

DEPARTMENT OF HUMAN SERVICES

Income Maintenance (Volume 3)

OTHER ASSISTANCE PROGRAMS

9 CCR 2503-7

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

3.700 OTHER ASSISTANCE PROGRAMS (APPLICABLE TO LOW INCOME ENERGY ASSISTANCE PROGRAM (LEAP), COLORADO CHILD CARE ASSISTANCE PROGRAM (CCCAP) AND THE COLORADO REFUGEE ASSISTANCE PROGRAM (CRSP)) [Eff. 3/2/14]

3.705 NONCITIZEN EMERGENCY ASSISTANCE PROGRAM

3.705.1 GENERAL DEFINITIONS

"Legal Immigrant" means an individual who is not a citizen or national of the United States and who was lawfully admitted to the United States by the Immigration and Naturalization Services (INS) as an actual or prospective permanent resident or whose physical presence is known and allowed by U.S. Citizenship and Immigration Services (USCIS), and:

- A. Is a resident of Colorado,
- B. Meets the requirements for public assistance or Food Stamps other than citizenship,
- C. Is not eligible for or receiving any other public assistance and/or Food Stamps.

3.705.11 EMERGENCY ASSISTANCE

- A. Emergency Assistance may be available to legal immigrants, as defined above. To receive emergency assistance the applicant/recipient must:
 - 1. provide documentation of immigrant status (see Section 3.140),
 - 2. provide income and resource information and the sponsor's income and resource information (sponsor's income and resources, if applicable, are deemed to be available to the legal immigrant).
 - 3. provide a copy of the Affidavit of Support signed by the immigrant's sponsor, if applicable,
 - 4. establish that the sponsor's income and resources are not available, or that meeting the responsibilities of the affidavit would cause an undue hardship on the sponsor. Hardships may include loss or substantial reduction of income, or catastrophic or irreconcilable circumstances affecting the sponsor's household.
 - 5. while receiving Emergency Assistance, refrain from executing an Affidavit of Support for the purposes of sponsoring an immigrant, and
 - 6. assign rights under an Affidavit of Support to the state department up to the amount of Emergency Assistance received, as a condition of receipt of public assistance.

- B. Emergency Assistance may include, but is not limited to:
1. housing
 2. food
 3. clothing
 4. social services for children.
- C. Requests for funding to counties under this program shall be subject to approval by the State Department.
- D. Assistance under this program is limited by funding as appropriated and assistance will cease when such funds are exhausted.
- E. Applicants and recipients whose benefits have been denied, reduced, or discontinued shall receive adequate and timely notice, and have the right to appeal such actions in accordance with state rules.

3.705.2 SPONSOR RESPONSIBILITY

Sponsors shall be expected to meet their commitments to the immigrants whom they sponsor and for whom they sign affidavits of support.

3.705.21 RECOVERIES

Public assistance that was improperly paid may be recovered from the immigrant or the sponsor, as described under Sponsor Responsibility. These recoveries may include, but no limited to, the following:

- A. Income assignments;
- B. State income tax refund offset;
- C. State lottery winnings offset; and,
- D. Administrative lien and attachment.

Enforcement of duties under an affidavit of support shall be the responsibility of the sponsored immigrant.

3.710 COLORADO REFUGEE SERVICES PROGRAM (CRSP)

3.710.1 PROGRAM SUMMARY

3.710.11 [Rev. eff. 5/1/12]

The Colorado Department of Human Services, through the Colorado Refugee Services Program (CRSP), is the single State agency with responsibility for the overall supervision and coordination of this program in Colorado, and for the development and supervision of the annual state plan for Colorado. The Colorado Refugee Services Program (CRSP) operates under the Refugee Act of 1980 and Title IV of the Immigration and Naturalization Act (INA), as amended. Copies of the Immigration and Naturalization Act are available for public inspection by contacting the Colorado State Refugee Coordinator during regular business hours at the Colorado Department of Human

Services, Colorado Refugee Services Program, 1120 Lincoln Street, Suite 1007, Denver, Colorado 80203; or at a state publications depository library. No later editions or amendments are incorporated.

3.710.2 GENERAL DEFINITIONS

3.710.21 Groups of Refugees

The following categories are refugees for purpose of CRSP eligibility:

- A. A "refugee" is a person who is outside his/her country of nationality (or habitual residence) who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on account of race, religion nationality, membership in a particular social group or political opinion A refugee has been granted refugee status outside of the United States.
- B. An "asylee" is a person who has been granted asylum by the U.S. Citizenship and Immigration Service (USCIS) while residing in the United States. An asylee has the same rights and benefits as refugees from their date of entry. An asylee's entry date is the date that the individual was granted final asylum in the U.S. by USCIS and not the date that individual was admitted into the U.S. Individuals admitted to the United States who are classified by USCIS as "applicants for asylum" are not eligible for CRSP benefits unless they are Cuban or Haitian (refer to Sections 3.710.21, C and 3.710.31, D).
- C. Cuban/Haitian entrants, parolees or asylum seekers. For documentation requirements, refer to Section 3.710.31, D.
- D. Certain Amerasians with the following codes: AM-1, AM-2, AM-3, AM-6, AM-7, AM-8 on one of the following documents: form I-551, temporary I-551 stamp in passport, I-94 form, or any verification from the USCIS or other authoritative document.
- E. "Victims of a Severe Forms of Trafficking" are persons who have been certified as such by the U.S. Department of Health and Human Services (HHS). and are eligible for benefits and services to the same extent as refugees.
- F. Iraqi and Afghan individuals who worked as translators for the U.S. military, or on behalf of the U.S. government, or families of such individuals; and admitted under a Special Immigrant Visa (SIV) with specific visa categories of SI1, SI2, SI3, SI6, SI7, SI9, SQ1, SQ2, SQ3, SQ6, SQ7, or SQ9. Eligibility limitations are outlined in Section 3.710.31, I.
- G. An I-551 ("Green Card") holder with class or admission codes AS-6 through AS-8, RE-6 through RE-9, CH-6.

3.710.3 VERIFICATION OF STATUS

3.710.31 Refugee [Rev. eff. 10/1/09]

Applicants for assistance under the Colorado Refugee Services Program as a "refugee" must possess in their name, documentation provided by the United States Citizenship and Naturalization Service (USCIS) under the Immigration and Nationality Act (INA) with one of the following statuses:

- A. Admitted as a refugee under Section 207 of the INA.

