

2. For program purposes a household's benefit will be determined as follows:

i. If the household is directly responsible to the fuel vendor for payment the benefit will be based on Schedule A, B or C of this chapter, as appropriate;

ii. If the household is otherwise directly responsible for payment of the fuel charge (e.g., the landlord bills the household as a separate charge from rent for fuel use although the landlord remains responsible to the fuel vendor) the benefit will be based on Schedule C of this chapter; or

iii. If heat is included in a single monthly rental charge the benefit will be based on Schedule C.

3. The household must provide evidence that it is responsible for payment of fuel costs.

4. A household directly responsible to a public utility for payment of heating costs will receive the special energy benefit in the form of a direct transfer to the utility. The benefit will be transferred directly to the client's utility company with the client receiving notification. A household directly responsible to other participating fuel suppliers will receive the benefit in the form of a two party check. The check will be payable to the head of household and the name of the fuel supplier.

5. A household directly responsible for payment of heating costs to any non-participating fuel supplier will receive the special energy benefit payable to the head of household and "Your Heating Supplier."

6. For cases in which an applicant indicates that he or she is using a kerosene heater as the primary heat source in an area in which zoning ordinances have declared that type of heater illegal, kerosene shall not be considered the household's main source of heat on the HEA application. In such situations the CAA or other non-profit agency must advise applicants of the legal implications of using that form of heater and provide them with information regarding any available programs which may assist them in the establishment of an alternate heating source.

i. In any situation in which the applicant is uncooperative in securing a new heating source, the CAA or other non-profit agency must document in the case record that the applicant was advised of the illegality of the use of kerosene heaters and was counseled regarding existing alternatives. Home energy assistance payments shall not be authorized to supplement illegal heating sources.

Amended by R.1982 d.497, effective December 30, 1982.

See: 14 N.J.R. 1311(a), 15 N.J.R. 92(c).

Originally filed as an emergency adoption (R.1982 d.412) on November 1, 1982. Readopted as R.1982 d.497. Supplier and participating fuel supplier added to text.

Amended by R.1982 d.465, effective October 17, 1983, operative November 1, 1983.

See: 15 N.J.R. 1338(a), 15 N.J.R. 1768(c).

Reference to Schedule C changed to Schedule B.

Emergency amendment and concurrent proposal amended, R.1984 d.538, effective and operative November 1, 1984 (expires December 31, 1984).

See: 16 N.J.R. 3217(a).

Substantially amended.

Emergency amendment readopted R.1985 d.5, effective January 2, 1985.

See: 16 N.J.R. 3217(a), 17 N.J.R. 310(a).

Emergency Amendment, R.1985 d.539, effective October 28, 1985 (operative November 1, 1985, expires December 27, 1985).

See: 17 N.J.R. 2791(a).

Added text in (d): "or center for ... or alcohol abuse."

Readopted amendment R.1985 d.708, effective December 24, 1985.

See: 17 N.J.R. 2791(a), 18 N.J.R. 194(a).

Emergency Amendment, R.1987 d.496, effective October 28, 1987 (operative November 1, 1987, expires December 27, 1987).

See: 19 N.J.R. 2208(a).

Added (f)6.

Adopted Concurrent Proposal as R.1988 d.46, effective December 24, 1987.

See: 19 N.J.R. 2208(a), 20 N.J.R. 291(b).

Amended by R.1990 d.315, effective June 18, 1990.

See: 22 N.J.R. 599(a), 22 N.J.R. 1939(a).

In (c): added "... or receiving a rent subsidy ..." to defining households regarding special assistance.

Emergency Amendment, R.1994 d.20, effective December 9, 1993 (to expire February 7, 1994).

See: 26 N.J.R. 256(a).

Adopted Concurrent Proposal, R.1994 d.109, effective February 7, 1994.

See: 26 N.J.R. 256(a), 26 N.J.R. 1227(a).

Emergency amendment R.1997 d.149, effective February 25, 1997 (to expire April 26, 1997).

See: 29 N.J.R. 940(a).

In (a), (f)6, and (f)6i, substituted "CAA or other non-profit agency" for "CWA".

Adopted concurrent proposal, R.1997 d.207, effective April 25, 1997.

