

8:83A-3.2 Authorized agent

(a) In those instances where the applicant is incompetent or incapable of filing a Lifeline eligibility application on his/her own behalf, the Department shall recognize any of the following persons listed in order of priority, as an authorized agent for the purpose of initiating such application:

1. A close relative by blood or marriage; such as, parent, spouse, son, daughter, brother or sister;
2. A representative payee designated by the Social Security Administration;
3. A staff member of a public or private social service agency, of which the person is a client, who has been designated by the client to so act;
4. A friend.

8:83A-3.3 Responsibilities in the application process

(a) Pursuant to statutory authority the Department shall establish procedures on the application process consistent with law and supervises the operation with the policy and procedures so established.

(b) The Department has responsibility in the application process to:

1. Explain the purposes and eligibility requirements of the program and indicate the applicant's rights and responsibilities under its provisions;
2. Process applications;
3. Certify to the Treasurer, State of New Jersey, the names of eligible tenants;
4. Notify the utility company(ies) of eligible applicants and the amount of credit to be applied to their accounts;
5. Microfilm eligibility applications and supporting documents and retain microfilm for audit purposes.

(c) The applicant has the responsibility to:

1. Complete the Lifeline eligibility application form truthfully, legibly and accurately.
 - i. All application questions must be fully answered.
 - ii. All necessary documentation of eligibility must be submitted to the Lifeline Program.
 - iii. Read the certification and authorization and sign (or mark) the application.
 - iv. Obtain the signature (or mark) of the spouse (if married) and the signature of the preparer (if applicable) on the application.
2. Assist the Department in obtaining documentation that supports his/her statements, when required.

3. Agree to a review by the Department. Lifeline eligibility may be terminated and benefits recovered if the beneficiary refuses to cooperate with a quality control review.

(d) The beneficiary has the responsibility to notify the Department whenever one of the following occurs:

1. He/she moves out of the State of New Jersey.
2. His/her or their annual income increases to an amount which exceeds the eligibility limit.
3. His/her marital status changes.
4. He/she moves anywhere within the State of New Jersey.
5. He/she is determined to be ineligible for continued Social Security Disability benefits.

(e) The beneficiary has the responsibility to repay the State of New Jersey, upon request, for the cost of benefits incorrectly paid on his/her behalf.

SUBCHAPTER 4. ELIGIBILITY**8:83A-4.1 Eligibility requirements**

(a) To be eligible for the Lifeline Credit Program, an individual shall be a resident and the residential utility customer each year or the spouse of a residential utility customer and satisfy one of the following criteria:

1. Be a Pharmaceutical Assistance to the Aged and Disabled beneficiary or determined to be eligible for PAAD benefits; or
2. Meet the residency, income, and age or disability requirements of the PAAD Program but apply for Lifeline Credit only. (See N.J.A.C. 8:83A-4.8(b)).

(b) When an individual is not a residential utility customer but is a tenant, as defined in N.J.A.C. 8:83A-1.3, who has the cost of utilities included in his or her monthly rental and the individual meets the eligibility requirements as outlined in N.J.A.C. 8:83A-4.1(a) 1 and 2, the individual is eligible to receive benefits from The Tenants Lifeline Assistance Program.

Amended by R.1988 d.575, effective December 7, 1988.
See: 20 N.J.R. 2440(a), 20 N.J.R. 3153(a).

Added "B" to cross reference citation 10:69"B"-1.3.
Amended by R.1996 d.581, effective December 16, 1996.
See: 28 N.J.R. 3499(a), 28 N.J.R. 5174(a).

Amended (a) to reflect issuance of year round credit.

8:83A-4.2 Income standards

(a) Any single permanent resident of New Jersey who is 65 years of age or who is under 65 and over 18 years of age and is receiving Social Security Title II disability benefits

must have an annual income of less than \$17,550 to be eligible for Lifeline.

