



STATE OF NEW MEXICO  
HUMAN SERVICES DEPARTMENT



# HUMAN SERVICES REGISTER

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## I. DEPARTMENT

Human Services Department

## II. SUBJECT

Low Income Home Energy Assistance Program  
(LIHEAP) State Plan

## III. PROGRAMS AFFECTED

Low Income Home Energy Assistance Program

## IV. ACTION

Proposed State Plan

## V. BACKGROUND

The Human Services Department is required by Federal Law to file a State Plan that describes how the Department will administer the New Mexico's Low Income Home Energy Assistance Program (LIHEAP). The State Plan must be submitted annually to the United States Department of Health and Human Services (DHHS), Administration for Children and Families (ACF). The Department is required to offer a 30-day comment period for the LIHEAP State Plan, which includes weatherization, prior to submittal.

## VI. PROPOSED STATE PLAN

A copy of the proposed LIHEAP State Plan is available in written format upon request. Please call the Income Support Division at 1-888-523-0051 or 1-505-827-7258 to request a copy. You may also send a request to:

Human Services Department  
Income Support Division  
Attn: Work and Family Support Bureau/ LIHEAP  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

The proposed State Plan is also available on and can be printed from the Department's website at:

<http://www.hsd.state.nm.us/LookingForInformation/income-support-division-plans-and-reports.aspx>

## VII. EFFECTIVE DATE

October 1, 2016

## VIII. PUBLIC HEARING

A public hearing to receive testimony on the proposed LIHEAP State Plan will be held on July 21, 2016, at 10:00 AM. The hearing will be held in the Income Support Division Conference room, located on the first floor of Pollon Plaza at 2009 S. Pacheco St., Santa Fe, NM 87505. Parking accessible for persons with physical impairments is available.

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at 505-827-7701 or through the New Mexico Relay system, at 711 or toll free at 1-800-659-1779. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

## IX. ADDRESS

Interested persons may address written or recorded comments to:

Human Services Department  
P.O. Box 2348 Pollon Plaza  
Santa Fe, NM 87504-2348

Interested persons may also address comments via electronic mail to:  
[HSD-isdrules@state.nm.us](mailto:HSD-isdrules@state.nm.us)

## VII. PUBLICATION

Publication of these regulations approved on May 26, 2016 by:

  
\_\_\_\_\_  
BRENT EARNEST, SECRETARY  
HUMAN SERVICES DEPARTMENT

Section 1

Program Components, 2605(a), 2605(b)(1) – Assurance 1, 2605(c)(1)(C)

1.1 Check which components you will operate under the LIHEAP program. (Note: You must provide information for each component designated here as requested elsewhere in this plan.)

Dates of Operation

- Heating assistance Start date: October 1, 2016 End date: September 30, 2017
- Cooling assistance Start date: October 1, 2016 End date: September 30, 2017
- Crisis assistance Start date: October 1, 2016 End date: September 30, 2017
- Weatherization assistance Start date: October 1, 2016 End date: September 30, 2017

Estimated Funding Allocation, 2604(c), 2605(k)(1), 2605(b)(9), 2605(b)(16) – Assurances 9 and 16

1.2 Estimate what amount of available LIHEAP funds will be used for each component that you will operate: The total of all percentages must add up to 100%.

- 41 % heating assistance
- 15 % cooling assistance
- 10 % crisis assistance
- 14 % weatherization assistance
- 10 % carryover to the following Federal fiscal year
- 10 % administrative and planning costs
- % services to reduce home energy needs including needs assessment (Assurance 16)
- % used to develop and implement leveraging activities
- 100 % TOTAL

Comment [YR1]: Hyperlink: "The maximum allocation for weatherization prior to approval of a waiver by HHS is 15%."

Comment [YR2]: Hyperlink: "The maximum allowable carryover into the following federal fiscal year is 10%."

Comment [YR3]: Hyperlink: "The maximum allowable allocation for administrative and planning costs is 10%."

Comment [YR4]: Hyperlink: "The maximum allowable allocation for Assurance 16 activities is 5%."

Comment [YR5]: Hyperlink: "The maximum allowable allocation for development and implementation of leveraging activities is the greater of 0.08% or \$35,000. Similar instructions should be provided to Tribes, but with 2% or \$100 for tribes/territories."

**Alternate Use of Crisis Assistance Funds, 2605(c)(1)(C)**

1.3 The funds reserved for winter crisis assistance that have not been expended by March 15 will be reprogrammed to:

- Heating assistance
- Weatherization assistance
- Cooling assistance
- Other (specify): \_\_\_\_\_

**Categorical Eligibility, 2605(b)(2)(A) – Assurance 2, 2605(c)(1)(A), 2605(b)(8A) – Assurance 8**

1.4 Do you consider households categorically eligible if one household member receives one of the following categories of benefits in the left column below?  Yes  No

**Comment [HM56]:** [Hyperlink:](#) "Categorical eligibility is defined for the purpose of this question as the ability for a household to qualify for LIHEAP assistance without providing additional income documentation if at least one person in the household is enrolled in TANF, SNAP, SSI, or a means-tested veterans assistance program."

1.5

	Heating	Cooling	Crisis	Weatherization
SNAP	X	X	X	
TANF	X	X	X	
SSI	X	X	X	
Means-tested veteran's program				
Other (Specify):				
_____				

Do you automatically enroll households without a direct annual application?  
 Yes  No – If yes, explain:

1.6 How do you ensure there is no difference in the treatment of categorically eligible households from those not receiving other public assistance when determining eligibility and benefit amounts?

All households must apply and the benefit levels are calculated utilizing the same financial and non-financial requirements.

**SNAP Nominal Payments**

1.7 Do you allocate LIHEAP funds toward a nominal payment for SNAP clients?  
 Yes  No

Amount of Minimal Assistance: \$ \_\_\_\_\_  
 Frequency of Assistance:  
 Once per year

- Once every five years  
 Other (describe): \_\_\_\_\_

**Determination of Eligibility – Countable Income**

1. In determining a household's income eligibility for LIHEAP, do you use gross income or net income?

- Gross Income  
 Net Income- When the household can prove an emergency expense, the expense is deducted from gross income and net income is used.

