



ADMINISTRATIVE RULES OF MONTANA

37.70.401 DEFINITIONS

- (1) "Annual gross income" means all nonexcluded income including wages, salaries, commissions, tips, profits, gifts, interest or dividends, retirement pay, workers' compensation, unemployment compensation, social security retirement and disability payments, supplemental security income payments, veterans administration payments, cash public assistance benefits such as temporary assistance for needy families or tribal, state, or county general relief, and capital gains received by the members of the household for one month immediately preceding the month of application, which will be annualized by multiplying that figure by 12.
 - (a) For households with self-employment income, annual gross income means gross receipts for one month immediately preceding the month of application minus self-employment deductions for the same time period, which will be annualized by multiplying that figure by 12.
- (2) "Applicant" means a person 18 years or older or an emancipated minor, applying for LIHEAP benefits for all eligible household members in the household at the time of application. The applicant does not need to be an eligible member of the household.
- (3) "Base-load electric" costs are the costs represented in a utility company's bill for electricity that powers lights, plug-in appliances, and domestic water heating.
- (4) "Child" means a person who is under age 18 and not emancipated.
- (5) "Deliverable heating fuel" means heating fuel that can be delivered to the customer and stored for later use, for example: propane, fuel oil, kerosene, wood, or coal.
- (6) "Disabled individual household" means a household in which at least one person who has been determined disabled based on the criteria for disability provided in Title II or Title XVI of the Social Security Act resides.
- (7) "Elderly" means a person who is 60 years or older.
- (8) "Eligible energy costs" means costs of the various types of energy supplied by the household's fuel vendors. Energy delivered by the household's fuel vendors prior to October 1 is ineligible for payment in the current heating season, except in the sole discretion of the department. Deliverable heating fuel charges incurred from July 1 through April 30 are eligible for payment in the current heating season. Eligible energy costs include tank rental and replacing valves on portable propane tanks, but not deposits or fuel tank set up costs.
- (9) "Eligible household member" is any person who is a U.S. citizen or qualified alien and is a member of a household that meets the LIHEAP eligibility requirements.

- (10) "Emancipated minor" is any person under the age of 18 who has been released from parental care or custody, and granted legal rights and responsibilities as provided in 41-1-401 or 41-1-503, MCA, or by order of a court having jurisdiction.
- (11) "Federal fiscal year (FFY)" means the period from October 1 of one calendar year through September 30 of the next calendar year. For example, federal fiscal year 2023 means the period from October 1, 2022, through September 30, 2023.
- (12) "Gross receipts" applies to households with income from self-employment and means all income before any deductions, including any nonexcluded income not from self-employment, which was received by members of the household one full month immediately preceding the month of application.
- (13) "Heating season" means the period from October 1 to April 30. For example, the 2022 through 2023 heating season is the period from October 1, 2022, through April 30, 2023. The department may, in its sole discretion, extend the heating season beyond April 30. If the heating season is extended beyond April 30, LIHEAP benefits may be applied against energy costs incurred in the additional months of the heating season, but no applications for benefits may be filed after April 30 except as provided in ARM 37.70.305. If the department extends the end of the heating season beyond April 30, requests for reimbursement must be received by the local contractor no later than June 20 or the end of the heating season, whichever is later.
- (14) "Household" means any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased together or who make undesignated payments for energy in the form of rent.
 - (a) Any foster child or foster adult who lives in the household at the time of application and for whom foster care payments are being made may be either included or excluded from the household. This option must be exercised by the household at the time of application and cannot be changed until a new application for the next heating season is made.
 - (b) An unborn child may not be counted as a member of the household.
- (15) "Incurment" means that portion of a medically needy person's income that exceeds the medically needy income standard for the size of the household.
- (16) "Ineligible household member" is a person who is not a U.S. citizen or qualified alien who is a member of a household that meets the LIHEAP eligibility requirements. An ineligible household member of legal age may apply for LIHEAP benefits on behalf of eligible household members.
- (17) "In-kind income" means goods, services, or other nonmonetary benefits, including meals, clothing, housing, or produce.
- (18) "Institution of higher education" means a college, university, or vocational or technical school at the post-high school level.
- (19) "Licensed group-living situation" means a facility that is licensed by the department and in which housing is provided in a home-like setting on a long term or permanent basis to individuals or households, including community homes for persons with developmental disabilities licensed under 53-20-305, MCA. It does not include community homes for persons with severe physical disabilities licensed under 52-4-203, MCA, or youth care facilities licensed under 52-2-622, MCA, shelters for homeless or abused individuals, halfway houses, nursing homes or convalescent centers, or other residential treatment facilities which provide shelter in an institutional setting.