See: 29 N.J.R. 940(a), 29 N.J.R. 2473(a).

Emergency amendment R.1998 d.82, effective January 9, 1998 (to expire March 10, 1998).

See: 30 N.J.R. 568(a).

In (f), rewrote 4.

Adopted concurrent proposal, R.1998 d.168, effective March 10, 1998.

See: 30 N.J.R. 568(a), 30 N.J.R. 1285(a).

### 10:89-3.3 Cooling assistance—DCA/CAA

(a) Income eligible households for which there is medical evidence that the health of at least one household member will be seriously endangered unless the household's living quarters are cooled, shall receive a one-time benefit in the amount of \$100.00 subject to the following provisions. This benefit is available in addition to any other benefit made under this program and will be paid directly to the household.

1. The household must present evidence of health endangerment signed by a licensed medical practitioner.

2. In order to receive a cooling assistance benefit the household must be directly responsible for payment to the fuel supplier providing the fuel used for residential cooling; be otherwise directly responsible for the payment of fuel charges (e.g., the landlord bills the households according to usage); or make payment for cooling costs which are included in a single monthly rental charge.

3. The following households are not eligible for cooling assistance payments:

- i. Households residing in publicly operated housing or receiving a rent subsidy which includes all cooling costs. Energy costs included in rent which is subsidized do not apply as out-of-pocket for cooling costs;
- ii. Households for whom nonhousehold members pay for the cooling fuel;
- iii. Residents of any licensed medical facility (hospital, skilled nursing facility or intermediate care facility) or publicly operated community residence and residents of centers for treatment of drug and/or alcohol abuse;
- iv. Households consisting entirely of students who are tax dependents of another household.

Emergency amendment and concurrent proposal amended, R.1984 d.538, effective and operative November 1, 1984 (expires December 31, 1984).

See: 16 N.J.R. 3217(a).

(a)3v deleted.

Emergency amendment readopted R.1985 d.5, effective January 2, 1985.

See: 16 N.J.R. 3217(a), 17 N.J.R. 310(a).

Emergency Amendment, R.1985 d.539, effective October 28, 1985 (operative November 1, 1985, expires December 27, 1985).

See: 17 N.J.R. 2791(a).

One-time benefit raised from \$100.00 to \$125.00.

Readopted amendment R.1985 d.708, effective December 24, 1985.

See: 17 N.J.R. 2791(a), 18 N.J.R. 194(a).

Emergency Amendment, R.1987 d.496, effective October 28, 1987 (operative November 1, 1987, expires December 27, 1987).

See: 19 N.J.R. 2208(a).

(a)3i deleted "all".

Adopted Concurrent Proposal as R.1988 d.46, effective December 24, 1987.

See: 19 N.J.R. 2208(a), 20 N.J.R. 291(b).

Emergency Amendment, R.1992 d.38, effective December 26, 1991 (expires February 24, 1992).

See: 24 N.J.R. 300(b).

In (a) cooling assistance benefit changed from \$125.00 to \$100.00.

Adopted Concurrent Proposal, R.1992 d.125, effective February 21, 1992.

See: 24 N.J.R. 300(b), 24 N.J.R. 952(b).

Provisions of emergency amendment R.1992 d.38 readopted without change.

Emergency Amendment, R.1994 d.20, effective December 9, 1993 (to expire February 7, 1994).

See: 26 N.J.R. 256(a).

Adopted Concurrent Proposal, R.1994 d.109, effective February 7, 1994.

See: 26 N.J.R. 256(a), 26 N.J.R. 1227(a).

Emergency amendment R.1997 d.149, effective February 25, 1997 (to expire April 26, 1997).

See: 29 N.J.R. 940(a).

In (a)1, deleted provision directing questionable evidence to the Division of Family Development, Bureau of Medical Affairs.

Adopted concurrent proposal, R.1997 d.207, effective April 25, 1997.

See: 29 N.J.R. 940(a), 29 N.J.R. 2473(a).

#### 10:89-3.4 Emergency energy assistance

(a) Emergency energy assistance is available to HEA eligible households and is subject to the following conditions:

1. An energy emergency shall exist when a household is without heat or is in danger of being without heat and has insufficient income available to purchase fuel or when a household which pays for heating costs which are included in a monthly rental charge is faced with eviction due to nonpayment of rent.