2. Select all of the applicable forms of countable income used to determine a household's income eligibility for LIHEAP.

- Wages  
 Self-employment income  
 Contract income  
 Payments from mortgage or sales contracts  
 Unemployment insurance  
 Strike pay  
 Social Security Administration (SSA) benefits  
      Including Medicare deduction       Excluding Medicare deduction  
 Supplemental Security Income (SSI)  
 Retirement / pension benefits  
 General Assistance benefits  
 Temporary Assistance for Needy Families (TANF) benefits  
 Supplemental Nutrition Assistance Program (SNAP) benefits  
 Women, Infants, and Children Supplemental Nutrition Program (WIC) benefits  
 Loans that need to be repaid  
 Cash gifts  
 Savings account balance  
 One-time lump-sum payments, such as rebates/credits, winnings from lotteries, refund deposits,  
 etc.  
 Jury duty compensation  
 Rental income  
 Income from employment through Workforce Investment Act (WIA)  
 Income from work study programs  
 Alimony  
 Child support  
 Interest, dividends, or royalties  
 Commissions  
 Legal settlements  
 Insurance payments made directly to the insured  
 Insurance payments made specifically for the repayment of a bill, debt, or estimate

- Veterans Administration (VA) benefits
- Earned income of a child under the age of 18
- Balance of retirement, pension, or annuity accounts where funds cannot be withdrawn without a penalty.
- Income tax refunds
- Stipends from senior companion programs, such as VISTA
- Funds received by household for the care of a foster child
- Ameri-Corp Program payments for living allowances, earnings, and in-kind aid.
- Reimbursements (for mileage, gas, lodging, meals, etc.)
- Other

**Section 2 - HEATING ASSISTANCE**

**Eligibility, 2605(b)(2) – Assurance 2**

2.1 Designate The income eligibility threshold used for the heating component:

2016 HHS poverty income level 150 %  
 OR  
 FY 2017 state's median income \_\_\_\_\_ %

2.2 Do you have additional eligibility requirements for HEATING ASSISTANCE?

- Yes  No

2.3 Check the appropriate boxes below and describe the policies for each.

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| ● Do you require an <u>assets test</u> ?                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ● Do you have additional/differing eligibility policies for: |                                     |                                     |
| • Renters?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| • Renters living in subsidized housing?                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| • Renters with utilities included in the rent?               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ● Do you give priority in eligibility to:                    |                                     |                                     |
| • <u>Elderly</u> ?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| • <u>Disabled</u> ?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| • <u>Young children</u> ?                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| • Households with high energy burdens?                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| • Other?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Comment [YR7]:** [Hyperlink: An assets test is an income threshold that includes the value of property \(such as a home, a car, an investment property\) or the balance of bank accounts or retirement accounts.](#)

**Comment [YR8]:** [Hyperlink: "Elderly is defined as any person at least 60 years of age."](#)

**Comment [YR9]:** [Hyperlink: "young child is defined as a child under the age of 6."](#)

**Determination of Benefits, 2605(b)(5) – Assurance 5, 2605(c)(1)(B)**

2.4 Describe how you prioritize the provision of heating assistance to vulnerable households, e.g., benefit amounts, application period, etc.

Proposed LIHEAP STATE PLAN FY 2017

The LIHEAP Application period is October 1 thru September 30. Clients have the entire grant year to apply. Per New Mexico Administrative Code (NMAC), 8.150.620.9, points are assigned on household income, energy cost and household composition. HSD assigns additional points for any household members in a vulnerable group, such as age 60 and over, age 5 and under and members with a disability.

2.5 Check the variables you use to determine your benefit levels. (Check all that apply):

- Income
- Family (household) size
- Home energy cost or need:
  - Fuel type
  - Climate/region
  - Individual bill
  - Dwelling type
  - Energy burden (% of income spent on home energy)
  - Energy need
  - Other (Describe)

Households with vulnerable members; children 5 and under, members age 60 or over, and members who are disabled are eligible for an additional benefit.

Households who cut/gather their own firewood or whose utilities are included in their rent receive a benefit but do not receive the energy burden points.

Benefit Levels, 2605(b)(5) – Assurance 5, 2605(c)(1)(B)

2.6 Describe benefit levels:

\$ 60 Minimum benefit                      \$ 420 Maximum benefit

2.7 Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

Yes     No – If yes, describe.

Section 3: COOLING ASSISTANCE

Eligibility, 2605(c)(1)(A), 2605(b)(2) – Assurance 2

3.1 Designate the income eligibility threshold used for the cooling component:

2016 HHS poverty income level 150 %

Proposed LIHEAP STATE PLAN FY 2017

OR

FY 2017 median income \_\_\_\_\_%

3.2 Do you have additional eligibility requirements for **COOLING ASSISTANCE**

Yes  No

3.3 Check the appropriate boxes below and describe the policies for each.

- |   | <u>Yes</u>                          | <u>No</u>                           |
|---|-------------------------------------|-------------------------------------|
| • Do you require an <u>assets test</u> ? <span style="float: right;">-----</span> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| • Do you have additional/differing eligibility policies for:                      |                                     |                                     |
| • Renters?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| • Renters living in subsidized housing?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| • Renters with utilities included in the rent?                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| • Do you give priority in eligibility to:   |                                     |                                     |
| • <u>Elderly</u> ? <span style="float: right;">-----</span>                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| • <u>Disabled</u> ? <span style="float: right;">-----</span>                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| • <u>Young children</u> ? <span style="float: right;">-----</span>                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| • Households with high energy burdens?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| • Other?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Comment [YR10]: [Hyperlink](#). An assets test is an income threshold that includes the value of property (such as a home, a car, an investment property) or the balance of bank accounts or retirement accounts.

Comment [YR11]: [Hyperlink](#). "Elderly is defined as any person at least 60 years of age."

Comment [YR12]: [Hyperlink](#). "Young child is defined as a child under the age of 6."

3.4 Describe how you prioritize the provision of cooling assistance to vulnerable households, e.g., benefit amounts, application period, etc.

Per New Mexico Administrative Code (NMAC), 8.150.620.9, points are assigned on household income, energy cost and household composition. HSD assigns additional points for any household members in a vulnerable group, such as age 60 and over, age 5 and under and members with a disability. Further detail available in NMAC policy above.

Determination of Benefits, 2605(b)(5) – Assurance 5, 2605(c)(1)(B)

3.5 Check the variables you use to determine your benefit levels. (Check all that apply):

- Income
- Family (household) size
- Home energy cost or need
  - Fuel type
  - Climate/region
  - Individual bill
  - Dwelling type



Proposed LIHEAP STATE PLAN FY 2017

- Energy burden (% of income spent on home energy)
- Energy need
- Other (describe)

Households with vulnerable members; children 5 and under, members age 60 or over, and members who are disabled are eligible for an additional benefit.

Households whose utilities are included in their rent receive a benefit but do not receive the energy burden points.