- B. Granted as an asylee under Section 208 of the INA; may have an I-94 form with Section 208 notation or, as an alternative, the individual may have a letter from the U.S. Department of Justice Executive Office for Immigration Review immigration judge indicating that final asylum has been granted and the date of asylum status.
- C. Paroled as a refugee or asylee under Section 212(D)(5) of the INA;
- D. Cuban/Haitian entrants, parolees, or asylum seekers who have an I-94 form with a stamp indicating "Cuban/Haitian entrant" or a notation indicating "parolee", with a notation of 212(D)(5)(a); any documents indicating pending exclusion or deportation proceedings; any documents indicating a pending asylum application, including a receipt from an USCIS asylum office indicating filing of form I-589 application for asylum; form I-688B employment authorization document coded 274A.12(A)(4) or 274.12(C)(11) or I-766 employment authorization document with code A04 or C11; or I-551 with an adjustment code of CH6.
- E. Certain Amerasians with the following codes: AM-1, AM-2, AM-3, AM-6, AM-7, AM-8 on one of the following documents: form I-551, temporary I-551 stamp in passport, I-94 form or any verification from the USCIS or other authoritative document.
- F. Adult Victims of a Severe Form of Trafficking will have an original letter from the U.S. Department of Health and Human Services certifying the person as a Victim of a Severe Form of Trafficking. Children under eighteen (18) years of age who have been subjected to trafficking do not need to be certified in order to receive benefits. The Office of Refugee Resettlement (ORR) will issue a letter stating that the person is a Victim of a Severe Form of Trafficking. Confirmation of the certification letter or similar letter may be made by calling the trafficking verification line 1-866-401-5510 and notifying ORR of the benefits for which the individual has applied.
- G. Iraqi and Afghan SIVs who meet one of the criteria listed below are eligible for refugee services and other federal means tested public benefits for eight months from date of entry into the U.S.
 - 1. A holder of an Iraqi or Afghan passport with a Department of Homeland Security visa noting the individual has been approved for admission under one of the Immigrant Visa (IV) categories of SI1, SI2, SI3 and a Department of Homeland Security admission stamp on the passport or I-94 noting date of entry.
 - 2. A holder of a green card (I-551) showing Iraqi or Afghan nationality, or Iraqi or Afghan passport, showing one of the following immigrant visa categories: SI6, SI7, SI9.
 - 3. A holder of an Iraqi passport with a Department of Homeland Security visa noting the individual has been approved for admission under one of the Immigrant Visa (IV) categories of SQ1, SQ2, SQ3 and a Department of Homeland Security admission stamp on the passport or I-94 noting date of entry.
 - 4. A holder of a green card (I-551) showing Iraqi nationality, or an Iraqi passport, showing one of the following immigrant visa categories: SQ6, SQ7, SQ9.
- H. An I-551 form ("green card") with class of admission codes AS-6, AS-7, AS-8, RE-6, RE-7, RE-8, RE-9, CH-6, HA6, HB6, GA6, GA7, GA8.

If not eligible for the assistance of TANF/Colorado Works, individuals with this immigration status may be eligible for Cares cash assistance through the Colorado Refugee Services Program if income eligibility criteria are met.

Individuals admitted to the United States who are classified by USCIS as "Applicants for Asylum" are not eligible for CRSP benefits. Once granted asylum, those individuals are eligible. The exception to this rule is Cuban and Haitian individuals applying for asylum who are eligible for CRSP benefits.

3.711 (None) [Rev. eff. 5/1/12]

3.711.1 (None) [Rev. eff. 5/1/12]

3.711.2 REFUGEE MEDICAL ASSISTANCE (RMA)

3.711.21 Each individual member of a household that applies for medical assistance must first be screened for eligibility under the State Medicaid Program. If the individual is determined ineligible for Medicaid, then a determination of eligibility under the Refugee Medical Assistance (RMA) Program must be made. A "household" is defined as a single adult with no children, a married couple, a single parent with minor children, or a married couple with their minor children.

Any individual of a household who is not eligible for Medicaid shall be considered for Refugee Medical Assistance (RMA).

Persons applying for Refugee Medical Assistance will use the State prescribed application for Medicaid. Applicants will first be screened for State Medicaid programs in accordance with the Colorado Department of Health Care Policy and Financing's Medical Assistance Manual (10 CCR 2505-10).

3.711.22 Initial Refugee Medical Assistance Determination and Definitions (Eligibility Determinations) [Rev. eff. 10/1/09]

Refugees residing in the U.S. fewer than eight months, asylees who are within eight months from the date that their final asylum was granted, Victims of a Severe Form of Trafficking who are within their eight months from date of certification, and SIVs within their eight-month period of eligibility who lose their eligibility for Medicaid because of earnings from employment, will be transferred to RMA without an eligibility determination and the 200% of poverty rule shall not be applied. The increased earnings from employment shall not affect the refugee's continued medical assistance (RMA) eligibility. In cases where a refugee obtains private medical coverage, Third Party criteria applies in accordance with the Colorado Department of Health Care Policy and Financing's Medical Assistance manual, Sections 8.060-8.066 (10 CCR 2505-10)

A. RMA shall continue until the individual eligible for refugee services reaches the end of his or her 8-month eligibility period. For Afghan SIVs, the duration of RMA is six months from their date of entry into the United States.

B. Initial RMA eligibility determination (where the applicant was not previously eligible for Medicaid) is based on 200% of the federal poverty level.

1. In determining eligibility for and receipt of RMA, the following are not considered: in-kind services and shelter provided to an applicant by a sponsor or local resettlement agency and any cash assistance payments provided to an applicant. This includes the Cares Program grant from the voluntary agency, matching grant, and reception and placement (R&P) grant payments.

2. Determination of RMA eligibility will be based on an applicant's income on the date of application.

3. Denial or termination of Cares payments does not cause denial or termination of RMA benefits.

3.720 through 3.746 (None) [Eff. 3/2/14]

3.750 LOW-INCOME ENERGY ASSISTANCE PROGRAMS

3.750.1 AUTHORITY

3.750.11 Low-Income Home Energy Assistance Act [Rev. eff. 11/1/84]

Programs authorized under the Low-Income Home Energy Assistance Act include a Basic Program and a Crisis Intervention Program.

3.750.12 Intent of the Basic Program [Rev. eff. 9/15/12]

The Basic Program is intended to help meet winter home heating costs of households composed of low-income families and individuals.

3.750.13 (None) [Rev. eff. 9/15/12]

3.750.14 (None) [Rev. eff. 2/1/12]

3.750.15 Funding [Rev. eff. 9/1/11]

This program is federally and privately funded and is subject to availability of funds. If funds are increased, decreased or become unavailable, the services provided herein shall be increased, decreased or terminated accordingly.

3.751 GENERAL PROVISIONS

3.751.1 DEFINITIONS [Rev. eff. 11/1/13]

"Applicant": The person who completes and signs the basic LEAP application form. This is also the only household member who is required to provide proof of lawful presence as defined in these rules.

"Application Period for the Purpose of Income Verification": The application period is from the date of application to the same date of the prior month (approximately thirty (30) calendar days prior to date of application) when used to verify income except for earned ongoing income in accordance with 3.752.22, A.

"Bulk Fuel": Bulk fuel is an energy source for home heating which may be purchased in quantity from a fuel supplier and stored by the household to be used as needed. Normally, bulk fuel includes wood, propane, kerosene, coal and fuel oil.

"Completed Application": A basic LEAP application shall be considered to be a completed application when:

- A. The applicant has provided an adequate response to all application questions which are necessary to determine eligibility and payment level;
- B. The applicant has provided all required verification. A Social Security Number (SSN) for each household member or proof of application for a SSN must be provided. A SSN is required to determine eligibility. If no SSN is provided for a household member, that member will not be included in the household, but the member's income will be counted;

C. The application is signed;

D. The applicant has provided proof of lawful presence in the United States (see Section 3.140.11).

"Date of Application": For purposes of the Low-Income Energy Assistance Programs, the date of application shall be the date an application form that contains a legible name and address is received by the county department.

"Disabled or Handicapped": For purposes of the Low-Income Energy Assistance Programs, the term disabled or handicapped means persons who receive vocational rehabilitation assistance; Social Security disability, SSI, AB, AND, veterans disability payments, or who provide a physician's statement which indicates incapacity to engage in substantial gainful employment. This definition may be different for other public assistance programs.

"Elderly": For the purposes of these rules, the term elderly means aged 60 or over.

"Eligibility Period": There shall be one eligibility period for the Basic Low-Income Energy Assistance Programs from November 1st through April 30th. If April 30th for a particular calendar year falls on a holiday or weekend, then the eligibility period shall be extended until midnight the next business day. This program is contingent upon the continued availability of funds in accordance with Sections 3.750.15 and 3.758.48.

