



## ADMINISTRATIVE RULES OF MONTANA

### **37.70.402 GENERAL ELIGIBILITY REQUIREMENTS, ELIGIBILITY REQUIREMENTS FOR CERTAIN TYPES OF INDIVIDUALS AND HOUSEHOLDS**

- (1) Households that are obligated to pay for fuel to heat their homes are eligible for LIHEAP benefits.
- (2) Except as provided elsewhere in this rule, households which consist solely of members who are eligible for and receiving SNAP, SSI, or TANF-funded cash assistance are automatically financially eligible for LIHEAP benefits.
- (3) Households which consist of members receiving SNAP, SSI, or TANF-funded cash assistance, and other individuals whose income and resources were not considered in determining eligibility for SNAP, SSI, or TANF-funded cash assistance are not automatically eligible for LIHEAP benefits but must meet the financial requirements set forth in this rule.
- (4) Individuals living in shelters, including recipients of SNAP, SSI, or TANF-funded cash assistance, are not eligible for LIHEAP benefits. Individuals living in licensed group-living situations as defined in ARM 37.70.401 may be eligible if they meet all other requirements for eligibility. Individuals living in licensed group-living situations which are not group-living situations as defined in ARM 37.70.401 are not eligible for LIHEAP benefits.
- (5) Households which contain a member who is enrolled at least half time in an institution of higher education and who was claimed for the previous tax year as a dependent for federal income tax purposes by a taxpayer who is not a member of a household are ineligible for LIHEAP benefits.
- (6) Households that are eligible for or that have received LIHEAP benefits through a tribal program funded by the U.S. Department of Health and Human Services may not receive LIHEAP benefits from the department for the same heating season, unless the household changes residence during the heating season and the household is no longer eligible for tribal LIHEAP benefits; in that case, the household may apply for a prorated LIHEAP benefit based on the household's new circumstances as provided in ARM 37.70.602.
- (7) Residents of publicly subsidized housing whose energy costs are included as a fixed portion of their rent or who reside in publicly subsidized housing and have an obligation to pay a base-load electric bill are not eligible for a regular LIHEAP benefit computed using the benefit matrices and multipliers in the LIHEAP Benefit Award Matrix and Table of Multipliers for the current heating season. However, these households are eligible for weatherization assistance as provided for in ARM Title 37, chapter 71 and a modified LIHEAP benefit. The modified LIHEAP benefit is equal to five percent of the amount of a regular LIHEAP benefit, or a minimum payment of \$25, whichever is greater, paid to the household annually. Households determined eligible for the modified LIHEAP benefit whose economic and housing situation does not change are eligible for a period of five years.

- (8) In households consisting of eligible and ineligible household members, the income of all will be counted for benefit calculation purposes. Only the eligible household members will be counted when counting the number of household members for benefit calculation purposes.
- (9) Current and future benefits will be denied to any persons and households who refuse to submit social security numbers or proof of U.S. citizenship or proof of status as a qualified alien as defined in 8 U.S.C. § 1641(b), or whose social security numbers, proof of residency, or citizenship cannot be verified.

**Authorizing statute(s):** 53-2-201, MCA

**Implementing statute(s):** 53-2-201, MCA

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**History:** NEW, 1982 MAR p. 732, Eff. 4/16/82; AMD, 1982 MAR p. 1771, Eff. 10/1/82; AMD, 1985 MAR p. 1412, Eff. 9/27/85; AMD, 1986 MAR p. 1606, Eff. 9/26/86; AMD, 1987 MAR p. 1805, Eff. 10/16/87; AMD, 1989 MAR p. 1571, Eff. 10/13/89; AMD, 1992 MAR p. 2201, Eff. 9/25/92; AMD, 1993 MAR p. 2437, Eff. 10/15/93; AMD, 1996 MAR p. 2887, Eff. 10/25/96; TRANS, from SRS, 1998 MAR p. 2059; AMD, 2000 MAR p. 2707, Eff. 10/6/00; AMD, 2001 MAR p. 2037, Eff. 10/12/01; AMD, 2002 MAR p. 3635, Eff. 11/28/02; AMD, 2004 MAR p. 1026, Eff. 4/23/04; AMD, 2007 MAR p. 1948, Eff. 11/22/07; AMD, 2011 MAR p. 108, Eff. 1/28/11; AMD, 2014 MAR p. 126, Eff. 1/17/14; AMD, 2015 MAR p. 2145, Eff. 12/11/15; AMD, 2018 MAR p. 108, Eff. 1/13/18; AMD, 2018 MAR p. 1886, Eff. 9/22/18; AMD, 2019 MAR p. 2383, Eff. 12/28/19; AMD, 2020 MAR p. 1844, Eff. 10/10/20; AMD, 2021 MAR p. 1060, Eff. 10/1/21; AMD, 2023 MAR p. 480, Eff. 5/27/23.