

# Alaska Admin Code

## Chapter 44 Heating Assistance Programs

### Article 1 Federal Heating Assistance Program

**7 AAC 44.010. Purpose** The purpose of the heating assistance program is to provide assistance under the federal Low-Income Home Energy Assistance Act of 1981, as amended October 27, 1998 (42 U.S.C. 8621 - 8629) to low income households to offset the cost of home heating.

#### **7 AAC 44.020. Application for heating assistance**

- (a) An application for heating assistance under 7 AAC 44.010 - 7 AAC 44.090 may be submitted only by an adult or emancipated minor who is
  - (1) included in the household; or
  - (2) authorized by the household to act on the household's behalf.
- (b) An application may be submitted
  - (1) in person to a department office or fee agent; or
  - (2) to the department by electronic mail, facsimile transmission, or United States mail.
- (c) To be considered for an annual heating assistance payment, an identifiable application must be postmarked or received by the department on or after September 1 of a year, but not later than April 30 of the following year.
- (d) The department will determine eligibility for heating assistance only when the department possesses a completed application. The department possesses a completed application when
  - (1) the application form provided by the department includes:
    - (A) the full name, date of birth, social security number, and citizenship of each household member;
    - (B) the amount and frequency of income received by each household member;
    - (C) a description of the household's dwelling for which heating assistance is requested; and
    - (D) the signature or witnessed mark of the applicant; and

(2) all supporting documents required by the application form are submitted to the department, including proof of the household's regular purchasing and consumption of energy in the dwelling for which heating assistance is requested.

### **7 AAC 44.030. Eligibility determination**

- (a) The department may process applications for heating assistance in the order in which they are received.
- (b) The department will award only one heating assistance payment under [7 AAC 44.080](#) per household for applications received during the period set out in [7 AAC 44.020](#).
- (c) The department will make an eligibility determination and will mail a notice of the determination to the applicant as soon as possible, but no later than 45 calendar days after receipt of the completed application by the heating assistance office in Juneau.
- (d) The department will expedite an eligibility determination, and award assistance to an eligible applicant, not later than 18 hours after receipt of a completed application in the heating assistance office in Juneau if:
  - (1) the applicant has requested expedited service;
  - (2) the household's gross monthly income is less than the household's monthly shelter costs;
  - (3) the household has suffered, or will suffer within 48 hours, termination of fuel or home heating-related utility services; and
  - (4) the department has verified the application as required by [7 AAC 44.041](#).
- (e) The department will make an eligibility determination and will authorize heating assistance to an eligible household, no later than 10 days after receipt of the household's completed application in the heating assistance office in Juneau, if the applicant meets the requirements in [7 AAC 44.055](#).

### **7 AAC 44.035. Household composition**

- (a) A household must include
  - (1) the applicant; and
  - (2) a United States citizen or a qualified alien; for the purposes of this paragraph, "qualified alien" has the meaning given in 8 U.S.C. 1641.
- (b) A household may include the following individual residing in the same dwelling if the applicant requests that the individual be included:
  - (1) an individual who rents or otherwise pays to live in the same dwelling; (2) a child who is receiving state or Title IV-E foster care maintenance payments; in this paragraph, "Title IV-E" means 42 U.S.C. 670 - 675 (Title IV-E of the Social Security Act).

- (c) More than one household may live in the same dwelling. If more than one household lives in the same dwelling, the department will determine an award for each household as if it were the sole household in the dwelling and pay the household a percentage of that household's award equal to the percentage of the total heating cost for the dwelling that the household actually pays.
- (d) Spouses who reside in the same dwelling may not apply for heating assistance in separate households.
- (e) An individual may only be included in one household per heating assistance season. If an individual physically resides with members of more than one household, the individual must declare the household in which that individual will be included for the purpose of applying for heating assistance. If the individual is less than 18 years of age, the individual's parent or guardian must declare the household in which that individual will be included. The first household to which an individual declares or is declared is the household of record for the remainder of the heating assistance season.
- (f) An individual who rents or otherwise pays to live in the same dwelling who is not included in a household under (b)(1) of this section may apply for heating assistance as a separate household.