Benefit Levels, 2605(b)(5) – Assurance 5, 2605(c)(1)(B)

3.6 Describe benefit levels:

\$ 60 Minimum benefit \$ 420 Maximum benefit

3.7 Do you provide in-kind (e.g. fans, air conditioners) and/or other forms of benefits?

Yes  No -- If yes, describe.

**Section 4: CRISIS ASSISTANCE**

Eligibility - 2604(c), 2605(c)(1)(A)

4.1 Designate the income eligibility threshold used for the crisis component:

2016 HHS poverty income level 150 %  
OR  
FY 2017 state median income \_\_\_\_\_ %

4.2 Provide your LIHEAP program's definition for determining a crisis.

Households that have received a written disconnect notice from their utility vendor or a statement of non-delivery or sale of fuel from their fuel vendor due to lack of payment or inability to pay, have insufficient funds to open an account or meet the security deposit requirements may be eligible to receive a LIHEAP benefit. The Department is required to provide intervention to resolve an energy crisis that may exist. The processing of the applications for households in a crisis situation includes contacting the utility company or fuel provider within the specified time frames to resolve. Contact with the utility vendors will be provided no later than 48 hours after the household's application for LIHEAP benefits has been approved and 18 hours for households with a life-threatening emergency. Crisis intervention is not available for households that have already received a LIHEAP benefit in the current federal fiscal year.

Comment (YR13): Hyperlink: "The LIHEAP statute requires that a grantee respond to a crisis within 48 hours of being notified of such crisis."

Proposed LIHEAP STATE PLAN FY 2017

4.3 What constitutes a life-threatening crisis?

A life-threatening crisis is an eligible household that meets the above 4.2 crisis requirements along with a providing proof that a household member's health or wellbeing would likely be endangered if energy assistance is not provided. Life-threatening emergency will be provided assistance no later than 18 hours after the household's application for LIHEAP benefits. Assistance is defined as a contact with the vendor to intercede on the household's behalf to resolve the crisis situation.

Comment [YR14]: Hyperlink: "The LIHEAP statute requires that a grantee respond to a life-threatening crisis within 18 hours of being notified of such crisis."

Crisis Requirements, 2604(c)

4.4 Within how many hours do you provide crisis assistance that will resolve the energy crisis for eligible households? 48 Hours

4.5 Within how many hours do you provide crisis assistance that will resolve the energy crisis for eligible households in life-threatening situations? 18 Hours

Crisis Eligibility, 2605(c)(1)(A)

4.6 Do you have additional eligibility requirements for CRISIS ASSISTANCE?

Yes  No

4.7 Check the appropriate boxes below and describe the policies for each.

	<u>Yes</u>	<u>No</u>
● Do you require an <u>assets test</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
● Do you give priority in eligibility to:		
• <u>Elderly?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• <u>Disabled?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• <u>Young children?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Households with high energy burdens?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Other?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment [YR15]: Hyperlink: An assets test is an income threshold that includes the value of property (such as a home, a car, an investment property) or the balance of bank accounts or retirement accounts.

Comment [YR16]: Hyperlink: "Elderly is defined as any person at least 60 years of age."

Comment [YR17]: Hyperlink: "Young child is defined as a child under the age of 6."

● In order to receive crisis assistance:

- Must the household have received a shut-off notice or have a near empty tank?

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- Must the household have been shut off or have an empty tank?
- Must the household have exhausted their regular heating benefit?
- Must renters with heating costs included in their rent have received an eviction notice?
- Must heating/cooling be medically necessary?
- Must the household have non-working heating or cooling equipment?
- Other?
  
- Do you have additional/differing eligibility policies for:
  - Renters?
  - Renters living in subsidized housing?
  - Renters with utilities included in the rent?

Determination of Benefits

4.8 How do you handle crisis situations?

- Separate component
- Fast Track
- Other

Comment [HHS18]: Hyperlink: "Fast Track is defined for the purposes of the LIHEAP plan as being integrated into the heating or cooling assistance program for prioritizing and expediting service to households experiencing heating or cooling emergencies."

4.9 If you have a separate component, how do you determine crisis assistance benefits?

- Amount to resolve crisis, up to a maximum of \$ \_\_\_\_\_
- Other

Crisis Requirements, 2604(c)

4.10 Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served?

- Yes
- No

4.11 Do you provide individuals who are physically disabled the means to:

- Submit applications for crisis benefits without leaving their homes?

Proposed LIHEAP STATE PLAN FY 2017

Yes  No If yes, explain.

HSD provides several options for applicants to apply for benefits. A complete application can be submitted through YES New Mexico, a web based program. Applications can be printed from the HSD website and mailed or faxed to the local ISD office or to Central ASPEN Scanning Area (CASA). If applicants do not have internet access, their local field office can mail out an application. Applicants can receive additional assistance with completing the application, if needed by contacting the local ISD office.

Travel to the sites at which applications for crisis assistance are accepted?  
 Yes  No If yes, explain.

Benefit Levels, 2605(c)(1)(B)

4.12 Indicate the maximum benefit for each type of crisis assistance offered.

Winter Crisis \$ 420 maximum benefit

Summer Crisis \$ 420 maximum benefit

Year-round Crisis \$ 420 maximum benefit

Comment [YR19]: Hyperlink: "Summer crisis assistance is provided only during the cooling season."  
 Comment [YR20]: Hyperlink: "Year-round crisis assistance is provided throughout the entire year."

4.13 Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?  
 Yes  No If yes, describe.

4.14 Do you provide for equipment repair or replacement using crisis funds?  
 Yes  No

4.15 Check appropriate boxes below to indicate type(s) of assistance provided:

	Winter Crisis	Summer Crisis	Year-round Crisis
Heating system repair			
Heating system replacement			
Cooling system repair			
Cooling system replacement			
Wood stove purchase			

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Pellet stove purchase			
Solar panel(s)			
Windmill(s)			
Utility poles / Gas line hook-ups			
Other (Specify):			

4.17 Do any of the utility vendors you work with enforce a winter moratorium on shut offs?  
 Yes     No \_\_\_\_\_

4.18 Describe the terms of the moratorium and any special dispensation received by LIHEAP clients during or after the moratorium period.

The New Mexico Administrative Code (NMAC), 8.150.600.11, provides that no utility company shall discontinue or disconnect residential utility service for heating from November 15 through March 15 of the subsequent year for certain customers. The customer must meet the New Mexico public regulation commission requirements to receive winter moratorium protection. Customers who qualify for the winter moratorium must also meet income standards as described in this policy. Further detail available in NMAC policy above.