2. The emergency must be verified by client affidavit and collateral contact where this is possible and deemed necessary by the CAA or other non-profit agency.

3. The amount of any emergency assistance payment shall be the lowest amount charged for the service performed by the household's energy supplier or for the purchase of fuel, but shall not exceed \$200.00 for the purchase of fuel oil, electricity, natural gas, bottled gas, kerosene, wood or coal. The fee for restoration of utility service shall be counted toward the \$200.00 maximum amount for purchase of electricity or natural gas.

4. The client shall be required to account for the use of all funds received under the program prior to the request for emergency assistance. The CAA or other non-profit agency shall evaluate the request for emergency assistance with the understanding that any benefits previously provided to the client under this section or N.J.A.C. 10:89-3.1, "Automatic payments to certain households—DFD" and N.J.A.C. 10:89-3.2, "Special energy assistance—DCA/CAA" were intended to defray the cost of home heating fuel for the current heating season or to defray heating costs which are included in a monthly rental charge.

5. The CAA or other non-profit agency shall, no later than 48 hours after a household or its representative signs the declaration of energy emergency, provide some form of assistance that will resolve the energy crisis if such household is eligible to receive such benefits.

6. The CAA or other non-profit agency shall also, not later than 18 hours after a household or its representative signs the declaration of energy emergency, provide some form of assistance that will resolve the crisis if such household is eligible to receive such benefits and is in a life-threatening situation.

7. All emergency energy assistance is subject to the availability of funds.

8. Emergency energy assistance will be authorized only during the months of December, January, February, March and April. Emergency assistance will be available for all fuel sources except electric and gas until March 15. Utility and gas emergencies will be available until April 30.

9. Fiscal Year 98 Home Energy Assistance recipients who have had their service terminated or are slated for utility shutoff between March 16, 1998 and May 15, 1998 and have made at least one non-LIHEAP payment on their account between March 16, 1998 and May 31, 1998 shall be issued a supplemental emergency assistance payment not exceeding \$200.00.

(b) It is intended that emergency energy assistance be authorized in the form of a direct payment to the client from the CAA or other non-profit agency. The CAA or other non-profit agency will subsequently be reimbursed by DCA for such payments.

1. Emergency energy assistance benefits may, at the discretion of the agency, be issued as a two party check payable to the head of household and the fuel supplier or utility company.

(c) Emergency purchase of fuel:

1. The CAA or other non-profit agency is authorized to issue an emergency payment for the purchase of fuel oil or other fuel used for residential heating. A fuel cooperative will be utilized for select emergencies with payments issued to the vendor.

2. Emergency purchase of fuel shall only be authorized for households which are directly responsible for payment of fuel costs associated with residential heating.

3. The client shall be required to provide the CAA or other non-profit agency with a receipt for fuel purchased with emergency energy funds.

(d) Emergency energy assistance for specific services:

1. Emergency energy assistance is authorized through the CAA or other non-profit agency when a household is without heat or is in danger of being without heat. Payments for the following services shall only be authorized for a household if the household owns and resides in the residence requiring the service:

i. Furnace repairs up to \$1,000 are authorized when an HEA eligible household that pays a fuel supplier directly for their primary source of heat is in need of furnace repair to prevent homelessness or where assistance for furnace replacement is not available through the New Jersey Department of Community Affairs (DCA) Weatherization and Furnace Retrofit Programs.

(1) HEA funds are not intended to supplant or supplement existing services available through DCA and are to be considered assistance to the homeowner to prevent homelessness only.

(2) CAAs or other non-profit agencies shall obtain written estimates of necessary repairs prior to authorizing payment.

(3) Once payment is authorized, an itemized receipt for furnace repair services shall be included in the HEA case record.

ii. Correction for infiltration of cold air (not to exceed \$100.00).

2. Payment for the following service may be authorized for households which are directly responsible for payment of the cost of the primary heating fuel for the residence requiring the service, regardless of whether the household owns the residence.

i. Furnace restart not to exceed \$100.00.

(e) Emergency temporary rehousing:

1. Payment may be authorized for the actual cost of adequate emergency shelter arrangements for HEA eligible households which have been temporarily rehoused due to an energy related emergency.

