSISTANCE TIMEFRAMES**

##### **A. December 1, 2021 through January 3, 2022**

#### 1. Optional Data Matching:

- a. Optional data matching will occur for all active categorically eligible households that meet the criteria for priority groups 1 and 2.
- b. Payments will be made directly to the water provider for those households that can be data matched.
- c. NC FAST will generate form DSS-8105 notifying the client that their water/wastewater bill has been paid when the application is dispositioned

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#### 2. Applications:

- a. Priority groups 1 & 2 will be given first priority to receive LIHWAP assistance during the month of December 2021. The household may receive assistance by data matching, through their categorical eligibility status, or by application. The household's priority group will be determined with the use of the client's bill.
- b. Households in Group 3 may not apply during the month of December 2021. After all households in groups 1 & 2 are assisted, group 3 will be assisted with any remaining funds beginning January 3, 2022.
- c. Households in Priority Group 1 or 2 that are not categorically eligible will be able to apply through one of the following methods:
  - i. By phone with a telephonic signature;
  - ii. Online through ePASS;
  - iii. By printing and mailing in the application; or
  - iv. In person at their local county DSS office.
- d. Households in priority group 3, whether they are categorically eligible or not, cannot be assisted during this period of time. Priority group 3 households that apply will be denied and instructed to reapply after January 3, 2022. Inform the household that the application will be contingent upon availability of funds.

#### **B. January 3, 2022 until funds are exhausted:**

1. If funds are available applications will be opened up for households that meet the criteria for priority group 3.
2. Applications may be processed for all three priority groups after January 3, 2022.
3. Households that are in priority group 3 that are categorically eligible and not data matched, an application and income is not needed. County staff will need to complete a search in the NC FAST system to determine if the household is categorically eligible. Households will need to provide information to the local county DSS office that will allow the office to determine their status, identify the vendor for payment, and the amount needed. If the household is identified as categorically eligible, the county will complete the application process described in 600.02 B. 1. to submit payment to the vendor.

#### **600.04 OPTIONAL DATA MATCHING**

- A. Groups 1 or 2 that can be data matched will be served concurrently.

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Households that are receiving Work First Family Assistance (WF), Food and Nutrition Services (FNS), or received a Low-Income Energy Assistance Program (LIEAP) payment in Fiscal year 2020-2021 are considered categorically eligible and do not need to make an application.

At the county's option, these households may be matched, and a payment made using information received from the local water providers, the household, and the North Carolina Families Accessing Services through Technology (NC FAST).

#### B. Optional Data Matching Process:

1. Once data sharing agreements are established between water vendors and county offices, vendors should submit data through zixmail at <https://web1.zixmail.net/s/login?b=ncdhhs> and email to [Energy.Providers@dhhs.nc.gov](mailto:Energy.Providers@dhhs.nc.gov). November data should be provided. Water vendors are only required to submit data once. Deadline to submit data is November 12, 2021. For additional information please refer to <https://www.ncdhhs.gov/divisions/social-services/energy-assistance/low-income-household-water-assistance-program-lihwap>.
2. NC FAST will compare data received from the water providers to active cases in NC FAST to match categorically eligible households that meet the criteria for group 1 or group 2.
  - a. Counties also have the option to complete a manual match to proactively start writing checks to vendors.
3. NC FAST will generate a report that will be made available to the counties for all matched clients who are in Priority Groups 1 or 2 and are potentially eligible for the LIHWAP benefits. The report will list identifying information as well as the amount owed as reported by the water provider.
4. Counties will call the water/wastewater vendor to confirm the amount owed and inform them if the assistance is approved, payment will be issued through the LIHWAP.
5. A list of customers that were not match will be returned to the vendor with a request to provide information about applying for LIHWAP benefits.
  - a. If a household is not auto matched, and the county determines that the household is not categorically eligible, the household must apply for assistance. When applying the applicant must provide the verification of the household's income and water/wastewater bill. County staff will need to complete a search in the NC FAST system to determine if the household is categorically eligible. If the household is identified as categorically eligible, the county will complete the application process described in 600.02 B. 1. to submit payment to the vendor.

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- A. Counties will work with the local county water and wastewater vendors to establish a Vendor Service and Data Sharing Agreement prior to December 1, 2021.
- B. Data from vendors accepted October 15, 2021 – November 12, 2021.
- C. Prior to December 1, 2021 counties will be notified of their initial allocations.
- D. Prior to December 1, 2021 the public will be notified of the program through press release, social media, and flyers posted in the local county offices.
- E. Prior to December 1, 2021 training for local county DSS offices will be conducted.

