

CHAPTER 69B**LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL****Authority**

N.J.S.A. 48:2-29.15 et seq. and 48:2-29.31 et seq.

Source and Effective Date

R.1993 d.586, effective October 21, 1993.
See: 25 N.J.R. 3701(a), 25 N.J.R. 5167(b).

Executive Order No. 66(1978) Expiration Date

Chapter 69B, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, expires on October 21, 1998.

Chapter Historical Note

All provisions of this chapter were adopted pursuant to authority of N.J.S.A. 48:2-29.15 et seq., N.J.S.A. 48:2-29.31 et seq. and became effective November 21, 1983 as R.1983 d.524. See: 15 N.J.R. 1227(a), 15 N.J.R. 1944(b).

1988 Revisions: This chapter was readopted pursuant to Executive Order No. 66(1978) effective November 21, 1988 with amendments effective December 19, 1988 as R.1988 d.575. See: 20 N.J.R. 2440(a), 20 N.J.R. 3153(a).

Pursuant to Executive Order No. 66(1978), Chapter 69B was readopted as R.1993 d.586. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

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SUBCHAPTER 1. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM**10:69B-1.1 Purpose and intent**

(a) The intent of the Lifeline Credit Program is to provide a minimum supply of gas and electricity for heating, lighting, cooling, cooking, and other essential household usages, which have been determined to be necessities of life, to those residential utility customers whose level of income and age or physical disability make it difficult to meet the extraordinary and unprecedented energy costs which have been experienced in recent years.

(b) The intent of the Tenants Lifeline Assistance Program is to afford assistance to residents who, by virtue of their level of income and age or physical disability, would be eligible for the Lifeline Credit Program; but because of their living accommodations (their utility costs are included as part of the rental), they do not receive an individual utility bill, and are therefore, ineligible for the Lifeline Credit Program, but who are nonetheless deserving of financial relief from burdensome energy costs.

10:69B-1.2 Legal authority

(a) The New Jersey Lifeline Credit Program was established by P.L. 1979, Chapter 197, as amended and supplemented, N.J.S.A. 48:2-29.15 et seq.

(b) The New Jersey Tenants Lifeline Assistance Program was established by P.L. 1981, Chapter 210, as it amends and supplements P.L. 1979, Chapter 197, N.J.S.A. 48:2-29.31 et seq.

10:69B-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Annual income” means all income from whatever source derived, actually received or anticipated.

10:69B-1.4 Lifeline Credit/Tenants Lifeline Assistance payment

(a) The Lifeline Credit shall consist of a single amount established by law, which will be applied, on a yearly basis, to the electric and/or gas utility bills of an eligible residential customer. Only one credit per year is allowed per household, regardless of the number of eligible residential utility customers living in that household.

1. If the eligible individual is the residential utility customer of only one utility, the total Lifeline Credit shall be applied to the individual's utility account.

2. If the eligible individual is a residential electric utility customer and a residential gas utility customer, one-half of the total Lifeline Credit shall be applied to each one of the eligible individual's utility accounts.

3. When an eligible residential utility customer terminates service, the unused balance of the Lifeline Credit shall be dispersed accordingly.

i. Within 45 days of termination of service, the electric and/or gas utility shall apply the unused balance to the residential utility customer's account before any other credits or deposits are applied when determining the account balance due to or from the customer; or

ii. When a residential utility customer changes his/her principal residence from a residential unit in the service territory of an electric and/or gas utility to an eligible residential unit within the service territory of another electric and/or gas utility and maintains utility service in his/her own name, the unused balance shall be transferred as a credit to the new account of the residential utility customer.

iii. In the event of the death of an eligible residential utility customer, the unused balance shall be transferred to a new account for the same residence if the new residential utility customer is a surviving member of the decedent's household and is eligible, in his/her own right, for Lifeline Credit benefits.

iv. The electric and/or gas utility shall return within 60 days of termination of service, any unused balance that cannot be transferred as stated in N.J.A.C. 10:69B-1.4(a)3i, ii, iii, to the Treasurer, State of New Jersey.

(b) The Tenants Lifeline Assistance payment shall consist of a single amount established by law, which on a yearly basis will be issued in the form of a check. Checks will be sent to eligible tenants who indirectly pay for utilities as part of their rental. Only one eligible tenant per household will be allowed to receive such assistance.

1. When an eligible Tenants Lifeline Assistance beneficiary moves prior to the issuance of payment, the beneficiary must notify the Bureau of Lifeline Programs. The beneficiary must request a change of address and submit proof of New Jersey residence and the Tenants Lifeline

Assistance Program check will be forwarded to the beneficiary.