- (20) "Life-threatening" means any of the conditions of emergency specified in ARM 37.70.901 that may cause death or severe permanent damage to the health of one or more household members.
- (21) "Local contractor" means a community-based organization with which the department has contracted to provide outreach and to receive and process applications for LIHEAP and the weatherization assistance program.
- (22) "Medically needy" means a person or family otherwise eligible for Montana Medicaid (medical assistance) but whose income exceeds medically needy income levels.
- (23) "Member receiving supplemental security income (SSI), or temporary assistance for needy families (TANF)-funded cash assistance" means any member of a household whose needs are included in the SSI, TANF-funded cash assistance, or any person whose income and resources are considered in determining eligibility for those programs.
- (24) "Mobile home" means a singlewide or doublewide trailer, mobile home, or manufactured home.
- (25) "Modified LIHEAP benefit" means the amount paid to eligible households who reside in publicly subsidized housing and whose energy costs are included as a fixed portion of their rent or who have an obligation to pay a base-load electric bill. The modified LIHEAP benefit is equal to five percent of the amount of 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 or a minimum payment of \$25, whichever is greater, paid to the household annually. Households determined eligible for the publicly subsidized housing modified LIHEAP benefit, whose economic and housing situation does not change, are income eligible for a period of five years.
- (26) "Monthly gross income" means all nonexcluded income, including wages, salaries, commissions, tips, profits, gifts, interest or dividends, retirement pay, workers' compensation, unemployment compensation, social security retirement and disability payments, supplemental security income payments, veterans administration payments, cash public assistance benefits such as TANF or tribal, state, or county general relief, and capital gains, received by the members of the household in a calendar month.
 - (a) For households with self-employment income, monthly gross income means monthly gross receipts minus self-employment deductions.
- (27) "Monthly gross receipts" applies to households with income from self-employment and means all income before any deductions, including any nonexcluded income not from self-employment, received by members of the household in a calendar month.
- (28) "Multi-family unit" means a building which contains two or more shelter or rental units for living purposes. For purposes of the program, a duplex and a home with a basement apartment are considered multi-family units.
- (29) "Nonrecurring lump sum payment" means a sum of money paid at one time rather than in two or more separate payments.
- (30) "Nontraditional dwelling unit" means dwelling units that include mobile shelters and other structures not designed for year-round human habitation. Mobile shelters include RVs and campers.
- (31) "Paid eligible energy costs" means heating costs paid:
 - (a) in the form of rent;

- (b) to a fuel account not in a household member's name; or
 - (c) to another party during the heating season for the dwelling in which the household resides at the time of application.
- (32) "Publicly subsidized housing" means government-sponsored economic assistance aimed towards providing affordable housing for persons in need.
- (33) "Qualified alien" means an alien who, at the time of submitting a LIHEAP application, is a qualified alien as defined by 8 U.S.C. § 1641(b).
- (34) "Self-employment deductions" means all costs, excluding depreciation costs, necessary for the creation of any income from self-employment. As an alternative, the local contractor may, at the request of the household, deduct 40 percent from the annual gross receipts for self-employment deductions.
- (35) "Shelters" mean a dwelling unit or units whose principal purpose is to house on a temporary basis individuals who may or may not be related to one another, including homeless people, people living in student housing, or other individuals seeking short-term or nonpermanent living situations.
- (36) "Single elderly household" means a household consisting of one person only, who is 60 years or older.
- (37) "Single family unit" means a building which contains a single residence or rental unit for living purposes.
- (38) "State fiscal year" means the period from July 1 of one calendar year through June 30 of the next calendar year. For example, state fiscal year 2023 means the period from July 1, 2022, through June 30, 2023.
- (39) "Traditional dwelling unit" means a residential housing structure, including a mobile home or a modular home when permanently connected to the required utilities (including plumbing, heating, and electrical systems contained therein) and designed to be used as a permanent residence.
- (40) "U.S. Department of Health and Human Services Poverty Guidelines" means the poverty guidelines computed annually and published each year in the Federal Register by the U.S. Department of Health and Human Services.
- (41) "Valid loan" means a person's lawful promise to repay a monetary sum received from a source outside the household, including private individuals and commercial institutions, which must be repaid at a future date. Unless otherwise provided in law, the loan may be oral or written.
- (42) "Vendor payment" means a monetary payment made on behalf of the household by a person who is not a member of the household to a third party outside the household such as a creditor of the household or vendor of services or goods to the household.

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

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

History: NEW, 1982 MAR p. 732, Eff. 4/16/82; AMD, 1987 MAR p. 2245, Eff. 12/11/87; AMD, 1988 MAR p. 2042, Eff. 10/1/88; AMD, 1989 MAR p. 1571, Eff. 10/13/89; AMD, 1992 MAR p. 2201, Eff. 9/25/92; AMD, 1993 MAR p. 1113, Eff. 5/28/93; AMD, 1993 MAR p. 2437, Eff. 10/15/93; 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, 2004 MAR p. 2818, Eff. 11/19/04; AMD, 2007 MAR p. 974, Eff. 7/6/07; 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.