#### **600.06 APPLICATION PROCESS**

Clients who were matched through the data sharing process or through a county NC FAST search and are categorically eligible, **do not** have to apply for LIHWAP benefits. Clients who were not able to be matched to a vendor account and/or are not categorically eligible and all other households must apply.

**Note:** If the county chooses not to exercise the option to complete data matches, households that contact the county to apply for assistance and are determined to be categorically eligible are not required to provide verifications or complete an application. The county may document on the simplified NC FAST application that the household is categorically eligible and process the application as described in 600.02 B. 1. to submit payment to the vendor.

The Eastern Band of Cherokees Indians and the Lumbee Tribe received their own LIHWAP funding. Clients should be encouraged to call their tribal office for assistance.

Households with a Native American adult age 18 and older residing in Cumberland, Hoke, Robeson, and Scotland counties, who wish to apply for LIHWAP benefits, must do so through the Lumbee Tribe.

Households that include an enrolled member of the Eastern Band of Cherokee Indians (EBCI) living in the five-county service area of Cherokee, Graham, Haywood, Jackson, and Swain counties, who wish to apply for LIHWAP benefits, must do so through the EBCI. This includes enrolled EBCI members on and off the Qualla Boundary in the five counties.

**NOTE:** LIHWAP applicants must be provided the opportunity to register to vote.

- A. Application Availability:
  - 1. Households that wish to apply for LIHWAP must be given the opportunity to apply during regular business hours as long as funds are available.
  - 2. Appointments are not required for LIHWAP applications.
  - 3. Applicants are not required to complete applications in the office.

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4. Applications may be received by mail, fax, email, Telephone, online through ePASS portal, or dropped off at their local county DSS office.
5. Applications must be processed according to the priority group listed above.
6. Between December 1, 2021 and January 3, 2022 only priority groups 1 & 2 may be approved for assistance.
7. Priority group 3 that apply on or before January 3, 2022 will be denied and instructed to reapply after January 3, 2022. Inform the household that the program is contingent upon funding and assistance cannot be guaranteed.

**Example:** John Smith applies, and his services are already disconnected. John meets the requirements to be included in Priority Group 1 and may be assisted at this time.

**Example:** April Johnson applies, and her services are up to date and current. April meets the requirements to be included in Priority Group 3. April may not be assisted until January 3, 2021. Deny application and inform April that she must reapply.

#### **600.07 APPLICATION AND PENDING TIMEFRAMES**

A. Applications:

1. Priority Groups 1, 2, & 3 must be processed within 30 calendar days of receipt of the application.

B. Pending:

Inform all applicants, either verbally or in writing, that unless the requested information is received with 10 business days from the date of application, the application will be denied.

1. Pend the application for required signatures, interviews, and/or verifications for 10 business days.
2. Issue the household a DSS-8185 to request the required information.
3. Deny the application on the 30<sup>th</sup> day if the required information is not provided.

#### **600.08 INTERVIEW REQUIREMENTS**

Non data matched applicants who are not categorically eligible must complete an interview prior to receiving assistance. The interview does not have to be in-person and can be conducted by telephone.

A. Data Match Payments:

Clients that are data matched for the auto payment do not have to complete an interview.

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#### B. Telephone Applications:

1. Telephone applicants should be interviewed at first contact, whenever possible.
2. Telephone applicants may use the telephonic signature option. Telephonic signature requirements are as follows:
  - a. Worker must summarize the information to which the household provided
  - b. Document that the client's name, date, time of telephone interview and the client's agreement to use verbal attestation of signature over the phone.
  - c. The documentation will be included in a case note in NC FAST to demonstrate that the client has signed the application. Document "Telephone Signature" in the Income Support Application ->Contact Tab->Notes.
3. Only mail the completed application if the applicant declines the telephonic signature option.

C. Inform all applicants that approval is based on availability of funds at the time of application disposition.

D. Explain the applicant's rights and responsibilities.

Applicant has the right to:

- Receive assistance if eligible and funds are available.
- Be protected against discrimination on the grounds of race, color, national origin sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program by Title VI of the Civil Rights Act of 1964 and may appeal such discrimination under Section 504 of disability act.
- Have any information given to agency kept in confidence.
- Appeal if denied the right to apply or application denied, assistance is incorrect based on county's interpretation of State regulations or decision is not made on the application in a timely manner.
  - If the client disagrees with the decision taken on their application, they have 60 days from the date of their denial letter to ask for a hearing.
  - The hearing will establish if the action taken was correct and the decision may reinstate benefits if applicable.