"Emergency Applicant": This is a household which has had heat service discontinued or is threatened with discontinuance, or is out of fuel or will run out of fuel within fourteen calendar days or the client is responsible for heating costs that are included in rent and has received an eviction notice to vacate the premises within thirty (30) calendar days.

Applications for households in these situations shall be processed expeditiously and the emergency addressed within fourteen calendar days of notification of the emergency by the applicant to the county department.

"Estimated Home Heating Costs": The amount of the heating costs incurred during the previous heating season for the applicant's address at the time of application to be used as an estimate, or projection, of the anticipated heating costs for the current heating season (November 1st through April 30th). Such estimated heating costs shall not include payment arrearages, investigative charges, reconnection fees, or other such charges not related to residential fuel prices and consumption levels.

"Heat Related Arrearage": Any past due amounts for the primary heating fuel and/or supportive fuel.

"Home Heating Costs": Charges related directly to the primary heating fuel used in a residential dwelling.

"Household": The term "household" shall mean any individual or group of individuals who are living together as one economic unit for whom primary heating fuel is customarily purchased in common or who make undesignated payments for heat in the form of rent.

- Any individual considered as part of an approved household cannot subsequently be considered as part of another household during the same eligibility period.
- Each person living at a residence must be counted as either a member of the applicant's household or a member of a separate household.
- The maximum number of household members shall be fifteen (15). The maximum number of separate households shall be nine (9).

- The following cannot be classified as separate households:

- A. Husband and wife living together;
- B. Children under eighteen (18) years of age and living in the same dwelling as the parent or guardian, unless emancipated.
- C. Supplemental Security Income (SSI) recipients in shared households receiving reduced benefits.

"Non-Bulk Fuel": Non-bulk or metered fuel is an energy source for home heating which is provided by a utility company and is regulated and metered by the utility company. Normally, non bulk fuel includes natural gas and electricity.

"Non-Traditional Dwelling": A non-traditional dwelling means a structure that provides housing that is not affixed to a permanent physical address or is enumerated as such in this rule (see Section 3.752.25), including, but not limited to, cars, vans, buses, tents and lean-tos.

"Point in Time": Point in time indicates that eligibility is determined by accounting for the circumstances of the household on the date of the application, regardless of any changes thereafter.

"Poverty Level": The term poverty level as used in these rules describes federal guidelines updated annually by the U.S. Department of Health and Human Services. The guidelines, printed in the Federal Register, establish minimum subsistence income levels by household size.

"Primary Heating Fuel": The primary heating fuel is the main type of fuel used to provide heat within the dwelling. When heat (such as natural gas and/or electric) is included in the rent, this may be reflected as "utilities" included in rent.

"Primary Heating Source": The primary heating system that provides heat to the dwelling such as a furnace, wood burning stove or boiler. Temporary or portable heating sources are not considered a primary heating source and, therefore, are not eligible for LEAP assistance.

"Program Year": The term program year means from November 1st through April 30th for the Basic Program. If April 30th for a particular calendar year falls on a holiday or weekend, then the eligibility periods shall be extended until midnight the next business day. This program is contingent upon the continued availability of funds in accordance with Sections 3.750.15 and 3.758.48.

"Public Assistance Income": For purposes of verifying income under the Low-Income Energy Assistance Programs, the term public assistance income shall mean income received from the following types of Department of Human Services programs:

- A. Colorado Works;
- B. OAP (Old Age Pension, both the SSI-supplement and State-only groups);
- C. AND (Aid to the Needy Disabled, both the SSI-supplement and State-only groups);
- D. AB (Aid to the Blind, both the SSI-supplement and State-only groups);
- E. NCRA (Non-Categorical Refugee Assistance);
- F. SSDI (Social Security Disability Insurance) for clients on another state program, such as a Medicaid waiver or buy in program.

"Subsidized Housing": Subsidized housing means housing in which a tenant receives an ongoing governmental or other subsidy (e.g., assistance provided by a church) and the amount of rent paid is based on the amount of the tenant's income.

"Supportive Fuel": Supportive fuel is an energy source needed to operate the primary heating system in a residential setting. For example, electricity is a supportive fuel required to operate a natural gas furnace. Supportive fuels are not eligible for LEAP assistance.

"Traditional Dwelling": Traditional dwelling means a structure that provides a housing or residential environment that is affixed to a permanent physical address.

"Vendor": A vendor is an individual, a group of individuals, or a company who is regularly in the business of selling fuel (bulk or non bulk) to customers for residential home heating purposes.

3.751.2 (None)

3.751.3 NON DISCRIMINATION POLICIES/RIGHT AND OPPORTUNITY TO APPLY

3.751.31 Non-Discrimination [Rev. eff. 9/15/12]

Non-discrimination policies as outlined in this rule manual shall apply to all households applying for the Basic Program .

3.751.32 Opportunity to Apply [Rev. eff. 11/1/84]

All persons shall be provided an opportunity to file an application form on the date of initial contact with the county department during the application period.

3.751.33 Interpreters [Rev. eff. 9/1/11]

An interpreter shall be available to assist persons known to the Department to be non-English speaking in completing application forms and to provide information between the applicant and the county department.

3.751.34 Authorized Representative [Rev. eff. 11/1/13]

A formal, legal authorized representative may apply on behalf of an applicant household when the applicant household is unable to apply on its own behalf. Proper legal documentation of guardianship and/or durable power of attorney must be presented.

3.751.35 Authorized Representative [Rev. eff. 11/1/84]

An authorized representative may apply on behalf of an applicant household when the applicant household is unable to apply on its own behalf.

3.751.4 NOTICE AND HEARINGS

3.751.41 Timely and Adequate Notice [Rev. eff. 9/15/12]

The requirements for providing timely and adequate notice of proposed actions and opportunity for hearings and appeals are as provided in the chapter on "Administrative Procedures" in this rule manual except as specifically provided in the rules governing the Basic Program.

3.751.42 Denials [Rev. eff. 9/15/12]

Notices of denial shall advise the applicant of the reason for the denial, the regulation citation relied on by the county department, and appeal rights and procedures. For advance payments of the Basic Program, notices of denial shall advise the applicants of their right to a forthwith hearing.

3.751.43 Request for a State Level Fair Hearing [Rev. eff. 9/15/12]

County departments shall notify the State LEAP office in writing within seven (7) days upon receipt of a request for a State level fair hearing by an applicant on Basic Program. See Sections 3.850.1 – 3.850.56 of this rule manual.

3.751.5 RECOVERY AND FRAUD PROCEDURES

3.751.51 Recoveries [Rev. eff. 9/15/12]

County departments must institute recoveries to ensure that Basic Program benefits do not exceed the maximum amounts described in these rules. Recovery procedures shall be the same as in adult program rules as described in the "Administrative Procedures" Chapter or as otherwise specified in these rules. (Note: Sections 3.810.13, 3.810.14, and 3.810.32 do not apply to LEAP.)

3.751.52 Determination of Recovery of Overpayment [Rev. eff. 10/1/01]

When overpayments, made directly to the client, have been verified by the county department, a determination as to whether recovery is appropriate shall be made within fifteen (15) calendar days after receipt of reports issued by the State Department designed to assist county departments in identifying and correcting such payments.

3.751.53 Definition of Overpayment [Rev. eff. 9/15/12]

Overpayment of Basic Program benefits shall mean a household has received benefits in excess of the amount due that household based on eligibility and payment determination in accordance with these rules.

3.751.54 Establishment of Recovery [Rev. eff. 11/1/08]

Recoveries shall be established for households that have received program benefits and are subsequently determined to be ineligible or which received benefit amounts greater than the household was entitled to for the eligibility period.

