



ADMINISTRATIVE RULES OF MONTANA



37.70.311 PROCEDURES FOLLOWED IN PROCESSING APPLICATIONS AND VERIFIABLE ELIGIBILITY REQUIREMENTS

- (1) The procedures for determining eligibility for LIHEAP benefits are as follows:
 - (a) The household files an application together with verification for determining financial eligibility and benefit award.
 - (b) After an application is filed, the local contractor may request any additional information or documentation needed to determine the household's eligibility, benefit amount, or both.
 - (c) If a household fails to provide information or documentation necessary for a determination of eligibility within 45 days of the date of the most recent request for additional information, the application will be denied.
 - (d) If an application is denied, the household may reapply for assistance.
- (2) Eligibility requirements that must be verified include a social security number (SSN) for each household member and proof of U.S. citizenship, or proof of status as a qualified alien as defined in 8 U.S.C. § 1641(b). Other eligibility requirements that may be verified include:
 - (a) photo identification for each household member 18 years or older may be required if the SSN has not been verified;
 - (b) for members under age 18, a birth certificate will be accepted if the SSN has not been verified;
 - (c) current receipt of benefits under the Supplemental Nutrition Assistance Program (SNAP), supplemental security income, or cash assistance funded by temporary assistance for needy families (TANF);
 - (d) household income and resources;
 - (e) proof of lack of tax dependency status for household members enrolled at least half time in an institution of higher education;
 - (f) proof of the household's obligation to pay for the cost of heating its residence and type of primary heating fuel for the household's residence; and
 - (g) receipts to support paid eligible energy costs when a household seeks direct reimbursement for paid eligible energy costs as provided in ARM 37.70.607. Failure to provide receipts to the local contractor by June 20 or the end of the heating season, whichever is later, will result in forfeiture of any remaining benefits for that heating season.

- (3) If the local contractor reasonably doubts the accuracy of information provided by the household, then the type of dwelling, number of bedrooms, primary heating fuel, and primary fuel vendor must also be verified.
- (4) The local contractor may conduct an interview with household members in person or by telephone, if necessary, to determine eligibility. In cases where the local contractor considers an interview to be necessary and neither the local contractor's office nor a telephone is reasonably accessible to the household, the local contractor will conduct the interview at some place which is reasonably convenient for the household and the local contractor.
- (5) After a household's eligibility and benefit amount have been determined by the local contractor, notice of the decision will be given to the household as provided in ARM 37.70.312.
- (6) A household's eligibility and benefit amount will be determined based on the household's circumstances regarding the following on the date the application is filed:
 - (a) household income level;
 - (b) the household's dwelling type;
 - (c) the number of bedrooms in the dwelling;
 - (d) the dwelling's primary heating fuel;
 - (e) the heating district in which the dwelling is located;
 - (f) verification of the identities and citizenship or qualified alien status of those residing in the household; and
 - (g) the household's resources.
- (7) Eligibility regarding income is based on the household's income for one month immediately preceding the month of application, which will be annualized by multiplying that figure by 12 to arrive at the household's annual income.
- (8) The household has the burden of proving that it meets all requirements for eligibility.

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, 1983 MAR p. 1362, Eff. 9/30/83; AMD, 1984 MAR p. 1481, Eff. 10/12/84; AMD, 1985 MAR p. 1412, Eff. 9/27/85; TRANS, from SRS, 1998 MAR p. 2059; AMD, 2001 MAR p. 2037, Eff. 10/12/01; AMD, 2004 MAR p. 2818, Eff. 11/19/04; AMD, 2005 MAR p. 1786, Eff. 9/23/05; AMD, 2007 MAR p. 974, Eff. 7/6/07; 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. 1886, Eff. 9/22/18; AMD, 2020 MAR p. 1844, Eff. 10/10/20; AMD, 2023 MAR p. 480, Eff. 5/27/23.