**Section 5: WEATHERIZATION ASSISTANCE**

Eligibility, 2605(c)(1)(A), 2605(b)(2) – Assurance 2

5.1 Designate the income eligibility threshold used for the weatherization component:

2016 HHS poverty income level   150   %  
 OR  
 FY 2017 state median income \_\_\_\_\_ %

5.2 Do you enter into an interagency agreement to have another government agency administer a WEATHERIZATION component?     Yes     No

5.3 Name the agency.   New Mexico Mortgage Finance Authority  

5.4 Is there a separate monitoring protocol for weatherization?     Yes     No

**WEATHERIZATION - Types of Rules**

5.5 Under what rules do you administer LIHEAP weatherization? (Check only one.)

- Entirely under LIHEAP (not DOE) rules
- Entirely under DOE WAP (not LIHEAP) rules

**Comment [YR21]:** [Hyperlink:](#) Grantees choosing to use primarily or entirely LIHEAP rules must establish their own quality control, training, inspection, and installation protocols to ensure program integrity and work quality.

Proposed LIHEAP STATE PLAN FY 2017

Mostly under LIHEAP rules with the following DOE WAP rule(s) where LIHEAP and WAP rules differ: (Check all that apply.)

- Income Threshold
- Weatherization of entire multi-family housing structure is permitted if at least 66% of units (50% in 2- & 4-unit buildings) are eligible units or will become eligible within 180 days.
- Weatherization of shelters temporarily housing primarily low income persons (excluding nursing homes, prisons, and similar institutional care facilities) is permitted.
- Other (describe)

Comment [YR22]: Grantees choosing to use primarily or entirely LIHEAP rules must establish their own quality control, training, inspection, and installation protocols to ensure program integrity and work quality.

Mostly under DOE WAP rules, with the following LIHEAP rule(s) where LIHEAP and WAP rules differ: (Check all that apply.)

- Income Threshold
- Weatherization not subject to DOE WAP maximum statewide average cost per dwelling unit.
- Weatherization measures are not subject to DOE Savings to Investment Ratio (SIR) standards.
- Other (describe) WPN-09-1B states that an entity is unable to re-weatherize a unit if it received DOE funding after September 30, 1994. With an approved waiver from the State of NM LIHEAP Department, re-weatherization of a unit can occur if the unit was weatherized with DOE funding after September 1, 1994.

Eligibility, 2605(b)(5) – Assurance 5

	Yes	No
5.6 Do you require an <u>assets test</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.7 Do you have additional/differing eligibility policies for:		
• Renters?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Renters living in subsidized housing?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.8 Do you give priority in eligibility to:		
• <u>Elderly</u> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Disabled?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• <u>Young children</u> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Households with high energy burdens?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Other?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment [YR23]: Hyperlink: An assets test is an income threshold that includes the value of property (such as a home, a car, an investment property) or the balance of bank accounts or retirement accounts.

Comment [YR24]: Hyperlink: "Elderly is defined as any person at least 60 years of age."

Comment [YR25]: Hyperlink: "Young child is defined as a child under the age of 6."

Benefit Levels

Proposed LIHEAP STATE PLAN FY 2017

5.9 Do you have a maximum LIHEAP weatherization benefit/expenditure per household?

Yes  No

s

5.10 What is the maximum amount? \$6,000

Types of Assistance, 2605(c)(1), (B) & (D)

5.11 What LIHEAP weatherization measures do you provide? (Check all categories that apply.)

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Weatherization needs assessments/audits | <input checked="" type="checkbox"/> Major appliance repairs             |
| <input checked="" type="checkbox"/> Caulking and insulation                 | <input checked="" type="checkbox"/> Major appliance replacement         |
| <input checked="" type="checkbox"/> Install storm windows                   | <input checked="" type="checkbox"/> Install windows/sliding glass doors |
| <input checked="" type="checkbox"/> heating system repairs                  | <input checked="" type="checkbox"/> Install doors (interior/exterior)   |
| <input checked="" type="checkbox"/> Heating system replacement              | <input checked="" type="checkbox"/> Install water heater                |
| <input checked="" type="checkbox"/> Cooling system repairs                  | <input checked="" type="checkbox"/> Water conservation measures         |
| <input checked="" type="checkbox"/> Cooling system replacement              | <input checked="" type="checkbox"/> Compact florescent light bulbs      |
| <input checked="" type="checkbox"/> Energy related roof repair              | <input type="checkbox"/> Other ( describe)                              |

**Comment [MV26]:** Hyperlink: Grantees must keep adequate documentation of which recipients' received such services and written justifications for those repairs.

Section 6: Outreach, 2605(b)(3) – Assurance 3, 2605(c)(3)(A)

6.1 Select all outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:

- Place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.
- Publish articles in local newspapers or broadcast media announcements.
- Include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.
- Mass mailing(s) to prior-year LIHEAP recipients.

Proposed LIHEAP STATE PLAN FY 2017

Inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.

Execute interagency agreements with other low-income program offices to perform outreach to target groups.

Other ( specify):

HSD works closely with vendors and other local organizations to reach low income families and the elderly.

**Section 7: Coordination, 2605(b)(4) – Assurance 4**

7.1 Describe how you will ensure that the LIHEAP program is coordinated with other programs available to low-income households (TANF, SSI, WAP, etc.)

- Joint application for multiple programs
- Intake referrals to/from other programs
- One-stop intake centers
- Other – describe:

Several organizations are set up around the state to help household's complete applications. Vendors also send out fliers and the LIHEAP application in their monthly bills. Many entities will accept the applications and submit to HSD on behalf of the recipient.

**Section 8: Agency Designation, 2605(b)(6) – Assurance 6**

8.1 How would you categorize the primary responsibility of your State agency?

- Administration Agency
- Commerce Agency
- Community Services Agency
- Energy/Environment Agency
- Housing Agency
- Welfare Agency
- Other – describe:

**Alternate Outreach and Intake, 2605(b)(15) – Assurance 15**

8.2 How do you provide alternate outreach and intake for HEATING ASSISTANCE?

Comment [HHS27]: [Hyperlink:](#) "In addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging, and not-for-profit neighborhood-based organizations).



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Several organizations are set up around the state to help household's complete applications. Vendors also send out fliers and the LIHEAP application in their monthly bills. Many entities will accept the applications and submit to HSD on behalf of the recipient.

State and private organizations work with the LIHEAP Coordinator to attend outreach events where HSD provides information and training on filling out the LIHEAP application.

**8.3 How do you provide alternate outreach and intake for COOLING ASSISTANCE?**

Several organizations are set up around the state to help household's complete applications. Vendors also send out fliers and the LIHEAP application in their monthly bills. Many entities will accept the applications and submit to HSD on behalf of the recipient.