2. When an eligible Tenants Lifeline Assistance Program beneficiary moves out of the State of New Jersey, dies or otherwise is determined ineligible prior to issuance of payment, the check will not be issued.

3. When an eligible TLAP beneficiary has received TLAP payments and subsequently becomes ineligible, payments will be discontinued as soon as the Bureau of Lifeline Programs is aware of the beneficiary's ineligibility.

(c) A Special Utility Supplement has been established to assist Supplemental Security Income (SSI) beneficiaries who are not eligible for Lifeline Credit or Tenants Lifeline Assistance. This yearly supplement amount, established by law in lieu of Lifeline Credit or Tenants Lifeline Assistance, will be added to each monthly SSI check in an amount equal to 1/2 of the yearly supplement.

1. When an SSI beneficiary is no longer eligible for the SSI Program, any remaining balance of the Special Utility Supplement shall be dispersed accordingly.

i. If the terminated SSI beneficiary is eligible for Lifeline Credit or Tenants Lifeline Assistance the remaining balance of the Special Utility Supplement shall be issued to the individual in the form of a check.

ii. If the terminated SSI beneficiary is not eligible for Lifeline Credit or Tenants Lifeline Assistance, the remaining balance of the Special Utility Supplement shall be returned to the Treasurer, State of New Jersey.

Amended by R.1993 d.586, effective November 15, 1993.
See: 25 N.J.R. 3701(a), 25 N.J.R. 5167(b).

SUBCHAPTER 2. ADMINISTRATIVE ORGANIZATION

10:69B-2.1 Department of Human Services

The Department of Human Services is the administrative unit of the State government designated to administer the Lifeline Programs. As provided in the "Lifeline Credit Program" and "Tenants Lifeline Assistance Program" acts, this Department is authorized to promulgate policies, rules, regulations and procedures as may be deemed necessary to implement the provisions of these acts.

10:69B-2.2 Division of Medical Assistance and Health Services

The Division of Medical Assistance and Health Services is the administrative unit within the Department of Human Services responsible for the administration of the Lifeline Programs.

SUBCHAPTER 3. APPLICATION PROCESS

10:69B-3.1 General provisions

The application process includes all activity relating to a request for a Lifeline eligibility determination. It begins with the receipt by the Division of Medical Assistance and Health Services of an eligibility application and continues in effect until there is an official disposition of the eligibility request by the Division of Medical Assistance and Health Services.

10:69B-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 Division 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.

10:69B-3.3 Responsibilities in the application process

(a) Pursuant to statutory authority the Department of Human Services through the Division of Medical Assistance and Health Services, Bureau of Lifeline Programs, establishes procedures on the application process consistent with law and supervises the operation with the policy and procedures so established.

(b) The Bureau of Lifeline Programs 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 Division of Medical Assistance and Health Services in obtaining documentation that supports his/her statements, when required.
3. Agree to a review by the Division's Bureau of Quality Control staff. 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 Bureau of Lifeline Programs 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

10:69B-4.1 Eligibility requirements

(a) To be eligible for the Lifeline Credit Program an individual must be a resident and the residential utility customer or the spouse of a residential utility customer and on July 1st of each year or during the succeeding six months 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. 10:69B-4.8(b)).

(b) The applicant must be able to substantiate residence upon request by the Division of Medical Assistance and Health Services, and is required to submit copies of two documents showing evidence of current residence at the time of application. The following are examples of proof of residence:

1. Motor Vehicle records (for example, valid driver's license);
2. Landlord's records and rent receipts;
3. Public utility records and receipts (for example, electric bill);
4. Personal property assessment records;
5. Records of professional people or businesses (for example, doctors, department stores, etc.);
6. Post office records;
7. Records of social agencies, public or private;
8. Employment records.

(c) Determination as to continued New Jersey residence of a person absent from this State shall be based upon contact with the applicant by a representative of the Division of Medical Assistance and Health Services.

(d) In determining the continued New Jersey residence of an absentee, the issue is whether the individual intends to return to New Jersey or remain indefinitely in the other jurisdiction. If a Lifeline beneficiary leaves New Jersey with the intent to establish a principal residence elsewhere, the beneficiary becomes ineligible for benefits and must immediately notify the Bureau of Lifeline Programs of the change of address.

Amended by R.1988 d.575, effective December 19, 1988.
See: 20 N.J.R. 2440(a), 20 N.J.R. 3153(a).
Deleted (b)2 and renumbered (b)3-9 as 2-8.