3.751.55 Recovery Procedures [Rev. eff. 12/1/07]

Recovery proceedings shall be handled in accordance with the procedures described in the "Administrative Procedures" chapter of this rule manual when applicable. (Note: Sections 3.810.73 through 3.810.75 do not apply to LEAP.)

3.751.6 REPORTING AND MONITORING

3.751.61 Reporting

All recoveries shall be reported to the State Department at the conclusion of the program year.

3.751.62 Reports and Fiscal Information [Rev. eff. 11/1/98]

County departments shall provide the State Department with reports and fiscal information as deemed necessary by the State Department.

3.751.63 Monitoring [Rev. eff. 11/1/98]

The State Department shall have responsibility for monitoring programs administered by the county departments based on a monitoring plan developed by the State Department. Such plan shall include provisions for programmatic and local reviews and methods for corrective actions.

3.751.7 REIMBURSEMENT AND SANCTIONS

3.751.71 Reimbursements [Rev. eff. 9/15/12]

Subject to allocations as determined by the State Department, county departments shall be reimbursed up to 100% for all allowable costs incurred for the operation of the Basic Program, outreach, and other administrative costs.

3.751.72 Sanctions [Rev. eff. 9/15/12]

County departments which fail to follow the rules of the Basic Program shall be subject to administrative sanctions as determined by the State Department (see 11 CCR 2508-1).

3.752 LOW-INCOME ENERGY ASSISTANCE PROGRAMS: BASIC PROGRAM

3.752.1 APPLICATION PERIOD [Rev. eff. 11/1/13]

To apply for LEAP, the general public shall submit a written State prescribed application form (IML-4) during the period of November 1st through April 30th. If April 30th for a particular calendar year falls on a holiday or weekend, then the eligibility periods shall be extended until midnight the next business day. These programs are contingent upon the continued availability of funds in accordance with Sections 3.750.15 and 3.758.48. The county department shall accept all application forms that are received or postmarked during the application period. Facsimile copies of completed application forms shall be accepted as valid. Preference shall be given to application forms received from public assistance households (such as Colorado Works, Old Age Pension (OAP), Aid to the Needy Disabled (AND), Aid to the Blind (AB), and Food Assistance). Such applications received prior to November 1st shall be accepted and may be processed; however, eligibility shall not be effective until November 1st. Application forms received or postmarked after the closing date shall be denied. Eligibility will be determined based on the applicant's circumstances on the date the application is received by the county department. Although applications may be accepted and processed earlier, the effective date of application shall not be before November 1st.

3.752.2 PROGRAM ELIGIBILITY REQUIREMENTS

3.752.21 [Rev. eff. 11/1/13]

To be determined eligible for a Basic Program payment, households must, at time of application, be vulnerable to the rising costs of home heating, and meet income and other requirements of the program as defined in these regulations.

The following factors shall be considered as of the date of application: Colorado state residency, U.S. citizenship/alien status, lawful presence, income, vulnerability, fuel type, household composition, shared living arrangements, dwelling type, and estimated home heating costs.

3.752.22 Income and Household Size Criteria [Rev. eff. 11/1/13]

A. For purposes of determining a household's eligibility, earned ongoing income shall be the countable gross income in any four (4) weeks of the eight (8) weeks prior to the application date.

B. Determining Monthly Income

If a household member is paid less than monthly, the county department shall determine gross monthly income by:

1. Weekly/Bi-Weekly Income

a. Weekly Income

Adding four gross weekly income amounts to obtain total monthly income.

b. Bi-Weekly Income

Adding two gross bi-weekly income amounts to obtain total monthly income.

2. Semi-Monthly Income

Adding two gross semi-monthly income amounts to obtain total monthly income.

3. Partial Month Income

a. Terminated Income

If a household member's income is terminated as of the application date, use actual income received for the application period (3.751.1 "Application Period for the Purpose of Income Verification").

b. Earned New Income

If a household member has a new source of earned income as of the application date, use income received for the application period (3.751.1 "Application Period for the Purpose of Income Verification").

c. Unemployment/Other Unearned Income

If a household member has not received his/her first check from this source of income as of the application period, do not count any income from this source. If the household member has received the first check from this source of income as of the application period, use actual income for the application period (3.751.1 "Application Period for the Purpose of Income Verification").

C. All applicant households whose countable income for the eligibility period is 150% of the poverty level, shall meet the income requirements for the Basic Program. The State Department shall adjust the income limits annually based on funds available and the federal poverty guidelines published in the Federal Register applicable at the time of application; no later editions or amendments are included. The following table contains the income standards:

HOUSEHOLD SIZE	MONTHLY GROSS INCOME 150% of Poverty
1	\$1,436
2	1,939
3	2,441
4	2,944
5	3,446
6	3,949
7	4,451
8	4,954
Each Additional Person	503

D. Income shall be treated in accordance with the rules as contained in the Resources and Income chapter of this staff manual pertaining to the adult programs.

E. Households which have been denied basic benefits and have had changes in circumstances may reapply.

3.752.23 Income Exclusions [Rev. eff. 9/15/12]

The following exclusions and income calculation procedures shall be applied to household gross income:

- A. Payments or benefits excluded as defined in the General Resource and Income Exemption Section of the "Resources and Income" chapter in this staff manual at Section 3.200.4, except that the following sections do not apply: 3.200.32; 3.240.16, B-F; 3.240.41; 3.250.14; 3.250.15.
- B. All financial aid monies, including educational loans, scholarships, and grants as defined in Section 3.250.4 in this staff manual.
- C. Earned income of children under the age of 18 who are residing with a parent or guardian.
- D. Reimbursement received for expenses incurred in connection with employment from an employer.
- E. Reimbursement for past or future expenses, to the extent they do not exceed actual expenses, and do not represent gain or benefit to the household.
- F. Payments made on behalf of the household directly to others.
- G. Payment received as foster care income. Foster children are not considered household members.
- H. Home care allowance, if paid to a non-household member.
- I. State/county diversion payments.
- J. Reverse mortgages.
- K. Subsidized housing utility allowances.
- L. G.I. Bill educational allowances, including housing and food allowances.

3.752.24 Resources [Rev. eff. 10/1/01]

There is no resource criteria for the Low-Income Energy Assistance Program.

The value of the household's resources shall not be considered for the purpose of determining eligibility for assistance.

3.752.25 Vulnerability [Rev. eff. 11/1/13]

A. A household shall be vulnerable in order to qualify for Basic Program benefits. Vulnerability shall mean the household must be affected by the rising costs of home heating as defined below:

1. The household is paying home heating costs directly to a vendor and is subject to home heating cost increases; or,
2. The household is living in non-subsidized housing and is paying home heating costs either in the form of rent or as a separate charge in addition to rent; or,
3. The household resides in subsidized housing as defined in the "Definitions" Section of these rules; and, 1) the unit has an individual meter which identifies specific heating usage of that unit and the household is subject to increased cost for home heating, or 2) the tenant is subject to a heating surcharge assessed by means other than an individual meter. Such surcharges may include percentage fees assessed to the tenant for home heating. Under no circumstances shall rental costs be assumed to be subject to change due to an increase in home heating costs unless otherwise verified in writing by the county department.
4. The applicant household in a residence where more than one household resides shall be considered vulnerable if the applicant household contributes toward the total expenses of the residence. These expenses include, but are not limited to, shelter and utilities.
5. The applicant household must live in a traditional dwelling.

B. Households in the following living arrangements shall not be considered to be vulnerable:

1. Institutional group care facilities, public or private, such as nursing homes, foster care homes, group homes, alcoholic treatment centers, or other such living arrangements where the provider is liable for the costs of shelter and home heating, in part or in full, on behalf of such individuals;
2. Room and board, bed and breakfast;
3. Correctional facilities;
4. Dormitory, fraternity or sorority house;
5. Subsidized housing as defined in the "Definitions" section of these rules which does not have an individual check meter for heat for each unit or which cannot provide other evidence of responsibility for paying home heating surcharges.
6. Any applicant, or applicant household who is considered homeless or resides in non-traditional dwellings.