State and private organizations work with the LIHEAP Coordinator to attend outreach events where HSD provides information and training on filling out the LIHEAP application.

**Comment [YR28]:** HyperLink: \*In addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging, and not-for-profit neighborhood-based organizations).

**8.4 How do you provide alternate outreach and intake for CRISIS ASSISTANCE?**

Crisis assistance is part of the training that is provided at outreach functions and during classes from outreach organizations.

**Comment [YR29]:** HyperLink: \*In addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging, and not-for-profit neighborhood-based organizations).

	<u>Heating</u>	<u>Cooling</u>	<u>Crisis</u>	<u>Weatherization</u>
Who determines client eligibility?	HSD field office	HSD field office	HSD field office	NM MFA
Who processes benefit payments to gas and electric vendors?	HSD Central Office	HSD Central Office	HSD Central Office	N/A
Who processes benefit payments to bulk fuel vendors?	HSD Central Office	HSD Central Office	HSD Central Office	N/A
Who performs installation of weatherization measures?	NM MFA	NM MFA	NM MFA	NM MFA

**8.5 What is your process for selecting local administering agencies?**

Local administering agencies are state field offices.

**8.6 How many local administering agencies do you use?**

HSD has 35 local field offices that are administering agencies.

**8.7 Have you changed any local administering agencies from last year?**

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Yes  No

8.8 Why?

- Agency was in noncompliance with grantee requirements for LIHEAP
- Agency is under criminal investigation
- Added agency
- Agency closed
- Other - describe

Section 9: Energy Suppliers, 2605(b)(7) – Assurance 7

9.1 Do you make payments directly to home energy suppliers?

Heating  Yes  No  
Cooling  Yes  No  
Crisis  Yes  No  
Are there exceptions?  Yes  No

9.2 How do you notify the client of the amount of assistance paid?

Notice of Case Action, with approved amount, is mailed to the recipient upon approval for the LIHEAP benefit by the vendor or when the benefit is sent directly to the recipient.

9.3 How do you assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment?

In the Memorandum of Understanding (MOU) between HSD and each vendor, the payment process to the recipient is outlined. The vendor is held to the language stated in the MOU.

9.4 How do you assure that no household receiving assistance under this title will be treated adversely because of their receipt of LIHEAP assistance?

In the Memorandum of Understanding (MOU) between HSD and each vendor, language states "eligible LIHEAP household customers are not treated differently than other customer households." The vendor is held to the language stated in the MOU.

9.5 Do you make payments contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households?  Yes  No. If so, how?

Comment [YR30]: Hyperlink:  
"Appropriate measures may include providing for agreements between suppliers and individuals eligible for benefits that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs."

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**All vendors are held to the same Memorandum of Understanding (MOU) language.**

**Section 10: Program, Fiscal Monitoring, and Audit, 2605(b)(10) – Assurance 10**

**10.1. How do you ensure good fiscal accounting and tracking of LIHEAP funds?**

**LIHEAP funding is tracked in several ways:**

- 1. The Grants Management Bureau of the HSD Administrative Services Division tracks all grant funding for LIHEAP.**
- 2. Program Support Bureau of the HSD/ISD tracks benefit and administration funding.**
- 3. Monthly reconciliation meetings with both Bureaus are conducted.**
- 4. Payments are reconciled on a monthly basis with our state wide accounting system.**

**Audit Process**

**10.2. Is your LIHEAP program audited annually under the Single Audit Act and OMB Circular A-133?**

Yes       No

**10.3. Describe any audit findings rising to the level of material weakness or reportable condition cited in the A-133 audits, Grantee monitoring assessments, inspector general reviews, or other government agency reviews of the LIHEAP agency from the most recently audited federal fiscal year.**

<b>Finding</b>	<b>Type</b>	<b>Brief Summary</b>	<b>Resolved?</b>	<b>Action Taken</b>
1. 2015- not selected for audit as of 4/14/2016				
2. 2014- not selected for audit				
3. 2013- not selected for audit				
4. 2012- no audit findings				
5				

**10.4. Audits of Local Administering Agencies**

- o What types of annual audit requirements do you have in place for local administering agencies/district offices?**

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- Local agencies/district offices are required to have an annual audit in compliance with the Single Audit Act and OMB Circular A-133.
- Local agencies/district offices are required to have an annual audit (other than A-133).
- Local agencies/district offices' A-133 or other independent audits are reviewed by Grantee as part of compliance process.
- Grantee conducts fiscal and program monitoring of local agencies/district offices.

**Compliance Monitoring**

**10.5. Describe the Grantee's strategies for monitoring compliance with the Grantee's and Federal LIHEAP policies and procedures by:**

**Grantee employees:**

- Internal program review
- Departmental oversight
- Secondary review of invoices and payments
- Other program review mechanisms are in place. Describe:

**Local Administering Agencies/District Offices:**

- On-site evaluation
- Annual program review
- Monitoring through Central Database
- Desk reviews
- Client File Testing/Sampling
- Other program review mechanisms are in place. Describe:

**ISD field office Line Managers conduct random LIHEAP case reviews to make sure all policies and procedures are met.**

**Central Office conducts random LIHEAP audits on cases to ensure all policies and procedures are being followed.**

**10.6. Explain, or attach a copy of, your local agency monitoring schedule and protocol.**  
Attached

**10.7. Describe how you select local agencies for monitoring reviews?**

**Site Visits:**

**The state's eligibility system, ASPEN, generates error alerts on LIHEAP cases where a benefit cannot be issued. At that time staff will attempt to correct the error. If the alert is not worked, the supervisor will work with the staff member to resolve the issue.**

**Desk Reviews:**

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Desk Reviews are done monthly at the field office. These are randomly chosen and then reviewed to ensure policy and procedure is followed.

10.8. How often is each local agency monitored?

Each local field office conducts reviews on a monthly basis.

10.9. What is the combined error rate for eligibility determinations?

This is not currently tracked.

10.10. What is the combined error rate for benefit determinations?

This is not currently tracked.

10.11. How many local agencies are currently on corrective action plans for eligibility and/or benefit determination issues?

None

10.12. How many local agencies are currently on corrective action plans for financial accounting or administrative issues?

None

Section 11: Timely and Meaningful Public Participation, 2605(b)(12) – Assurance 12, 2605(c)(2)

11.1 How did you obtain input from the public in the development of your LIHEAP plan?

Check all that apply:

- Tribal Council meeting(s)
- Public Hearing(s)
- Draft Plan posted to website and available for comment
- Hard copy of plan is available for public view and comment
- Comments from applicants are recorded
- Request for comments on draft Plan is advertised
- Stakeholder consultation meeting(s)
- Comments are solicited during outreach activities
- Other, describe:

A notice of public hearing is posted in the local Newspaper and the New Mexico Register and an email is sent to a distribution list of interested parties.