10:69B-4.4 Age

(a) The Lifeline applicant who is 65 years of age or older must be able to document his/her age upon request of the Division of Medical Assistance and Health Services. The applicant must submit a copy of one of the following acceptable proofs of age:

1. Birth certificate;
2. Baptismal certificate;
3. Bris certificate;
4. Social Security form number 2458 (can be obtained from the local Social Security office);
5. Railroad Retirement letter (can be obtained from the Railroad Retirement Board); or
6. Third Party Query Form (can be obtained from the local Social Security office).

(b) If the applicant cannot supply a copy of one of the proofs of age listed in (a)1-6 above, the applicant must submit copies of any two of the following acceptable proofs of age:

1. Insurance policy;
2. Driver's license;
3. School record;
4. State or Federal census record;
5. Bible or other family record;
6. Church record of Baptism (age five or after);
7. Confirmation certificate;
8. Marriage record;
9. Employment record;
10. Union record;
11. Military record;
12. Voting record;
13. Delayed birth certificate;
14. Applicant's child's birth certificate;
15. Physician's or midwife's record of applicant's birth;
16. Immigration record;
17. Naturalization record;
18. Passport.

Amended by R.1988 d.575, effective December 19, 1988.
See: 20 N.J.R. 2440(a), 20 N.J.R. 3153(a).
Added text in (a)5 "can be obtained ..."; added (a)6.

10:69B-4.5 Citizenship

The Lifeline applicant is not required to be a citizen of the United States in order to be eligible for the Lifeline Credit Program/Tenants Lifeline Assistance Program.

10:69B-4.6 Disability

(a) The Lifeline applicant who is under 65 and over age 18 and receiving Social Security Title II Disability benefits must be able to document his/her Social Security disability determination upon request of the Division of Medical Assistance and Health Services. The applicant must submit a copy of one of the following documents:

1. Social Security Award Certification (SSA-L30) issued by the Social Security Administration within the last six months of application; or
2. Report of Confidential Social Security Beneficiary Information (SSA-2458).

Amended by R.1988 d.575, effective December 19, 1988.
See: 20 N.J.R. 2440(a), 20 N.J.R. 3153(a).
Deleted (a)1 and renumbered (a)2 and 3 as (a)1 and 2.

(c) The petitioner will have the burden of demonstrating that the Bureau of Lifeline Programs' determination deviates from the requirements and standards of the regulations and statute.

New Rule, R.1993 d.368, effective July 19, 1993.
See: 24 N.J.R. 4329(a), 25 N.J.R. 3216(a).

SUBCHAPTER 5. RECOVERIES

10:69B-5.1 Benefits incorrectly paid

(a) The Department of Human Services shall take all necessary action to recover the Tenants Lifeline Assistance payments incorrectly or illegally made or the Lifeline Credit incorrectly or illegally applied, on behalf of an electric and/or gas utility customer, from the residential utility customer and any party or parties whose action or inaction resulted in the incorrect payment or from their respective estates, as the case may be. The action shall include, but is not limited to:

1. Requesting the Attorney General to commence civil actions; and/or
2. Reducing subsequent Lifeline benefits to which the beneficiary may be entitled; and/or
3. Reducing New Jersey State income tax refunds to which the beneficiary may be entitled; and/or
4. Reducing New Jersey Homestead Rebates to which the beneficiary may be entitled.

(b) The term "incorrect credit" includes, but is not limited to, credit given to an electric and/or gas residential utility

customer who is no longer eligible, or has been incorrectly determined to be eligible to receive credit.

(c) The term "illegal credit" includes, but is not limited to, credits made as a result of any false statement or representation by the applicant, or by the deliberate concealment of a material fact by the applicant.

(d) The term "incorrect payment" includes, but is not limited to, payments made to a beneficiary who is no longer eligible, or who has been incorrectly determined to be eligible to receive payment.

(e) The term "illegal payment" includes, but is not limited to, payments made as a result of any false statement or representation by the applicant, or by the deliberate concealment of a material fact by the applicant.

(f) For the purposes of carrying out the provisions of this section, no public utility, as defined herein, shall be held liable for any Lifeline Credit either improperly or illegally obtained by a Lifeline beneficiary, once that Lifeline beneficiary has been identified by the appropriate State instrumentality and made known to the utility as an eligible Lifeline beneficiary.

1. When a public utility becomes aware that a Lifeline Credit has been improperly credited to the account of an ineligible customer or that an eligible residential utility customer has been credited in an amount in excess of the statutory limit, the utility shall immediately advise the Bureau of Lifeline Programs. The Bureau will investigate the incident and advise the public utility of the appropriate action to take.

(g) All applicants and beneficiaries shall have the right to a hearing, through the Office of Administrative Law, to contest denials, eligibility determinations or recoveries.