

CHAPTER 83A**LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL****Authority**

N.J.S.A. 48:2-29.15 et seq. and 48:2-29.30 et seq., 52:14C-1 et seq., and 52:14D-1 et seq.; and Reorganization Plan 001-1996.

Source and Effective Date

R.2010 d.089, effective May 14, 2010.
See: 41 N.J.R. 3880(a), 42 N.J.R. 1198(a).

Chapter Expiration Date

Chapter 83A, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, expires on May 14, 2015.

Chapter Historical Note

Chapter 83A, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was originally codified in Title 10 as Chapter 69B, Lifeline Credit Program/Tenants Lifeline Assistance Program. Chapter 69B, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was adopted as R.1983 d.524, effective November 21, 1983. See: 15 N.J.R. 1227(a), 15 N.J.R. 1944(b).

Pursuant to Executive Order No. 66(1978), Chapter 69B was re-adopted as R.1988 d.575, effective November 21, 1988. See: 20 N.J.R. 2440(a), 20 N.J.R. 3153(a).

Pursuant to Executive Order No. 66(1978), Chapter 69B was re-adopted as R.1993 d.586, effective October 21, 1993. See: 25 N.J.R. 3701(a), 25 N.J.R. 5167(b).

Pursuant to Reorganization Plan No. 001-1996, Chapter 69B, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was recodified to N.J.A.C. 8:83A, effective November 3, 1997. As a part of the recodification, administrative changes were made to reflect Department of Health and Senior Services jurisdiction. See: 29 N.J.R. 4679(a).

Pursuant to Executive Order No. 66(1978), Chapter 83A, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was re-adopted as R.1998 d.494, effective September 11, 1998. See: 30 N.J.R. 1560(a), 30 N.J.R. 3645(b). Chapter 83A, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, expired on September 11, 2003.

Chapter 83A, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was adopted as new rules by R.2004 d.368, effective October 4, 2004. See: 36 N.J.R. 2410(a), 36 N.J.R. 4457(a).

Pursuant to Executive Order No. 1(2010), the chapter expiration date was extended from April 2, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule was readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Chapter 83A, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was readopted as R.2010 d.089, effective May 14, 2010. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM**8:83A-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 disability status makes 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 disability status, 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.

8:83A-1.2 Legal authority

(a) The New Jersey Lifeline Credit Program was established by P.L. 1979, Chapter 197, as amended and supple-

mented, N.J.S.A. 48:2-29.15 et seq. (see also Reorganization Plan No. 001-1996).

(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. (see also Reorganization Plan No. 001-1996).

(c) The New Jersey State budget for fiscal year 2004 transferred the responsibility for funding Lifeline benefits to the Board of Public Utilities (BPU). Pursuant to a Memorandum of Understanding (MOU) between the Department and BPU, the Department shall continue to administer the Lifeline programs.

8:83A-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.

“Anticipated income” means the amount of income the applicant can reasonably be expected to receive during the calendar year.

“Applicant” means an individual who applies for the Lifeline benefit either personally or through an authorized agent.

“Authorized agent” means a person who initiates the Lifeline application for a person who is incompetent or incapable of filing the Lifeline application on his or her behalf.

“Beneficiary” means an individual who has been found eligible for Lifeline benefit.

“Calendar year” means a year beginning January 1 and ending on December 31. It is the base period utilized to determine annual income and Lifeline eligibility.

“Commissioner” means the Commissioner of the Department of Health and Senior Services.

“Department” means the Department of Health and Senior Services.

“Electric utility” means every New Jersey public utility which provides residential electric service, as defined in this section, and is regulated by and subject to the jurisdiction of the Board of Public Utilities. Additionally, any municipality or other governmental entity providing residential electric service, as defined in this section, within the State of New Jersey, shall be deemed an electric utility for the limited purposes of this program.

“Gas utility” means every New Jersey public utility which provides residential gas service, as defined in this section, and is regulated by and subject to the jurisdiction of the Board of Regulatory Commissioners. Additionally, any municipality or other governmental entity providing residential gas service, as

defined in this section, within the State of New Jersey, shall be deemed a gas utility for the limited purposes of this program.

“Household” means all individuals who occupy one or more rooms which constitute separate and distinct living quarters.

“Lifeline” means the Lifeline Credit Program and/or the Tenants Lifeline Assistance Program.

“Lifeline Credit” means a benefit in the form of a credit in an amount established by law made to the utility accounts of an individual who has been determined to be eligible for the Lifeline Credit Program.

“Previous year” means the calendar year preceding the year in which the person is applying or reapplying for Lifeline. For example, 2002 is the “previous year” when referring to an application which is dated between January 1, 2003 through December 31, 2003.

1. If a person who is required to submit a Federal, State and/or City Income Tax return applies for Lifeline at the beginning of a calendar year but has not yet filed an income tax return for the previous year, the year preceding the previous year is considered to be the last or “previous year” when completing the Lifeline application.

“Resident” means one legally domiciled within the State of New Jersey for a period of 30 days immediately preceding the date of application for inclusion in the Program. Mere seasonal or temporary residence within the State, of whatever duration, does not constitute domicile.

“Residential electric service” means electricity supplied by an electric utility, for domestic purposes, through an individual meter to a dwelling unit defined as residential by the individual tariff of the servicing utility.

“Residential gas service” means gas supplied by a gas utility, for domestic purposes, through an individual meter to a dwelling unit defined as residential by the individual tariff of the servicing utility.

“Residential utility customer” means that individual whose name appears on the servicing utility’s records and is responsible for payment of the cost of the utilities.

“Special needs trust” means a trust containing the assets of a disabled individual that is established for the sole benefit of the individual by a parent, grandparent, legal guardian or court prior to the time the individual reaches the age of 65. (See N.J.A.C. 8:83A-4.2(d) for provisions.)

“Tenant” means an individual who is renting or leasing real property as his or her principal residence, which includes, but is not limited to, apartments, mobile home park sites, residential shareholders in nonprofit residential cooperatives or mutual housing corporations, owners of condominiums, or persons who are boarding.