### **7 AAC 44.040. Eligibility requirements; income calculations**

- (a) A household is eligible to participate in the heating assistance program only if
  - (1) the dwelling for which heating assistance is requested is located in the state, and at least one member of the household is physically present in the state at the time of application for, and receipt of, heating assistance; and the household
    - (A) physically resides in the dwelling for which heating assistance is requested; or
    - (B) is seeking heating assistance to help with the natural gas and electric utility deposit necessary to move into subsidized housing in the state;
  - (2) repealed 11/5/2011;
  - (3) the household's annual unsubsidized home heating costs exceed \$200; and
  - (4) the household's gross monthly income is no more than 150 percent of the level set in the federal poverty guidelines for Alaska established annually by the United States Department of Health and Human Services, at Fed. Reg. 7555-7557 (February 15, 2000), as amended from time to time and adopted by reference.
- (b) A household is not eligible to participate in the heating assistance program if, at the time eligibility determination, the household
  - (1) is eligible for or has received benefits from a tribal organization financed by the United States Department of Health and Human Services under 42 U.S.C. 8621 - 8630 (Low-Income Home Energy Assistance Act), unless an agreement

- to the contrary has been executed between the department and the tribal organization; or
- (2) resides in a crisis center, hotel, motel, tent, or other shelter normally intended for temporary occupancy, and
    - (A) has resided there for less than 60 consecutive days before the date of signature on the completed application; and
    - (B) is not seeking a utility deposit under (a)(1)(B) of this section;
  - (3) resides (A) in a (i) hospital, nursing home, Alaska Pioneers' Home, or other public or private institution to receive treatment for a mental or physical illness; (ii) student dormitory; or (iii) correctional facility; or (B) on a military base; or
  - (4) resides in subsidized rental housing and has no direct home heating costs.
- (c) The department will calculate the household's gross monthly income by counting total cash receipts before taxes, earned and unearned, derived from any source by any member of the household in the calendar month before the date of signature on the completed application. The department will prorate income from self-employed occupations and seasonal employment during the 12-month period before the date of signature on the completed application over a 12-month period to determine the household's gross monthly income.

#### **7 AAC 44.041. Verification**

- (a) An applicant shall, upon request, provide the department with verification of income and any other information contained in the application. An applicant shall provide verification acceptable to the department through a wage stub, profit-and-loss statement, award letter, or other documentary evidence, or, if documentary evidence is not available, through correspondence from village council members, staff members of social service agencies, fee agents, or other third parties, if they are disinterested and unrelated.
- (b) If each household member listed on an application for heating assistance is a recipient of a public assistance program administered by the department under [AS 47](#), and if the department considers income information submitted to establish eligibility and benefits under that program to be current, valid, verified, and available for review, the department will use that previously submitted income information for purposes determining eligibility and benefits for heating assistance.
- (c) If not all of a household's members are recipients of public assistance programs administered by the department under [AS 47](#), the applicant must provide verification of income for those members who are not recipients.

#### **7 AAC 44.042. Exempt income**

When determining heating assistance program eligibility or a payment amount, the department will not include as part of a household's gross monthly income the following:

- (1) repealed 10/1/2009;

- (2) payments received under 43 U.S.C. 1601 - 1629 (Alaska Native Claims Settlement Act);
- (3) payments received under [AS 43.23](#) (Alaska permanent fund dividend program);
- (4) repealed 10/1/2009;
- (5) wages received by a full-time student under 18 years of age who is not the head of household;
- (6) payments received for reimbursement of expenses incurred in connection with employment, such as travel, mileage, training, or per diem reimbursement;
- (7) payments received for reimbursement of medical expenses;
- (8) payments for jury duty issued directly to the employer;
- (9) food or rent in lieu of wages;
- (10) non-cash or in-kind income;
- (11) money received from an educational, personal, commercial, or other loan for which the borrower has an obligation to repay;
- (12) money received from student study grants;
- (13) supportive service payments for work activities under [7 AAC 45.415\(a\)](#), and unearned income generated from participation as a trainee under 29 U.S.C. 1552 (Job Training Partnership Act of 1982 (JTPA));
- (14) payments received under 42 U.S.C. 5044 for support services or reimbursement of out-of-pocket expenses, such as lunches or transportation, made to an individual serving as a volunteer in a domestic volunteer service program under 42 U.S.C. 4951 - 5024;
- (15) payments made to, or on behalf of, a household member by the division of vocational rehabilitation, Department of Labor and Workforce Development, for purposes related to training programs in which the individual is enrolled;
- (16) cash gifts that do not exceed a total of \$20 per month per individual in the household;
- (17) federal income tax refunds or earned income tax credits;
- (18) payments received under [7 AAC 38.030](#) (General Relief Assistance);
- (19) income specifically excluded by federal law;
- (20) payments received under [AS 47.45.301](#) - 47.45.309 (senior benefits payment program); or
- (21) payments received from a program funded by the senior community service employment program under 20 C.F.R., Part 641.

### **7 AAC 44.050. Manner of payment**

- (a) The department may pay the applicant's vendor directly an amount determined under [7 AAC 44.080](#)
  - (1) by establishing a line of credit for the amount; or
  - (2) by making a cash advance for the amount.
- (b) The department may pay the applicant directly if
  - (1) the household pays rent and pays home heating and electricity costs indirectly through rental payments; or
  - (2) the vendor has not executed an agreement under [7 AAC 44.060](#).