11.2 What changes did you make to your LIHEAP plan as a result of this participation?

Comment [HHS31]: Hyperlink: From a review of a sample of client files, the percentage of files where an error resulted in a household being wrongly determined as eligible or being wrongly determined as ineligible.

Comment [HHS32]: Hyperlink: From a review of a sample of client files, the percentage of files where an error resulted in a household receiving the wrong level of benefits.

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Public hearing is scheduled for July 21, 2016.

11.3 List the date(s) and location(s) that you held public hearing(s) on the proposed use and distribution of your LIHEAP funds?

Date	Event Description
July 21, 2016	Public Hearing -- ISD Conference Room, Pollon Plaza, 2009 S. Pacheco, Santa Fe, NM 87505

11.4 How many parties commented on your plan at the hearing(s)?

Public hearing is scheduled for July 21, 2016

11.5 Summarize the comments you received at the hearing(s).

Public hearing is scheduled for July 21, 2016

11.6 What changes did you make to your LIHEAP plan as a result of the public hearing(s)?

Public hearing is scheduled for July 21, 2016

Section 12: Fair Hearings, 2605(b)(13) – Assurance 13

12.1 How many fair hearings did the grantee have in the prior Federal fiscal year?

For the period of October 1, 2014 to September 30, 2015 there were 3 LIHEAP hearing requests. Of those 3 all were ruled in favor of Dept. by the Administrative Law Judge.

12.2 How many of those fair hearings resulted in the initial decision being reversed?

Zero

12.3 Describe any policy and/or procedural changes made in the last Federal fiscal year as a result of fair hearings?

None

12.4 Describe your fair hearing procedures for households whose applications are denied.

Per NMAC, 8.100.970.9, a request for a fair hearing can be made by the claimant or an authorized representative orally or in writing. If a claimant requests a fair hearing orally, the department shall take such actions as are necessary to initiate the fair hearing process. The HSD Fair Hearings Bureau shall promptly send written acknowledgement to the claimant and the authorized representative upon its receipt of a written or oral hearing request. Time

Comment [HHS33]: Hyperlink: "If no changes were made, answer None or N/A."

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limits, denial or dismissal of request for hearing and good cause for failing to appear are all described in detail in this policy. Per NMAC, 8.100.970.10, unless the claimant or authorized representative requests an expedited scheduling of a fair hearing, the HSD Fair Hearings Bureau shall provide written notice of the scheduling of a fair hearing to all parties not less than ten (10) calendar days prior to date of the fair hearing.

A claimant or authorized representative is entitled to, and the HSD Fair Hearings Bureau shall grant, at least one postponement of a scheduled fair hearing. A request for postponement must be submitted not less than one (1) business day prior to the scheduled fair hearing, unless otherwise allowed by the fair hearings bureau. A postponement may not exceed thirty (30) days and the time limit for action on the decision is extended for as many days as the fair hearing is postponed. Further detail is available in the above NMAC policy.

**12.5 When and how are applicants informed of these rights?**

The Notice of Rights, which details the rights to a hearing, is included on every application. Applicants will receive a notice of case action regarding their benefits which also includes their rights. If applicants do not agree with the decision that HSD has made regarding their application/benefits, they may request a hearing by completing and returning the bottom of their notice, writing or calling the local HSD office, or by writing or calling HSDs Hearings Bureau.

**Applicants**

**12.6 Describe your fair hearing procedures for households whose applications are not acted on in a timely manner.**

The hearing process is all inclusive on the above answer 12.4.

**12.7 When and how are applicants informed of these rights?**

The Notice of Rights, which details the rights to a hearing, is included on every application. Applicants will receive a notice of case action regarding their benefits which also includes their rights. If applicants do not agree with the decision that HSD has made regarding their application/benefits, they may request a hearing by completing and returning the bottom of their notice, writing or calling the local HSD office, or by writing or calling HSDs Hearings Bureau.

**Section 13: Reduction of home energy needs, 2605(b)(16) – Assurance 16**

**13.1 Describe how you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance?**

N/A

Comment [HHS34]: Hyperlink: "This refers to activities such as needs assessments, counseling, and assistance with negotiation with energy vendors, energy efficiency education, etc."

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13.2 How do you ensure that you don't use more than 5% of your LIHEAP funds for these activities?

N/A

13.3 Describe the impact of such activities on the number of households served in the previous Federal fiscal year.

N/A

13.4 Describe the level of direct benefits provided to those households in the previous Federal fiscal year.

N/A

13.5 How many households applied for these services?

N/A

13.6 How many households received these services?

N/A

**Section 14: Leveraging Incentive Program, 2607A**

14.1 Do you plan to submit an application for the leveraging incentive program?

Yes  No

14.2 Describe instructions to the third parties and/or local agencies for submitting LIHEAP leveraging resource information and retaining records.

N/A

14.3 For each type of resource and/or benefit to be leveraged in the upcoming year that will meet the requirements of 45 C.F.R. § 96.87(d)(2)(iii), describe the following:

What is the type of resource or benefit?	What is the source(s) of the resource?	How will the resource be integrated and coordinated with the LIHEAP program?
N/A		

**Comment [YR35]:** [Hyperlink: Section 96.87 \(d\) \(2\) \(iii\)](#) reads: "The grantee appropriated or mandated the resource/benefits for distribution to low-income households as described in its LIHEAP plan (referred to in section 2605(c)(1)(A) of Public Law 97-35) (42 U.S.C. 8624(c)(1)(A)). The resource/benefits are provided to low-income households as a supplement and/or alternative to the grantee's LIHEAP program, outside (that is, not through, within, or as a part of) the LIHEAP program. The resource/benefits are integrated and coordinated with the grantee's LIHEAP program. Before the end of the base period, the plan identifies and describes the resource/benefits, their source(s), and their integration/coordination with the LIHEAP program. The Department will determine resource/benefits to be integrated and coordinated with the LIHEAP program if they meet at least one of the following eight conditions. If a resource meets at least one of conditions A through F when the grantee's LIHEAP program is operating (and meets all other applicable requirements), the resource also is countable when the LIHEAP program is not operating."



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Section 15: Training

15.1. Describe the training you provide for each of the following groups:

a. Grantee Staff:

Formal training on grantee policies and procedures

How often?

