

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

N.J.S.A. 48:2-29.15 et seq. and 48:2-29.31 et seq.; "Executive Reorganization Act of 1969," N.J.S.A. 52:14C-1 et seq.; "State Agency Transfer Act," N.J.S.A. 52:14D-1 et seq.; and Executive Reorganization Plan 001-1996.

Source and Effective Date

R.2004 d.368, effective October 4, 2004.
See: 36 N.J.R. 2410(a), 36 N.J.R. 4457(a).

Chapter Expiration Date

Pursuant to Executive Order No. 1(2010), the chapter expiration date is 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 is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

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: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 83A, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was scheduled to expire on April 2, 2010. See: 41 N.J.R. 3880(a).

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM**

- 8:83A-1.1 Purpose and intent
- 8:83A-1.2 Legal authority
- 8:83A-1.3 Definitions
- 8:83A-1.4 Lifeline Credit/Tenants Lifeline Assistance payment

SUBCHAPTER 2. ADMINISTRATIVE ORGANIZATION

- 8:83A-2.1 Department of Health and Senior Services
- 8:83A-2.2 Lifeline Programs
- 8:83A-2.3 Agency controls
- 8:83A-2.4 Responsibilities of the utility companies
- 8:83A-2.5 Confidentiality and disclosure of information

SUBCHAPTER 3. APPLICATION PROCESS

- 8:83A-3.1 General provisions
- 8:83A-3.2 Authorized agent
- 8:83A-3.3 Responsibilities in the application process

SUBCHAPTER 4. ELIGIBILITY

- 8:83A-4.1 Eligibility requirements
- 8:83A-4.2 Income standards
- 8:83A-4.3 Residency requirement
- 8:83A-4.4 Age
- 8:83A-4.5 Citizenship
- 8:83A-4.6 Disability
- 8:83A-4.7 Utility information
- 8:83A-4.8 Lifeline eligibility applications
- 8:83A-4.9 Social Security Account Number
- 8:83A-4.10 Certification
- 8:83A-4.11 Authorization
- 8:83A-4.12 Eligibility period
- 8:83A-4.13 Appeal process

SUBCHAPTER 5. RECOVERIES

- 8:83A-5.1 Benefits incorrectly paid

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.

5. The release of information or files to any law enforcement authority of this State charged with the investigation or prosecution of violations of the criminal laws of this State;

6. The release of information to the Department and participating licensed veterinarians for the purpose of verifying eligibility for benefits under the Animal Population Control Program; or

7. The release of information on files for the purpose of determining eligibility for the Universal Service Fund (USF) program or for the distribution of USF benefits.

SUBCHAPTER 3. APPLICATION PROCESS

8:83A-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 Department of an eligibility application and continues in effect until there is an official disposition of the eligibility request by the Department.

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 or 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. Power of attorney;
2. A close relative by blood or marriage; such as parent, spouse, son, daughter, brother or sister;
3. A representative payee designated by the Social Security Administration;
4. 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;
5. A friend.

8:83A-3.3 Responsibilities in the application process

(a) Pursuant to statutory authority, N.J.S.A. 48:2-29.31, 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, through a Memorandum of Understanding with BPU, 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; and

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; and

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 or her statements, when required; and

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 or she moves out of the State of New Jersey;

2. His or her or their annual income increases to an amount which exceeds the eligibility limit;

3. His or her marital status changes;

4. He or she moves anywhere within the State of New Jersey; or

5. He or 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 or 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 (a)1 and 2 above, the individual is eligible to receive benefits from The Tenants Lifeline Assistance Program.

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 \$24,432 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 \$29,956 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.

i. Any support payment received by the applicant, for the sole benefit of the applicant, shall be considered as income for Lifeline eligibility purposes.

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. All income, taxable and nontaxable, is to be included. Examples of possible sources of income (gross amounts unless otherwise noted) are as follows:

- i. Social Security benefits paid to or on behalf of the applicant;
- ii. Veterans benefits;
- iii. Disability benefits, whether public or private;
- iv. Salaries;

- v. Wages;
 - vi. Bonuses;
 - vii. Commissions;
 - viii. Fees;
 - ix. Dividends;
 - x. Interest taxable and nontaxable;
 - xi. Capital gains;
 - xii. Royalties;
 - xiii. Bequests and Death benefits;
 - xiv. Support payments;
 - xv. Unemployment benefits;
 - xvi. Pensions and Black Lung Benefits;
 - xvii. Annuities (contributory and noncontributory, qualified and nonqualified);
 - xviii. Retirement benefits including distribution from Individual Retirement Arrangements (IRAs) (Traditional, Simple, Roth, Educational) and benefit payments from foreign countries;
 - xix. Business income (net);
 - xx. Fair market value of prizes and awards;
 - xxi. Gambling and lottery winnings; and
 - xxii. Rental income (net after expenses).
2. Sources of income which are excluded in considering eligibility for Lifeline are as follows:
- i. Benefit amounts received under the New Jersey State Lifeline Credit Program/Tenants Lifeline Assistance Program;
 - ii. Benefits received under New Jersey Homestead Rebates;
 - iii. Proceeds from spouse's life insurance;
 - iv. Capital gains of up to \$250,000 for a single person or up to \$500,000 for a married couple on the sale of a main home which is also excluded from income taxation by IRS and the New Jersey Division of Taxation;
 - v. Stipends from the Volunteers to Service in America (VISTA), Foster Grandparents programs, Workforce 55+ program and programs under Title V of the Older Americans Act of 1965;
 - vi. Agent Orange payments;
 - vii. Reparation payments to Japanese Americans by the Federal government pursuant to sections 105 and 106 of the Civil Liberties Act of 1988, P.L. 100-383 (50 U.S.C. App. 1989b-4 and 1989b-5);