Landlords or other providers of shelter shall not be considered to be vulnerable unless they meet the definition of household and the eligibility requirements of the Basic Program.

Vulnerability shall be verified for all applicant households as defined in these rules.

3.752.26 Residency Requirements [Rev. eff. 9/1/11]

Applicant households must meet the state residency requirements as contained in this rule manual. The household must reside at the address for which it applied to receive LEAP benefits.

3.752.27 Citizenship - Lawful Presence Requirements [Rev. eff. 9/1/11]

The applicant must meet the lawful presence in the United States requirements as contained in Section 3.140 of this rule manual to be considered a household member, except that there is no requirement regarding length of residency in the United States.

An applicant who does not meet lawful presence requirements or a household member who does not meet citizenship requirements shall not be included as a household member; however, all countable income of this individual shall be counted as part of the household's total income. The household's application shall not be denied due to lack of documentation regarding citizenship or lawful presence requirements if there are other household members who meet the citizenship requirements (i.e., minors born in the United States).

3.752.28 Mandatory Weatherization [Rev. eff. 9/1/11]

Households approved to receive a LEAP benefit must agree to have their dwelling weatherized if contacted by a state-authorized weatherization agency. Failure to permit or complete weatherization may result in denial of LEAP benefits for the following year.

A. Exemptions

1. Households containing a member(s) whose mental or physical health could be exacerbated by weatherization shall be exempt.
2. A household whose landlord refuses to allow weatherization shall not have benefits denied.
3. The local weatherization agency shall fully document the circumstances permitting the exemption.

B. Households Who Refuse Weatherization

1. Households who refuse or terminate weatherization before completion shall not be approved for LEAP benefits for the following year and a LEAP denial hold shall be placed on the household at that address by the State LEAP office. The hold can only be removed by the State LEAP office.
2. If the household has moved to another address that has been weatherized, the household may be approved for a LEAP benefit if otherwise eligible. If the new dwelling is not already weatherized, weatherization must be completed before approved for LEAP.

3. If a denied household subsequently allows the dwelling to be weatherized or weatherization completed, the household must reapply and, as long as other eligibility criteria are met, may be approved for LEAP benefits after notification from the local weatherization agency that the weatherization is completed.

C. State Weatherization Office Responsibilities

1. Assure that standards, as delineated in Sections A and B above, are applied uniformly and equitably.
2. Notify the state LEAP office by September 30th of all households who refuse weatherization.
3. Notify households who refuse weatherization, by first-class mail, that their refusal may result in denial of LEAP benefits for the following year.
4. Weatherization shall be completed as soon as possible on dwellings where the household previously refused or didn't complete weatherization and subsequently allows the dwelling to be weatherized.

3.753 (None)

3.754 REASONS FOR DENIAL OF ASSISTANCE

3.754.1 FACTORS FOR DENIAL [Rev. eff. 11/1/13]

Any of the following factors shall be the basis for the denial of an applicant household:*

- A. Excess income; 3.752.22 (04).
- B. Not vulnerable to rising home heating costs; 3.752.25 (03).
- C. A household not meeting citizenship/lawful presence requirements; 3.752.27 (13).
- D. A household is a duplicate household or was previously approved as part of another household; 3.751.1, "Household" (06).
- E. The household has voluntarily withdrawn its application; 3.756.18 (09).
- F. The household has received Basic Program benefits from another county; 3.756.17 (10).
- G. The household has failed to provide complete application information or required verification; 3.756.12 (11).
- H. The household is not a resident of Colorado; 3.752.26 (07).
- I. The household failed to sign the application form; 3.751.1, "Completed Application", C (21).
- J. The household filed an application outside of the application period; 3.752.1 (14).
- K. Unable to locate the applicant; 3.756.19 (25).
- L. Refused weatherization services from a state weatherization agency; 3.752.28 (26).
- M. The applicant failed to provide valid identification; 3.140.11, B, 1 (05).

- N. The applicant failed to provide an affidavit; 3.140.11, B, 2 (08).
- O. The applicant failed to provide valid identification; 3.140.11, B, 1, and the applicant failed to provide an affidavit; 3.140.11, B, 2 (18).
- P. Non-traditional dwelling; 3.751.1 (23).
- Q. The household does not reside at the address for which it applied to receive benefits; 3.752.26 (24).
- R. LEAP can only assist with the primary heating fuel for the primary heating source; 3.751.1 (22).
- S. The applicant household refused a bulk fuel delivery, thereby relinquishing the benefit; 3.751.54 (28).

(*Note: The rule citation is shown followed by the denial reasons which are to be used when coding the worksheet and data entering into the computer system.)

3.755 VERIFICATION POLICIES AND CASE RECORD DOCUMENTATION

3.755.1 GENERAL

3.755.11 [Rev. eff. 9/1/11]

Income, estimated home heating costs, and vulnerability shall be verified in determining initial eligibility and/or payment amount. If a household applied during the prior LEAP program year and there are no changes in the applicant, address and fuel provider, vulnerability and lawful presence (provided that IDs are valid in accordance with Section 3.140) may be copied from the prior year case file and provided in the current case file.

3.755.12 [Rev. eff. 10/1/00]

If the county obtains information which would affect the initial determination of an applicant household's eligibility or payment level and which is different than information provided by the applicant, the county shall inform the applicant and provide an opportunity for response or explanation. Eligibility shall be determined by using the correct information. In these cases, an applicant who meets eligibility criteria shall not be denied because the applicant provided information that was different than information subsequently obtained by the county. Information used to determine eligibility and benefit level shall be documented. However, in appropriate cases, the counties may institute fraud proceedings.

3.755.13 [Rev. eff. 11/1/13]

The case record shall contain at a minimum:

- A. The application and any other supplemental forms the applicant is required to submit;
- B. Documentation of all verification as required in these rules;
- C. Written explanation on the report of contact of any discrepancy between information contained on the application and information in the LEAP system;
- D. Calculations used to compute income, documentation of the source of estimated home heating costs and any other written notations on the report of contact necessary to

provide a clear and adequate record of action taken on the case. The eligibility workers shall date and initial each entry.

- E. Documentation of all written notices sent to the applicant household requesting missing information and/or verification necessary to determine eligibility and/or payment level.
- F. Complete documentation in emergency or expedited cases including when, to whom, and how a vendor and/or client contact is made.

3.755.2 VERIFYING INCOME

3.755.21 Adequate Verification of Income [Rev. eff. 11/1/13]

The case record shall contain adequate verification of income. Adequate verification is defined as any of the following:

- A. Unearned income, such as pensions or retirement income, veteran's benefits, workman's compensation, unemployment or supplemental security income shall be verified in writing, such as an award letter or cost of living adjustment (COLA) letter, issued after the last general increase for that type of assistance, which shows the gross amount before any deductions. Acceptable verification includes documentation from federal/state/system inquiries (i.e., a copy of applicable CBMS screens). Copies of bank deposits or checks shall not be adequate verification of gross income.
- B. Verification of child support income shall include at a minimum:
 - 1. Verification through the Automated Child Support Enforcement System (ACSES); or,
 - 2. Verification through the Family Support Registry (FSR); or,
 - 3. Copies of checks, money orders or other document(s) including written statements or affidavits from the non-custodial parent that documents the income paid directly to the custodial parent.
 - 4. An exception shall be made in cases of domestic violence defined in Section 3.602.1 of this manual. Client declaration shall be sufficient in such cases.
- C. Social Security income may be verified by an award letter, issued by the social security administration, after the last general increase. Acceptable verification includes documentation from federal/state/system inquiries (i.e., a copy of applicable CBMS screens). Gross social security income includes income before any deductions for Medicare or other medical insurance. Copies of bank deposit or checks shall not be adequate verification of gross social security income.
- D. Earned ongoing income shall be verified for at least four (4) weeks of the 8 weeks prior to the application date and shall consist of pay stubs or statements from employers which state the period worked, pay frequency and the actual gross income earned.
- E. Public assistance income shall be verified through the most current active county records. The Low-Income Energy Assistance Program case record must specifically reference the source document of the income information via federal and/or state system inquiries (i.e., a copy of applicable CBMS screens).
- F. Verification of income other than public assistance income of applicant households may be obtained through the most current active county records. The Low-Income Energy

Assistance Program case record must specifically reference the source document of the income verification (i.e., source document name and/or number and document date).