Annually

Biannually

As needed

Other – Describe:

Training is done by the HSD Training Unit. Classes are available year round for LIHEAP staff and new employees. Internet based training (Blackboard) is also available, as needed.

Employees are provided with policy manual

Other – Describe:

Staff has been trained on the new ASPEN system and has policy and procedures training manuals that guide them through the ASPEN system.

b. Local Agencies:

Formal training conference

How often?

Annually

Biannually

As needed

Other – Describe:

On-site training

How often?

Annually

Biannually

As needed

Other – Describe:

Employees are provided with policy manual

Other – Describe:

c. Vendors

Formal training conference

How often?

Annually

Biannually

As needed

Other – Describe:

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**Vendors were provided initial training on our fairly new Secured Transfer System. Vendors continue to receive ongoing training as requested or when new vendors join the State of New Mexico's LIHEAP Department. This system is automated for the vendors to review their clients and approve payment. ACH vendors also see a pay files which identify the payment and the amount.**

**Vendors now are trained on an as needed basis.**

- Policies communicated through vendor agreements
- Policies are outlined in a vendor manual
- Other – Describe:

**Vendor's requirements which include policy and procedures are within the MOU.**

- 15.2. Does your training program address fraud reporting and prevention?  
 Yes       No

**Section 16: Performance Goals and Measures, 2605(b)**

**16.1 Describe performance goals and measures that will be tracked for the upcoming Federal fiscal year.**

1. Performance measures for this year will include;
  - a. timeliness of benefits to clients
  - b. timeliness of crisis payments
  - c. timeliness of life threatening crisis assistance
2. Consumption data from 20 vendors
  - a. 5 gas
  - b. 5 electric
  - c. 10 Propane

**16.2 Summarize results of performance goals and measures for the prior Federal fiscal year.**

**Payment accuracy of 96% or better  
Crisis application processing timeliness of 98%  
30-day application timeliness of 98% or better.**

**Section 17: Program Integrity, 2605(b)(10)**

**17.1. Fraud Reporting Mechanisms**

- a. Describe all mechanisms available to the public for reporting cases of suspected waste, fraud, and abuse.

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- Online Fraud Reporting
- Dedicated Fraud Reporting Hotline
- Report directly to local agency/district office or Grantee office
- Report to State Inspector General or Attorney General
- Forms and procedures in place for local agencies/district offices and vendors to report fraud, waste, and abuse.
- Other – describe:

Sent to HSD Office of Inspector General (OIG) to work the fraud cases. OIG will follow through with local policy or other agencies.

b. Describe strategies in place for advertising the above-referenced resources.

- Printed outreach materials
- Addressed on LIHEAP application
- Website
- Other – describe:

Fraud prevention is posted at all HSD local offices as well as Central Office.

17.2. Identification Documentation Requirements

a. Indicate which of the following forms of identification are required or requested to be collected from LIHEAP applicants or their household members.

REQUIRED Type of Identification Collected	Collected from Whom?		
	Applicant Only	All Adults in HH	HH Members Seeking Assistance*
Social Security Card is photocopied and retained	Required <input type="checkbox"/>	Required <input type="checkbox"/>	Required <input type="checkbox"/>
	Requested <input checked="" type="checkbox"/>	Requested <input type="checkbox"/>	Requested <input checked="" type="checkbox"/>
Social Security Number (without actual card)	Required <input checked="" type="checkbox"/>	Required <input type="checkbox"/>	Required <input type="checkbox"/>
	Requested <input checked="" type="checkbox"/>	Requested <input type="checkbox"/>	Requested <input checked="" type="checkbox"/>
Government-issued identification card (i.e.: driver's license, state ID, Tribal ID, passport, etc.)	Required <input type="checkbox"/>	Required <input type="checkbox"/>	Required <input type="checkbox"/>
	Requested <input checked="" type="checkbox"/>	Requested <input type="checkbox"/>	Requested <input checked="" type="checkbox"/>
Other:	Required <input type="checkbox"/>	Required <input type="checkbox"/>	Required <input type="checkbox"/>

\*Households may include members who are not seeking assistance and may not be included in the household count.

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b. Describe any exceptions to the above policies.

Government-issued ID cards and "other forms of ID" are accepted unless questionable. Per New Mexico Administrative Code (NMAC), 8.150.500.8.B & C, the household must meet the identity, social security number, income, citizenship, utility responsibility, and residency requirements to satisfy the eligibility criteria.

The State of New Mexico follows the New Mexico Administrative Code (NMAC) and federal LIHEAP statute when defining and requesting eligibility information of a household for LIHEAP:

New Mexico Administrative Code (NMAC), 8.150.410.8, for purposes of LIHEAP, a household is an individual, or group of individuals living together, who incurs a heating or cooling cost. The heating or cooling cost must be to meet residential, not business or industrial, heating or cooling needs.

Section 2603(5) of the Administration for Children and Families (ACF) Health and Human Services (HHS) Office of the Community Services (OCS) LIHEAP statute defines the term "household" means any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

Government-issued ID cards and "other forms of ID" are accepted unless questionable.

17.3. Identification Verification

Describe what methods are used to verify the authenticity of identification documents provided by clients or household members.

- Verify SSNs with Social Security Administration
- Match SSNs with death records from Social Security Administration or state agency
- Match SSNs with state eligibility/management system (e.g., SNAP, TANF)
- Match with state Department of Labor system
- Match with state and/or federal corrections system
- Match with state child support system
- Verification using private software (e.g., The Work Number)
- In-person certification by staff
- Match SSN/Tribal ID number with tribal database [
- Other – describe:

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17.4. Citizenship/Legal Residency Verification

What are your procedures for ensuring that household members are U.S. citizens or aliens who are qualified to receive LIHEAP benefits?

- Clients sign an attestation of citizenship or legal residency
- Clients' submission of Social Security cards is accepted as proof of legal residency
- Noncitizens must provide documentation of immigration status
- Citizens must provide a copy of their birth certificate, naturalization papers, or passport
- Noncitizens are verified through the SAVE system
- Tribal members are verified through Tribal database/Tribal ID card
- Other -- describe:

Only those individuals seeking benefits for themselves are required to verify any of the above.

Comment [HHS36]: Hyperlink: as described in LIHEAP-IM-98-25 at <http://www.acf.hhs.gov/programs/ocs/resource/interpretation-of-federal-benefits-revised>

17.5. Income Verification

What methods does your agency utilize to verify household income?

- Require documentation of income for all adult household members
  - Pay stubs
  - Social Security award letters
  - Bank statements
  - Tax statements (returns)
  - Zero-income statements
  - Unemployment Insurance letters (client self-employment)
  - Other -- describe:

A sworn statement or collateral contact, per 8.100.130 NMAC.