- (c) The department may pay a portion of the amount to the applicant's home electricity vendor and the remainder to the applicant if the household pays home heating costs indirectly through rental payments but pays directly for home electricity.
- (d) After May 15 and before September 1 of each year, the department may distribute to an applicant any unexpended amounts credited to that applicant's account under (a) of this section.

### **7 AAC 44.051. Use of heating assistance payments**

- (a) A heating assistance payment may only be used for
  - (1) the purchase of fuel oil, kerosene, propane, natural gas, electricity, wood, coal, or other petroleum products used for home heating, lighting, or cooking in the household's dwelling;
  - (2) gasoline and two-cycle oil for a snowmachine or chain saw used to harvest and transport wood if the household cuts its own wood for home heating and self-harvested wood is the household's primary heating source; or
  - (3) payment of incidental charges, including deposits, delivery charges, connection fees, and late-payment charges associated with purchase or delivery.
- (b) A heating assistance payment may not be used for any purpose not described in (a) of this section. A household or vendor may not sell or barter heating fuel purchased with a heating assistance payment under this section.
- (c) A household paying home heating costs indirectly through rent or lease payments shall apply the heating assistance payment toward those rent or lease payments.

### **7 AAC 44.053. Crisis intervention** Repealed.

### **7 AAC 44.055. Subsidized rental housing utility deposit**

- (a) The department will award heating assistance for the minimum amount needed to establish natural gas and electric utility service required to participate in subsidized rental housing if
  - (1) the housing program will fully subsidize the household's home heating costs;
  - (2) the applicant has requested a subsidized rental housing utility deposit;
  - (3) the household has not received a payment under this chapter within 180 days of the request for a subsidized rental housing utility deposit;
  - (4) the department has verified the application as required by [7 AAC 44.041](#); and
  - (5) the amount of the heating assistance, up to a maximum of \$500, is sufficient to establish utility service.
- (b) The department will not award heating assistance under this section more than once to a household in a 24-month period.

### **7 AAC 44.060. Vendor agreement**

A vendor must sign an agreement with the department, which includes the following conditions, for the vendor to be a recipient of heating assistance payments in the manner described in [7 AAC 44.050](#):

- (1) the vendor shall reduce, in the normal billing process, the outstanding indebtedness of the household by the amount of payment; if the outstanding indebtedness exceeds the amount paid, the amount paid will be applied to the oldest portion of the household's indebtedness;
- (2) the vendor may not discriminate against a household receiving heating assistance in the cost of goods, conditions of sale, or services provided;
- (3) the vendor shall avert disconnection of service, reconnect discontinued service, or deliver fuel upon notification from the department that a household is entitled to receive heating assistance, unless to do so would violate a tariff of the Regulatory Commission of Alaska;
- (4) if the vendor is receiving payment under [7 AAC 44.050\(a\)\(1\)](#), the vendor shall first submit a bill for services to the department;
- (5) if the vendor receives payment under [7 AAC 44.050\(a\)\(2\)](#), the vendor shall submit proof to the department that each payment is credited to the household; a refund of any remaining heating assistance must be made to the household or to the department for delivery to the household if
  - (A) the household closes its account with the vendor; or
  - (B) the applicant dies and no surviving household member continues to use the account.

### **7 AAC 44.070. Opportunity for hearing**

An opportunity for a hearing will be granted to an applicant who requests a hearing within 30 days after mailing of the notice described in [7 AAC 44.030\(c\)](#) and whose

- (1) request for assistance is denied;
- (2) completed application was not acted upon within the time set out in [7 AAC 44.030](#); or
- (3) amount of heating assistance was modified by the department for a reason other than a change in the benefit rate under [7 AAC 44.080\(m\)](#) or the limitation set by the total heating cost points set in [7 AAC 44.080\(n\)](#) that is a result of year-to-year program changes applying to all applicants.

### **7 AAC 44.080. Amount of assistance**

- (a) The department has assigned heating cost points to each community in the state, based upon the community's annual fuel cost and climatic conditions. These points are listed in Appendix A at the end of this chapter.
- (b) If the household uses natural gas and another fuel type for heat, the department will use the community heating cost points for natural gas in Appendix A.
- (c) If the household uses self-harvested wood or coal for heat, the department will use the community heating cost points for oil in Appendix A multiplied by 0.5.