- G. Verification may be obtained by collateral contact, provided that the case record contains complete information on the name and title of the person contacted, the name of the employer or agency, the period of employment and the actual gross income received, earned or unearned.
- H. In verifying zero income, the county shall examine income of all adult members of the household by one or more of the following methods:
 - 1. Obtain a reasonable explanation in writing from the household on how they meet living expenses;
 - 2. Verify eligibility for unemployment benefits or verify final date of employment with last employer;
 - 3. Colorado Benefits Management System (CBMS).
- I. Verification of self-employment income shall include, at a minimum:
 - 1. Profit and loss statements, i.e., self-employment ledger; and,
 - 2. Receipts for business-related expenses are required in order to be considered as deductions.

3.755.3 (None)

3.755.4 VULNERABILITY

3.755.41 Evidence of Vulnerability [Rev. eff. 11/1/13]

All households shall be required to provide evidence of vulnerability for the primary heating fuel for the residence at the time of application. Evidence shall consist of items, such as a copy of the current or most recent fuel bill that the household is responsible for paying or a copy of the current or previous month's rent receipt if heat is included in rent. In instances where a rent receipt is used to provide proof of vulnerability, the rent receipt must specifically notate that heat and/or utilities are included in rent. A lease or rent statement from the applicant's landlord is required if the rent receipt is not specific. The county may use prior year's fuel bill if the information supplied matches the current application/information. If historical information is being used to verify vulnerability, a notation must be made in the case record. If the fuel bill that is submitted as evidence of vulnerability is in the name of a person other than the applicant household, the case record shall contain a notation that explains the discrepancy in names.

3.755.42 Subsidized Housing Rent Documentation [Rev. eff. 11/1/13]

Applicant households living in subsidized housing units shall be required to provide documentation specifying that the household is subject to heating surcharges when home heating usage exceeds the amount of the household's heating allowance, within the current LEAP program year, or evidence of a separate heating bill.

3.755.43 Wood Permits [Rev. eff. 6/1/09]

Applicants who cut their own wood shall be required to provide a copy of their wood cutting permit. If a permit is not available, the applicants must provide a written and signed statement

that they cut their own wood, plus documented proof that they cut it on their own land or that they have permission from the landowner.

3.755.5 ESTIMATED HOME HEATING COSTS

3.755.51 Verification [Rev. eff. 11/1/06]

County departments shall obtain verification of estimated home heating costs. Verification shall consist of evidence provided by fuel vendor or applicant for the residence at the time of application.

If the county changes the estimated home heating costs (EHC) originally provided by the fuel vendor, the county must obtain written verification of this change from the fuel vendor. The written verification from the vendor shall be placed in the case record.

3.755.6 OTHER FACTORS AFFECTING ELIGIBILITY AND PAYMENT AMOUNTS [Rev. eff. 9/1/11]

Other factors affecting eligibility and payment amounts of an applicant household may be verified if determined necessary.

3.756 PROCEDURES FOR PROCESSING APPLICATIONS AND NOTIFYING APPLICANT HOUSEHOLDS

3.756.1 PROCEDURES

3.756.11 Application [Rev. eff. 9/1/11]

Basic Program applicants shall submit a completed application form as defined in the "Definitions" section of these rules to the county department in order to be considered for Basic Program benefits. The county department shall not require office interviews for purposes of determining eligibility.

3.756.12 Application Processing [Rev. eff. 11/1/13]

- A. The county department shall be required to date stamp all application forms, verification, and information upon receipt.
- B. Beginning November 1st, all applications must be entered into the LEAP database in a pending status within fifteen (15) business days from the date the applications received in the county LEAP office. All applications received within the eligibility period must be added and either approved or denied no later than June 19th.
- C. The county department shall be required to review for duplicate applications. The county department shall determine if an application is complete as defined in the "Definitions" section of these rules. If an application is not complete, the county department shall notify the applicant household, in writing through a LEAP system-generated letter, of information or verification necessary to determine eligibility and/or payment level.
- D. The applicant household shall be provided two (2) calendar weeks from the date the notice is postmarked to provide the requested information and/or verification. Clients who fail to submit the required verification shall be denied. However, the county department may extend the period for submission by the applicant of the information requested by the county department to complete the application upon a showing of good cause for the applicant's failure to provide the necessary information or verification within the two (2) week period. The extended period shall not exceed two weeks. The term "good cause"

as used above is defined as conditions outside the control of the individual such as sudden illness, hospitalization, fire, theft, acts of God, and natural disasters.

3.756.13 Lost Applications [Rev. 11/1/13]

If a household reports to the county that it has mailed or otherwise made application for basic benefits and the county department cannot locate the application for the household, such application shall be deemed "lost". The procedures for handling "lost" applications shall be prescribed by the State Department. The client must notify the county of the lost application no later than thirty (30) calendar days from the submission date.

3.756.14 Determination of Eligibility [Rev. eff. 11/1/93]

A county department shall have up to fifty (50) calendar days from the date of application as defined in the "Definitions" section of these rules to determine eligibility.

3.756.15 Notification of Approval or Denial [Rev. eff. 10/1/01]

Upon determination of eligibility, the household shall be notified in writing of approval or denial in accordance with the notice requirements in these rules.

3.756.16 County of Residence [Rev. eff. 10/1/09]

The county of residence for applicant households shall be the county where the applicant household is residing as of the date of application. An application received from a non-resident of the county shall be forwarded to the county of residence within five (5) working days. Processing time begins upon receipt of the application by the county of residence. The county forwarding the application shall, simultaneously, notify the applicant household, in writing, of the name, address, and phone number of the county to which the application was forwarded.

3.756.17 Relocation [Rev. eff. 11/1/94]

If an approved household moves from one county to another within Colorado, the original county of residence in which eligibility was determined, shall remain responsible for processing that case throughout the program year. The new county of residence shall provide assistance to the case processing county as requested. If an applicant then applies in the new county of residence, the application shall be denied, and the applicant notified that benefits will be paid by the original county.

3.756.18 Withdrawn Application [Rev. eff. 11/1/08]

An applicant who voluntarily withdraws his/her application in writing prior to eligibility being determined shall be denied. The applicant must notify the county in writing that they are voluntarily withdrawing their application.

3.756.19 Unlocated Applicant [Rev. eff. 10/1/09]

An applicant who cannot be located prior to eligibility being determined shall be denied. The county must attempt to locate the applicant by mailing a forwardable letter to the last known address. If the applicant does not respond within fifteen (15) business days, the application shall be denied.