- Computer data matches:
  - Income information matched against state computer system (e.g., SNAP, TANF)
  - Proof of unemployment benefits verified with state Department of Labor
  - Social Security income verified with SSA
  - Utilize state directory of new hires
- Other -- describe:

17.6. Protection of Privacy and Confidentiality

Describe the financial and operating controls in place to protect client information against improper use or disclosure.

- Policy in place prohibiting release of information without written consent
- Grantee LIHEAP database includes privacy/confidentiality safeguards
- Employee training on confidentiality for:

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- Grantee employees
- local agencies/district offices
- Employees must sign confidentiality agreement
  - Grantee employees
  - local agencies/district offices
- Physical files are stored in a secure location
- Other – describe:

17.7. Verifying the Authenticity of Energy Vendors

What policies are in place for verifying vendor authenticity?

- All vendors must register with the State
- All vendors must supply a valid SSN or TIN/W-9 form
- Vendors are verified through energy bills provided by the household
- Grantee and/or local agencies/district offices perform physical monitoring of vendors
- Other – describe, and note any exceptions to policies above:

Comment [MHS37]: hyperlink: An authentic vendor is a legitimate business that is providing actual energy service or fuel delivery to a range of customers.

Comment [M038]: Hyperlink: Taxpayer Identification Number or Employer Identification Number

17.8. Benefits Policy – Gas and Electric Utilities

What policies are in place to protect against fraud when making benefit payments to gas and electric utilities on behalf of clients?

- Applicants required to submit proof of physical residency
- Applicants must submit current utility bill
- Data exchange with utilities that verifies:
  - Account ownership
  - Consumption
  - Balances
  - Payment history
  - Account is properly credited with benefit
  - Other – describe:
- Centralized computer system/database tracks payments to all utilities
- Centralized computer system automatically generates benefit level
- Separation of duties between intake and payment approval
- Payments coordinated among other heating assistance programs to avoid duplication of payments
- Payments to utilities and invoices from utilities are reviewed for accuracy
- Computer databases are periodically reviewed to verify accuracy and timeliness of payments made to utilities
- Direct payment to households are made in limited cases only
- Procedures are in place to require prompt refunds from utilities in cases of account closure
- Vendor agreements specify requirements selected above, and provide enforcement mechanism
- Other – describe:

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**17.9. Benefits Policy — Bulk Fuel Vendors**

What procedures are in place for averting fraud and improper payments when dealing with bulk fuel suppliers of heating oil, propane, wood, and other bulk fuel vendors?

- Vendors are checked against an approved vendors list
- Centralized computer system/database is used to track payments to all vendors
- Clients are relied on for reports of non-delivery or partial delivery
- Two-party checks are issued naming client and vendor
- Direct payment to households are made in limited cases only
- Conduct monitoring of bulk fuel vendors
- Bulk fuel vendors are required to submit reports to the Grantee
- Vendor agreements specify requirements selected above, and provide enforcement mechanism
- Other — describe:

**17.10. Investigations and Prosecutions**

Describe the Grantee's procedures for investigating and prosecuting reports of fraud, and any sanctions placed on clients/staff/vendors found to have committed fraud.

- Refer to state Inspector General
  - Refer to local prosecutor or state Attorney General
  - Refer to US DHHS Inspector General (including referral to OIG hotline)
  - Local agencies/district offices or Grantee conduct investigation of fraud complaints from public
  - Grantee attempts collection of improper payments. If so, describe the recoupment process.
- Per NMAC policy 8.100.640
- Clients found to have committed fraud are banned from LIHEAP assistance. For how long is a household banned? Per NMAC policy 8.100.640
  - Contracts with local agencies require that employees found to have committed fraud are reprimanded and/or terminated
  - Vendors found to have committed fraud may no longer participate in LIHEAP  
The MOU with the vendor will be terminated.

Other — describe:

Per NMAC 8.100.640 policy, the Department shall take action to establish a claim against any eligibility determination group that received more benefits than it was entitled to receive, including LIHEAP benefits paid to a vendor on behalf of the eligibility determination group, whether or not the overpayment occurred because of an inadvertent household error (IHE), an administrative or agency error (AE), or an intentional program violation (IPV). Claims resulting from fraud or an IPV will always be established for the full amount of the

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**overpayment. Upon receiving indication that a possible error exists, the department shall investigate whether an erroneous payment has occurred. Pertinent information shall be requested from the participant. Because this information may be used to prosecute the participant for fraud, the participant shall not be required to provide such information; however, if the participant declines to provide information crucial to the determination of overpayment, the participant shall be ineligible for the period in question because of failure or refusal to provide information. If the department decides that fraud may exist, the case is referred to the HSD Office of Inspector General (OIG) for further investigation or possible prosecution. Further detail is described in the above NMAC policy.**



## **NOTICE OF PUBLIC HEARING**

The Human Service Department is required by Federal Law to file a State Plan that describes how the Department will administer the State's Low Income Home Energy Assistance Program (LIHEAP). The State Plan must be submitted every year to the United States Department of Health and Human Services (DHHS), Administration for Children and Families (ACF). The Department is required to offer a 30-day comment period for the LIHEAP State Plan that includes Weatherization prior to submittal.

A public hearing to receive testimony on this proposed regulation will be held on July 21, 2016, at 10:00 AM. The hearing will be held in the Income Support Division Conference room, located on the first floor of Pollon Plaza at 2009 S. Pacheco St., Santa Fe, NM 87505. Parking accessible for persons with physical impairments is available.

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at 505-827-7701 or through the New Mexico Relay system, at 711 or toll free at 1-800-659-1779. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

The Department proposes the New Mexico LIHEAP State Plan covering the period of October 1, 2016 to September 30, 2017. All comments received will be considered for the New Mexico LIHEAP State Plan.

A copy of the proposed LIHEAP State Plan is available in written format upon request. Please call the Income Support Division at 1-888-523-0051 or 1-505-827-7258 to request a copy. You may also send a request to:

Human Services Department  
Income Support Division  
Attn: Work and Family Support Bureau/ LIHEAP  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

The proposed State Plan is available on and can be printed from the Department's website at:  
<http://www.hsd.state.nm.us/LookingForInformation/income-support-division-plans-and-reports.aspx>.

Interested persons may address written or recorded comments to:

Human Services Department  
P.O. Box 2348 Pollon Plaza  
Santa Fe, NM 87504-2348

Interested persons may also address comments via electronic mail to: [HSD-isdrules@state.nm.us](mailto:HSD-isdrules@state.nm.us).