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- The hearing will be held before an impartial official of the county department of social services.
  - The hearing will be held within 5 calendar days of the household's request, unless household postpones for good reasons. The household can postpone for up to 10 additional calendar days.
  - If client is dissatisfied with the hearing decision, they may request a second hearing before an impartial official of the State Division of Social Services.
  - Client may request the hearing either orally or in writing to the department of social services.
- Withdrawal from assistance program at anytime
  - Reapply if the household is denied and the situation changes.
- E. The worker's signature is not required. NC FAST provides a transaction history of the case actions based on the North Carolina Identity Management (NCID) of the user for all applications. This is considered the worker's electronic signature.

#### **600.09 BASIC ELIGIBILITY REQUIREMENTS**

- A. Households may receive LIHWAP payments more than once. Priority groups 1 and 2 do not have a maximum benefit amount. Priority group 3 has a cumulative maximum benefit amount of \$600 per State Fiscal Year.
- B. Households must meet the criteria for one of the priority groups described above. Household's priority group will be verified using the water/wastewater bill and/or information from the local water provider.
- C. Non-categorically eligible households must verify income.
- D. Categorically eligible households are not required to provide verification of income, unless questionable.

#### **600.10 Vulnerability**

- A. Households must be vulnerable at the time of application. Vulnerable is defined as having a water or wastewater bill and is subject to the rising cost of water services and meeting one of the following:
  - 1. Household lives in private living arrangement with a water/wastewater source and water costs are billed separately from other utilities;
  - 2. Household lives in private living arrangement with a water/wastewater source and water costs are billed with other utility charges.

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- a. If the utility vendor can itemize the bill, pay only the amounts associated with the water and wastewater services. Fees can include but are not limited to payment of standard reconnection fees, charges, and penalties related to water and wastewater systems, including stormwater.
- b. If the utility vendor is unable to itemize the bill and indicate what amount of the bill is for water and/or wastewater services, the caseworker should work with the vendor to determine an appropriate percentage of a bill that is attributable to the vendor's cost of providing the water and/or wastewater services. This percentage should be used for all payments made to that vendor. If the utility provider cannot or does not work with the caseworker to determine a percentage, customers of the utility provider may not be assisted through LIHWAP.

**Example:** Anytown utility services provides one bill that includes water, wastewater, trash collection, and parks fee. Anytown utility services cannot itemize the bill or indicate what amount of the bill is for water and wastewater. The caseworker works with Anytown utility services to determine that approximately 58% of the monthly bill is attributable to water and wastewater charges. The caseworker will be able to assist customers of Anytown utility services for 58% of their utility charges through the LIHWAP.

3. Household's water/wastewater bill is included in their rent. The household must provide an itemized bill to show the water and/or wastewater portion is included or provide a written statement from landlord.

B. A person living in an institution is not vulnerable.

C. A household with a private well and septic system are not vulnerable.

#### 600.11 Income

- A. Households will be categorically eligible if they:
  1. Are currently receiving Food and Nutrition Services (FNS) benefits
  2. Are currently receiving Work First benefits
  3. Received Low Income Energy Assistance Program (LIEAP) within the last 12 months
- B. If the household is not categorically eligible, use the household's countable income during the base period. Income must be equal to or less than 150% of the current poverty level.
  1. The base period is the month prior to the month of application.

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2. Count all sources of income available to the household. Including but not limited to:
- a. Social Security
  - b. Supplemental Security Income (SSI)
  - c. Wages, Tips, Self-employment
  - d. Contributions

<b>No. Eligible in Household</b>	<b>Maximum Countable Income</b>	<b>No. Eligible in Household</b>	<b>Maximum Countable Income</b>
1	\$1,610	14	\$8,988
2	2,178	15	9,555
3	2,745	16	10,123
4	3,313	17	10,690
5	3,880	18	11,258
6	4,448	19	11,825
7	5,015	20	12,393
8	5,583	21	12,960
9	6,150	22	13,528
10	6,718	23	14,095
11	7,285	24	14,663
12	7,853	25	15,230
13	8,420	26	15,798

**600.12 Payment Amount Determination**

Payment amount will be based on the household's priority group as follows:

- A. Priority groups 1 & 2 will be based on the amount needed to restore the services or prevent disconnection of services. There is no limit on this amount and may include fees if they are required and/or cannot be separated from the water/wastewater bill.

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B. Priority group 3 benefit amount will be based on six (6) times the most current monthly bill amounts up to a maximum of \$600 per State Fiscal Year.

**Note:** If a household receives benefits as a group 3 household and subsequently applies and meets the definition of a group 1 or 2 household the \$600 maximum no longer applies due to the change in group category.