2. This assistance may be necessary in situations in which there is no heat in an apartment building and all of the tenants must be evacuated and temporarily resettled.

3. The CAA or other non-profit agency will be reimbursed retroactively for emergency rehousing assistance provided to eligible households.

4. The CAA or other non-profit agency is responsible for evaluation of the situation and determination of the appropriateness of reimbursement from program funds. Reimbursement shall be authorized for a specified temporary period consistent with N.J.A.C. 10:82-5.10.

5. If the request for Emergency Rehousing Assistance reimbursement is approved, the HEA check, when received, must be credited against the account from which the payment was initially made;

6. If in an energy related emergency the CAA or other non-profit agency finds it necessary to reestablish an HEA eligible household in a new permanent living arrangement, the CAA or other non-profit agency may request reimbursement from Home Energy Assistance funds for payments made for security and/or utility deposits.

(f) Emergency assistance benefits to prevent eviction:

1. Payment may be authorized to eligible households facing eviction due to non-payment of rent or mortgage arrears whose heating costs are included in a single monthly rental charge or mortgage payment, or who pay only for a secondary source of heat, or who pay a separate charge to their landlord for heat.

2. Emergency assistance to prevent eviction may not exceed the difference between the amount of the HEA entitlement for the program year and \$750.00, and shall be the lowest amount necessary to prevent eviction from the residence.

3. The applicant household must have received official documentation of pending eviction due to non-payment of rent, such as a tenancy complaint filed by the landlord or an order for eviction from the courts. The assistance available must be sufficient to prevent eviction. Households which have already been evicted are not eligible for this assistance.

(g) Restoration or maintenance of utility service:

1. Emergency energy assistance may be granted by a CAA or other non-profit agency to restore or maintain utility service for an eligible household under the following conditions:

i. The service provided by the utility is essential to the maintenance of the household's heating source;

- ii. The household must have received a termination of service notice or have actually been shut off;
- iii. The utility company agrees to restore or maintain service but requests a fee for reconnection;
- iv. The household is without the means to pay the reconnection fee;
- v. The household is directly responsible to the utility for payment of the bill;
- vi. The total amount of the emergency payment may not exceed \$200.00 which includes the emergency purchase of fuel and the reconnection fee; and
- vii. The CAA or other non-profit agency must verify with the utility that the amount of the available emergency payment will be sufficient to restore or maintain service.

2. If the request for emergency assistance is made while the Board of Public Utilities Order regarding the winter termination program (moratorium) is in effect, the household must document that appeal to the Board has been unsuccessful.

3. If the utility requires a minimum payment in the amount greater than \$200.00 to restore or maintain service, prior to issuing the emergency payment, the CAA or other non-profit agency shall require the household to show proof that the household has funds to pay or has paid the excess amount prior to issuance of the emergency payment.

4. If a household which heats by fuel oil must have utility service reconnected to start the fuel burner, emergency energy assistance may be granted for the utility reconnection necessary to restart the fuel burner and for an emergency fuel oil delivery. The total amount of the emergency payment in such instances may not exceed \$200.00. The maximum payment for utility reconnection may not exceed \$100.00. If a household which heats by fuel oil has used its HEA benefit check to purchase oil or already has oil but needs utility reconnection to start the fuel burner, emergency energy assistance may be granted for such utility connection but may not exceed \$100.00.

Amended by R.1982 d.497, effective December 30, 1982.

See: 14 N.J.R. 1311(a), 15 N.J.R. 92(c).

Originally filed as an emergency adoption (R.1982 d.412) on November 1, 1982. Readopted as R.1982 d.497. Requirement to account for fuel funds already received and to provide receipt for fuel purchased with emergency funds.

Amended by R.1983 d.465, effective October 17, 1983, operative November 1, 1983.

See: 15 N.J.R. 1338(a), 15 N.J.R. 1768(c).

Deletion of requirement of CWA to obtain prior approval from DPW for second emergency payment.

Emergency amendment and concurrent proposal amended, R.1984 d.538, effective and operative November 1, 1984 (expires December 31, 1984).

See: 16 N.J.R. 3217(a).