3.756.2 ADVANCE PAYMENT OF THE BASIC PROGRAM BENEFIT (applicable only when a signed Vendor Agreement has not been secured) [Rev. eff. 11/1/13]

- A. A shut-off notice or other documentation of intent to terminate heating services by the heating supplier or landlord or that termination of service has occurred; or,
- B. For households that use bulk fuel, a written declaration by the household that the fuel supply has been or will be depleted within the next two weeks and the specific amount needed to maintain heat in the home until payroll runs.
- C. For households where heat is included in rent, an eviction notice and a written statement from the landlord that the client will not be evicted for thirty (30) days if request for advance of the payment is accepted.

For purposes of advance payment, notices of denial shall advise the applicants of the reason for denial, appeal rights and procedures including, but not limited to, a hearing.

3.757 PROCEDURE FOR REPORTING ELIGIBILITY AND PAYMENT INFORMATION

3.757.11 [Rev. eff. 9/1/11]

The county will be required to correct any inaccuracies as they may result in an erroneous payment amount and/or incorrect eligibility determination. Information reported on the household's income, family size, estimated home heating costs, subsidized housing heat allowance, and number of separate households is the basis for the amount of LEAP benefit.

3.757.12 [Rev. eff. 9/1/11]

County departments shall enter completed applications into the LEAP automated system as eligibility is determined.

3.758 PAYMENT POLICIES

3.758.1 (NONE)

3.758.2 (None)

3.758.3 CHANGES IN HOUSEHOLD COMPOSITION AFFECTING ISSUANCE OF PAYMENT

3.758.31 [Rev. eff. 11/1/95]

If, prior to payment, an eligible household's circumstances change, which involves separation or divorce of a marriage or common law arrangement, and the household includes dependent children, the Basic Program payment(s) shall be provided to the parent or guardian who resides with and has the responsibility for the care of the dependent children.

If the household does not include dependent children, the Basic Program payment(s) shall be paid to the person listed as applicant.

3.758.32 Death of Payee Affecting Issuance of Payment [Rev. eff. 9/1/11]

When the payee for a Basic Program benefit dies, any payment to which the payee was entitled shall be kept available according to the following rules:

- A. The surviving spouse or other household member shall be entitled to the Basic Program payee's benefit provided that the surviving spouse or other household member was included as part of the Basic Program payee's household upon Basic Program eligibility determination.

- B. In the case of a single member household client payment, the payment will expunge after three hundred sixty-five (365) days. In the case of a single member household vendor payment, the vendor will follow the process outlined in the vendor agreement.

3.758.4 PAYMENT METHODS

3.758.41 Basic Program Payment

For an approved household which pays home heating costs directly to a fuel vendor, payment shall be made as a vendor payment, provided a written vendor agreement has been secured. The State Department shall be required to provide vendors servicing their county with an opportunity to sign the state prescribed vendor agreement. County departments shall provide vendors with applications, brochures, envelopes, and other outreach material. In cases where a written vendor agreement has not been secured, payment shall be issued directly to the eligible household.

For an approved household that pays home heating costs to a landlord, payment of the Basic Program payment shall be made directly to the eligible household. Under no circumstances shall a direct payment be made to a landlord.

3.758.42 - 3.758.45 (None)

3.758.46 Vendor Payment Procedures

- A. When a direct vendor payment is made, the county department shall be required:

1. To notify each household of the amount and month such assistance is scheduled to be paid on its behalf,
2. To notify the household of the vendor to be paid on the household's behalf,
3. To contact the vendor to explain the vendor payment process, when applicable.
4. To notify each eligible household in writing of the eligible household's responsibilities to continue to pay toward the household's heating costs. Such notification shall advise the household that the Basic Program payment is not intended to totally pay a household's heating costs.

If the household has received a notice from the vendor to terminate services or has already had services terminated, the household is responsible to negotiate a payment arrangement with their vendor.

5. To notify the vendor in writing of each household's eligibility and projected payment amount.

- B. Prior to any Basic Program payment being made directly to a fuel vendor on behalf of an eligible household, the following terms of agreement shall be obtained from the fuel vendor in writing and notice of the same shall be included with the Basic Program payment in accordance with a State prescribed form. Any revision or modification of the assurances below, necessitated by unique circumstances, shall be submitted in writing to the State Department for approval prior to execution of the vendor agreement.

- C. Refer to the State approved vendor agreement for specific requirements, conditions and procedures. This agreement is available on the Colorado Department of Human Services web site.

3.758.47 Methodology for Calculating Basic Program Benefits [Rev. eff. 11/1/13]

The payment amount for an eligible basic program household shall be determined in accordance with the following method:

Step A. Determine Estimated Home Heating Costs (EHHC)

The county department shall determine estimated home heating costs for November 1st through April 30th for the household's current residence at the time of application. The methodology for calculating estimated home heating costs is outlined below.

The county department shall determine the applicant household's estimated home heating costs as follows:

1. An applicant household's estimated home heating cost shall consist of the total actual home heating costs for the primary heating fuel for November 1st through April 30th, of the prior year's heating season. Vendors serving applicant households shall be required to supply actual home heating costs for November 1st through April 30th of the prior year's heating season.
2. For any applicant whose home heating costs for the prior year's heating season are not available or determined by the county department to be invalid, the county department shall use the flat rate amount. The State Department shall adjust the flat rate amounts annually based on the average actual home heating costs found in the LEAP system by dwelling type for the prior year's heating season contained in the following table:

	NAT GAS	PROPANE FUEL OIL	ELECTRIC	WOOD	COAL	WOOD GATHERING
House, Mobile Home	\$ 492	\$1,282	\$1,227	\$ 594	\$ 482	\$200
Duplex, Triplex, Fourplex, Townhouse	\$ 403	\$1,051	\$ 942	\$ 482	\$ 482	\$200
Apartment, Condominium, Hotel	\$ 316	\$ 967	\$ 845	\$ 482	\$ 482	\$200
Cabin, Camper, 5 th Wheel	\$ 492	\$1,011	\$ 647	\$ 460	\$ 432	\$200

3. The State Department shall adjust the standard rates for heating costs that are included in rent annually based on the flat rate amounts adjustment contained in the following table:

	NAT GAS	PROPANE FUEL OIL	ELECTRIC	WOOD	COAL
House, Mobile Home	\$ 197	\$ 513	\$ 491	\$ 238	\$ 193
Duplex, Triplex, Fourplex, Townhouse	\$ 161	\$ 420	\$ 377	\$ 193	\$ 193
Apartment, Condominium, Hotel,	\$ 126	\$ 387	\$ 339	\$ 193	\$ 193
Cabin, Camper, 5 th Wheel, RV	\$ 197	\$ 404	\$ 259	\$ 184	\$ 173

Step B. Initial Statewide Adjustment

The state LEAP office will adjust benefit levels at the beginning of each LEAP program year based upon the projected number of leap applications to be received and the estimated level of funding. Annually, this calculation determines the percentage of the estimated home heating costs (EHHC) of the applicant household to be adjusted.

Step C. Adjustment for electric heat

Households using electric heat will have their electric usage costs reduced to the percentage amounts listed below.

HEAT PORTION OF TOTAL ELECTRIC EHHC

House/mobile home	62% for heat
Townhouse / duplex / triplex / fourplex	48% for heat
Apartment, condominium, hotel, rooming house	43% for heat
Cabin, RV, 5th wheel, camper	50% for heat

Step D. Adjustment for Shared Living Arrangements

The estimated home heating costs shall be adjusted if the household shares living arrangements with other households but is determined to be a separate household as defined in the "Definitions" section of these rules. If the household shares living arrangements with other households, the estimated home heating cost shall be divided by the number of separate households sharing the living arrangements, whether or not all households sharing the living arrangements are eligible for the basic program.