**Example 1:** Priority group 3 household applies in January. Their most current monthly bill is for \$49.57.  $\$49.57 \times 6 = \$297.42$ . The maximum for priority group 3 is \$600 per State Fiscal Year. Application can be approved for \$297.42.

**Example 2:** Priority group 3 household applies in January. Their most current monthly bill is for \$159.25.  $\$159.25 \times 6 = \$955.50$ . The maximum for priority group 3 is \$600 per State Fiscal Year. Application can be approved for \$600.

**Example 3:** The household applied as a priority group 3 household in January and was approved for \$600. The household subsequently applies in March and still meets the definition of priority group 3. Because the household remains priority group 3 and has already received the maximum allowable benefit of \$600. The application must be denied.

**Example 4:** The household applied as a priority group 3 household in January and was approved for \$178.85. The household subsequently applies in March and still meets the definition of priority group 3. The household's most current bill is \$89.99.  $\$89.99 \times 6 = \$539.94$ . Because the household is priority group 3 and has already received \$178.85, \$421.15 ( $\$600 - \$178.85$ ) is the maximum amount of benefit the household can obtain without going over the maximum of \$600. The application may be approved for \$421.15.

**Example 5:** The household applied as a priority group 3 household in January and was approved for the maximum of \$600. The household subsequently applies in March and now meets the definition of priority group 1. \$1234.32 is needed to restore the household's water. Because the household now meets priority 1 group criteria, the household can be approved for \$1234.32.

**Example 6:** The household applied as a priority group 1 household in January and was approved for \$1854.54. The household subsequently applies in March and now meets the definition of priority group 3. Their most current bill is \$111.09.  $\$111.09 \times 6 = \$666.54$ . Because the household now meets priority 3 group

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criteria, the maximum allowable benefit is \$600. The household can be approved for \$600.

- C. If the county receives multiple request in one day, the county must process applications in chronological order and using the heirarchy of the priority groups, until all funds are exhausted.

**Example:** Process all group 1 applications and if funds are still available process all group 2 applications, if funds still available process all group 3 applications until funds are depleted.

#### **600.13 Direct Payments**

- A. Benefits will be paid directly to the water/waste water providers who have submitted a water/wastewater vendor service agreement that has been approved and is on file with the county department of social services. Payments cannot be made to water providers who do not have a valid vendor service agreement. If the vendor has not entered into a vendor service agreement take the following steps:
1. Accept and determine eligibility on the LIHWAP application.
  2. Pend the application and send the LIHWAP Vendor Letter to the water/wastewater vendor and give them 10 calendar days to comply with the online vendor agreement process.
  3. If the vendor completes the online process and enters into a vendor agreement, approve and authorize payment.
  4. If the vendor fails to enter into a vendor agreement, deny the application on the 10<sup>th</sup> calendar day listed on the letter.
- B. For data matched clients that do not have to apply, the payment process is the same process that is followed for all Energy payments.
- C. If a household subsequently moves and leaves a credit balance with the water provider, settlement of the credit is between the household and the water provider.
- D. The water provider is not required but may opt to forward the balance to the new water provider if they are aware of the change.
- E. If an applicant becomes deceased, incarcerated, or institutionalized after LIHWAP payment has been made to water provider and the payment results in a credit:
1. Determine if there are any other adults remaining in the household.
    - a. If so, the credit will remain.

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- b. If not, the credit must be fully refunded back to the local county agency by the vendor. The county will forward the payment amount with a cover letter giving identifying information, and reason why submitted to the Clerk of Court to be applied to the deceased payee's estate. If estate is settled and returned. Local county agency will process funds as an overpayment.
  
- F. If the provided water and/or wastewater bill is not in the applicant's name or another adult household member's name, the applicant must provide a written statement from the person whose name the bill is in verifying the applicant is responsible for payment, including landlords. Water and/or wastewater bill cannot be in the name of a minor child or deceased person. Rental agreements that contain specific language indicating that the renter is responsible for paying the water bill for that address, can be accepted as a written statement.

#### **600.09 NOTIFICATION TO CUSTOMERS**

Applicant households must receive a notice informing them if their application was approved or denied. The LIHWAP notice DSS-8105 will generate in NC FAST for applications taken by casworkers or through the ePASS portal. Any payment made on client's behalf to provider without an application (categorically eligible households), workers will need to send a manual notice which is posted on the forms website.

##### A. Approvals:

The approval notice will inform client of the amount that will be paid directly to their water or waste water vendor, the vendor name and account number.

##### B. Denials:

When denying an application, generate and mail a denial notice informing the household that they were denied and the reason for the denial and the household's appeal rights.