(a)3: Added "150.00 for the . . . or natural gas."

Emergency amendment readopted R.1985 d.5, effective January 2, 1985.

See: 16 N.J.R. 3217(a), 17 N.J.R. 310(a).

Amended by R.1985 d.492, effective October 7, 1985.

See: 17 N.J.R. 1737(a), 17 N.J.R. 2441(a).

Deleted "up to 150 gallons of" and "its equivalent in." Emergency Amendment, R.1985 d.539, effective October 28, 1985 (operative November 1, 1985, expires December 27, 1985).

See: 17 N.J.R. 2791(a).

Substantially amended.

Readopted amendment R.1985 d.708, effective December 24, 1985.

See: 17 N.J.R. 2791(a), 18 N.J.R. 194(a).

(e)4 amended.

Amended by R.1986 d.450, effective November 17, 1986.

See: 18 N.J.R. 1676(a), 18 N.J.R. 2328(a).

(a): Deleted "income" and substituted "HEA".

(a)1: Added text "and the household has insufficient funds on hand to purchase fuel."

(e)4: Substituted "two calendar months" for "60 days".

Emergency Amendment, R.1987 d.496, effective October 28, 1987 (operative November 1, 1987, expires December 27, 1987).

See: 19 N.J.R. 2208(a).

Substantially amended.

Adopted Concurrent Proposal as R.1988 d.46, effective December 24, 1987.

See: 19 N.J.R. 2208(a), 20 N.J.R. 291(b).

Amended by R.1988 d.482, effective October 17, 1988 (operative November 1, 1988).

See: 20 N.J.R. 2577(a).

Added (a)5-6 and renumbered existing 5.-6. to 7.-8. Added new (d)1i and new (f). Renumbered (f) to (g).

Amended by R.1990 d.315, effective June 18, 1990.

See: 22 N.J.R. 599(a), 22 N.J.R. 1939(a).

Stylistic revisions.

Administrative Correction to (f)2.

See: 24 N.J.R. 1502(a).

Emergency Amendment R.1992 d.517, effective December 8, 1992, operative January 1, 1993 (expires February 6, 1993).

See: 24 N.J.R. 4593(a).

Utility and gas emergency assistance extended to April 30.

Adopted concurrent proposal, R.1993 d.97, effective January 28, 1993.

See: 24 N.J.R. 4593(a), 25 N.J.R. 997(a).

Provisions of emergency amendment, R.1992 d.517, adopted without change.

Emergency amendment R.1996 d.322, effective June 19, 1996 (to expire August 18, 1996).

See: 28 N.J.R. 3673(a).

Added (a)9.

Emergency amendment R.1996 d.322, expired August 18, 1996.

Emergency amendment R.1997 d.149, effective February 25, 1997 (to expire April 26, 1997).

See: 29 N.J.R. 940(a).

Substituted "CAA or other non-profit agency" for "CWA" throughout; in (a)4, inserted references to DFD and to DCA/CAA; in (b), substituted "DCA" for "DFD"; and in (c)1, added last sentence. Adopted concurrent proposal, R.1997 d.207, effective April 25, 1997.

See: 29 N.J.R. 940(a), 29 N.J.R. 2473(a).

Emergency amendment R.1997 d.333, effective July 15, 1997 (expired September 13, 1997).

See: 29 N.J.R. 3504(a).

Added (a)9.

Emergency amendment R.1998 d.469, effective August 14, 1998 (to expire October 13, 1998).

See: 30 N.J.R. 3333(a).

In (a), added 9.

### 10:89-3.5 Maximum program benefit

(a) An eligible household may receive a maximum of \$900.00 in program benefits to include automatic or special payments plus any emergency assistance payments exclusive of emergency rehousing permits and emergency furnace repair payments. A household which receives more than the maximum program benefit is subject to recoupment procedures in accordance with N.J.A.C. 10:89-5.3.

(b) Cooling assistance payments in accordance with N.J.A.C. 10:89-3.3 and emergency temporary rehousing payments in accordance with N.J.A.C. 10:89-3.4(e) are not counted toward the maximum program benefit.

As amended, R.1982 d.497, effective December 30, 1982.  
See: 14 N.J.R. 1311(a), 15 N.J.R. 92(c).