(b) Any married permanent resident of New Jersey who is 65 years of age or who is under 65 and over 18 years of age and is receiving Social Security Title II disability benefits must have a combined (applicant and spouse) annual income of less than \$21,519 to be eligible for Lifeline.

1. An applicant and spouse shall be considered separated when each maintains a separate residence and the applicant does not have access to or receive support from the spouse's income.

2. An applicant and spouse shall be considered separated when the spouse has been institutionalized in a long-term care facility, either skilled or intermediate, or in a State or county psychiatric hospital at least 30 consecutive days prior to application.

(c) All income, from whatever source derived, is considered when determining eligibility for Lifeline.

1. Examples of possible sources of income, (gross amounts unless otherwise noted), are as follows:

- i. Salaries;
- ii. Wages;
- iii. Bonuses;
- iv. Commissions;
- v. Fees;
- vi. Dividends;
- vii. Interest;
- viii. Capital gains;
- ix. Royalties;
- x. Bequests;
- xi. Support payments;
- xii. Unemployment benefits;
- xiii. Pensions (including Social Security);
- xiv. Annuities;
- xv. Retirement benefits;
- xvi. Business income (net).

2. Sources of income which are excluded in determining eligibility for Lifeline are as follows:

- i. Benefits received under the New Jersey State Homestead Rebates;
- ii. Proceeds from spouse's life insurance.

(d) Upon request by the Department, the applicant must be able to document the amounts reported on the eligibility application, and will be required to submit photocopies of his/her Federal, State and/or City income tax return and other acceptable evidence.

(e) Lifeline Credit/Tenants Lifeline Assistance eligibility is conferred based upon annual income for the current calendar year, which is estimated at the time of application. Previous year income information is used as a gauge and supplements estimates of current income to determine current eligibility. However, if previous income exceeds the standard, but current year income is expected to fall within legal limits, an initial applicant may estimate current year income for the purpose of establishing Lifeline eligibility.

(f) Since Lifeline eligibility is based upon actual annual income, if the actual annual income for the current calendar year exceeds the Lifeline income standard, the person will become ineligible for the entire calendar year.

(g) The Lifeline Program shall take necessary action to recover the full amount of payments made on behalf of beneficiaries during an ineligible period, when appropriate.

(h) Lifeline beneficiaries are required to notify the Lifeline Program immediately if their current year income exceeds the established income standard.

(i) Beginning January 1, 1996 and annually thereafter, the income eligibility limits shall increase by the amount of the maximum Social Security benefit cost-of-living increase for that year for single and married persons respectively, in accordance with 42 U.S.C. 415(i)(2)(D), incorporated herein by reference. The Commissioner shall publish the new income limits annually in the New Jersey Register.

Amended by R.1988 d.575, effective December 19, 1988.
See: 20 N.J.R. 2440(a), 20 N.J.R. 3153(a).

(a): annual income raised from "\$12,000" to "\$13,650"; and in (b) annual income raised from "\$15,000" to "\$16,750".

Amended by R.1991 d.563, effective November 18, 1991.
See: 23 N.J.R. 2623(a), 23 N.J.R. 3514(a).

Income eligibility revised upwards.

Amended by R.1993 d.608, effective December 6, 1993.

See: 25 N.J.R. 3407(a), 25 N.J.R. 5528(b).

Amended by R.1996 d.7, effective January 2, 1996.

See: 27 N.J.R. 3541(a), 28 N.J.R. 184(c).

In (a) and (b) increased income limits, and added (i).

Administrative Change.

See: 28 N.J.R. 3597(a).

In (a) and (b) increased income limits.

Administrative change.

See: 29 N.J.R. 2562(a).

In (a), substituted "\$17,550" for "\$17,056"; and in (b), substituted "\$21,519" for "\$20,913".

8:83A-4.3 Residency requirement

(a) The term resident shall be interpreted to mean a person having his customary place of abode in New Jersey. (See N.J.A.C. 8:83A-1.3, Definitions).