Step E. Adjustment for Subsidized Housing Home Heating Allowance

The State Department shall adjust the amount of estimated home heating cost remaining after Step B if the household resides in subsidized housing (as defined in the "Definitions" section of these rules). A flat rate rental cost allowance for heating (\$30 per month or \$180 per heating season) shall be deducted from the remaining amount of estimated home heating costs. If the household does not live in subsidized housing, the amount remaining after Step B shall be the estimated home heating cost.

Step F. Determine Basic Program Amount

The State Department shall determine a benefit amount for each eligible household by subtracting the applicable adjustments listed above, in Steps B-E from the household's estimated home heating costs (EHHC) determined in Step A, 1-3. Any eligible household will receive at least the minimum, up to and including, the maximum benefit amount established by the Department for the LEAP program year.

3.758.48 Adjustments [Rev. eff. 9/1/11]

The State Department will provide the county departments advance written notice of any statewide benefit level adjustments.

Any statewide adjustment to the LEAP benefit level cannot be appealed.

The benefit amount in a prior LEAP program year is not indicative of a current LEAP program year benefit amount and benefit levels may vary from program year to program year depending on funding and the applicant pool.

3.758.49 Forfeiture of Benefit [Eff. 11/1/98]

If the benefit is not properly claimed within the current federal fiscal year for the period of intended use, the household will forfeit the remaining benefit.

3.759 OUTREACH AND REFERRAL

3.759.1 COUNTY DEPARTMENTS

3.759.11 Operation [Rev. eff. 11/1/83]

The county department has responsibility for the operation of a county wide outreach program. The outreach program shall be operated in accordance with guidelines contained in this section. The county may opt to contract with other agencies to perform all or part of the required outreach activities. Counties must assure that outreach includes:

- A. Coordination with other agencies, organizations, and groups to facilitate the participation of potentially eligible persons with emphasis on most vulnerable (e.g., elderly, disabled, home bound, non-English speaking);
- B. Access to Basic Program information and application forms. Outreach staff must identify locations in the county, such as community action programs, social security offices, low income housing sites, etc., for distribution of information, taking of applications, etc., through these sites. In addition, the county must have sufficient telephone lines to ensure access to information without requiring office visits;
- C. An effective county wide information and referral system involving local agencies and organizations;
- D. A referral system to weatherization and other energy conservation programs in the county;
- E. Special efforts to meet the needs of target groups (e.g., home visits for home bound, outstationing of outreach staff, etc.). County departments shall assist disabled and elderly (as defined in the "Definitions" section of these rules) applicants in completing applications and securing the required verification;
- F. Regular communications with cooperating agencies to identify concerns, problems, etc.;
- G. Encourage utility companies to refer their customers to the county departments.

3.759.12 Outreach Plan [Rev. eff. 11/1/03]

The county department shall develop an outreach plan which describes specific activities the county will perform to carry out the specific responsibilities outlined in 3.759.11, above. The plan shall be available for public inspection at the county department.

3.759.13 Reporting Requirements

County departments shall comply with outreach reporting requirements as prescribed by the State Department. Failure to comply may result in the recovery of outreach funds.

3.759.2 OUTREACH ACTIVITIES

3.759.21

Outreach materials shall be distributed to various community agencies targeting groups such as elderly, persons with disabilities, veterans, migrant seasonal workers, renters, Native Americans, and non-English or limited English speaking communities.

3.759.3 (None) [Rev. eff. 2/1/12]

3.759.4 WEATHERIZATION REFERRAL

3.759.41 [Rev. eff. 11/1/83]

Eligible households shall be referred for participation in weatherization, energy conservation and other related assistance upon the household's request.

3.760 (NONE) [Rev. eff. 9/15/12]

3.770 ALLOCATION FOR ADMINISTRATION AND OUTREACH [Rev. eff. 11/1/96]

The county may transfer funds from Program Code 4510 Administration to Program Code 4520 Outreach. The county may not transfer funds from Program Code 4520 Outreach to Program Code 4510 Administration.

The county is to budget its allocation of funds for Program Code 4510 Administration and Program Code 4520 Outreach to cover all expenditures which may be incurred from October 1 to the following September 30. The county department shall not be reimbursed for expenditures in excess of the county's allocation of Program Code 4510 and Program Code 4520 funds. The county's allocation of Program Code 4510 Administration funds will not be increased unless the State Department allocates additional funds to all counties or unless the county meets the following criteria:

- A. The county submits a written letter of request which includes the county's original budget plan for expenditure of its allocation of administrative funds, a description of expenditures to date for administrative costs, a budget of anticipated costs for the remainder of the program, and a narrative justification of actual and anticipated expenditures for the program.
- B. The request for additional funds must be justified on the basis of one or both of the following factors:
 - 1. That the county incurred or expects to incur extraordinary costs which were or are beyond county control and were or will be necessary to implement the program:
 - 2. That the county's caseload in relation to its allocation of administrative funds was significantly greater than the caseload of other similar sized counties in relation to their allocation of administrative funds.

Actual provision of additional funds is contingent upon availability of administrative funds.

The county's allocation of Program Code 4520 Outreach funds shall not be increased unless the county submits a request for additional outreach funds, which explains and justifies the need for such funds or unless the state department allocates additional funds to all counties.

Editor's Notes

Primary sections of 9 CCR 2503-1 have been recodified effective 09/15/2012. See list below. Versions and rule history prior to 09/15/2012 can be found in 9 CCR 2503-1. Prior versions can be accessed from the History link located above the rule text.

Rule section 3.000 – 3.100, et seq. has been recodified as 9 CCR 2503-1, GENERAL RULES.

Rule section 3.200, et seq. has been recodified as 9 CCR 2503-2, GENERAL FINANCIAL ELIGIBILITY CRITERIA.

Rule section 3.300, et seq. has been recodified as 9 CCR 2503-3, OLD AGE PENSION.

Rule section 3.400, et seq. has been recodified as 9 CCR 2503-4, AID TO THE NEEDY DISABLED AND AID TO THE BLIND.

Rule section 3.500, et seq. has been recodified as 9 CCR 2503-5, (Reserved for Future Use).

Rule section 3.600, et seq. has been recodified as 9 CCR 2503-6, COLORADO WORKS PROGRAM.

Rule section 3.700, et seq. has been recodified as 9 CCR 2503-7, OTHER ASSISTANCE PROGRAMS.

Rule section 3.800, et seq. has been recodified as 9 CCR 2503-8, ADMINISTRATIVE PROCEDURES.

Rule section 3.900, et seq. has been recodified as 9 CCR 2503-9, COLORADO CHILD CARE ASSISTANCE PROGRAM.

History

Sections 3.750.12 – 13, 3.751.1, 3.751.31, 3.751.41 – 43, 3.751.51, 3.751.53, 3.751.71 – 72, 3.752.1, 3.752.22 – 23, 3.754.1, 3.756.2 eff. 09/15/2012. Section 3.760 – 3.760.53 repealed eff. 09/15/2012.

Sections 3.744.F – G, 3.746.A – F, emer. rules eff. 11/09/2012.

Sections 3.720, 3.721.22, 3.744.A – B emer. rules eff. 02/01/2013.

Sections 3.744.F – G, 3.746. A – F eff. 03/02/2013.

Sections 3.720 – 3.720.32, 3.721.22, 3.744.A – B eff. 05/01/2013.

Sections 3.751.1, 3.751.34, 3.752.1 – 3.752.22.E, 3.752.25, 3.754.1, 3.754.1.K, 3.755.13 – 3.755.42, 3.756.12 – 3.756.13, 3.756.2, 3.758.1, 3.758.47 eff. 11/01/2013.

Sections 3.700, 3.720 – 7.746 eff. 03/02/2014.