- (d) If the household uses purchased wood or coal for heat, the department will use the community heating cost points for oil in Appendix A multiplied by 0.8.
- (e) If the household uses purchased wood pellets for heat, the department will use the community heating cost points for oil in Appendix A multiplied by 0.9.
- (f) If a household uses electricity, steam, hot water, or propane for heat, the department will use the community heating cost points for oil in Appendix A.
- (g) The department will multiply the community heating cost points determined under (a) - (f) of this section by the first one of the following factors that describes the household's dwelling. If more than one factor applies, the department will use the factor listed first:
  - (1) the factor of 1.4 if the household resides in a mobile home with heated living space of 980 square feet or more;
  - (2) the factor of 0.4 if the household resides in a travel trailer or mobile home less than 35 feet in length, or in a recreational vehicle, tent, or pickup camper;
  - (3) the factor of 0.15 if the household resides in a one-room dwelling such as a studio apartment, hotel, or boarding home;
  - (4) the factor of 0.35 if the household resides on a boat;
  - (5) the factor of 0.55 if the household resides in a one-bedroom dwelling, or a one-room house or cabin without bedrooms;
  - (6) the factor of 1.3 if the household resides in a three-or-more-bedroom single-family, duplex, or triplex home;
  - (7) the factor of 0.7 if the household resides in a two-bedroom unit in an apartment building of four or more attached units;
  - (8) the factor of 1.0 if the household resides in a two-bedroom single-family home.
- (h) If the household resides in a single dwelling with one or more other households, the heating cost points determined under (a) - (g) of this section are reduced to the household's proportionate share of the home heating expenses.
- (i) The department will assign each household the following percentage of heating cost points determined under (a) - (h) of this section, based on the household's gross monthly income and family size, expressed as a percentage of the Alaska poverty level:
  - (1) 100 percent of points if the household's gross monthly income is no more than 25 percent of the Alaska poverty level;
  - (2) 90 percent of points if the household's gross monthly income is more than 25 percent but no more than 50 percent of the Alaska poverty level;
  - (3) 80 percent of points if the household's gross monthly income is more than 50 percent but no more than 75 percent of the Alaska poverty level;
  - (4) 70 percent of points if the household's gross monthly income is more than 75 percent but no more than 100 percent of the Alaska poverty level;
  - (5) 60 percent of points if the household's gross monthly income is more than 100 percent but no more than 125 percent of the Alaska poverty level;

- (6) 50 percent of points if the household's gross monthly income is more than 125 percent of the Alaska poverty level but no more than the maximum allowable Alaska poverty level under this chapter.
- (j) If the household's gross monthly income exceeds the maximum allowable poverty level, the household is not eligible for assistance under [7 AAC 44.010](#) - [7 AAC 44.090](#).
- (k) The department will add one point to the heating cost points determined under (a) - (i) of this section if the household includes one or more members 60 years of age or older, legally disabled, or under six years of age.
- (l) Households with heating cost points determined under (a) - (k) of this section to be less than 2.0 are not eligible.
- (m) The department will round the total heating cost points computed in (a) - (k) of this section to the nearest whole number and multiply by the benefit rate to determine the amount of the household heating assistance. The department will establish the benefit rate annually based upon
- (1) anticipated federal money available for heating assistance and any state money that may be appropriated to supplement federal money;
  - (2) the anticipated number of households to be served in this state;
  - (3) anticipated total household heating costs points calculated in accordance with this section; and
  - (4) dollar values per point as set out in [AS 47.25.623\(c\)](#).
- (n) The total heating cost points determined under (m) of this section may not exceed 35 points.
- (o) If the household meets the conditions set out in this subsection, the department may reduce the amount of heating assistance available under (m) and (n) of this section by the amount of the unpaid balance that the household owes the department for previously awarded heating assistance to which the household was not entitled. The department will use this method of recoupment of overpayments only if the household has not responded to the department's request for repayment or the household defaults on its repayment agreement.
- (p) Notwithstanding (a) - (o) of this section, heating assistance is subject to the availability of federal money and any state money that may be appropriated to supplement federal money.

Applicants will be served on a first-come, first-served basis subject to the availability of federal money for benefits. If the department determines, after the close of the application period set out in [7 AAC 44.020\(c\)](#), that available federal money exceeds the total amount that can be expended, obligated, and carried over into the next federal fiscal year under 42 U.S.C. 8621 - 8630, the department may distribute all or part of the surplus on a pro rata basis to households that have been determined eligible to receive assistance under this section.

## **7 AAC 44.090. Time frame for assistance payments**

- (a) The heating assistance program begins awarding payments under 7 AAC 44.020 on November 1 of each year.
- (b) Expedited eligibility determination and assistance payment awards under 7 AAC 44.030(d) begin on November 1 of each year and run through April 30 of the following year.
- (c) If a disaster occurs in an area where the household is located, the department may begin issuing heating assistance payments before November 1 if the governor has issued a disaster proclamation and the disaster has increased the need for heating assistance to the household. (d) The department will make the payment of subsidized rental housing utility deposits, under 7 AAC 44.055 throughout the year.

Article 2  
**Alaska Affordable Heating Program**

**7 AAC 44.200. Purpose**

The purpose of the heating assistance program is to provide assistance under the Alaska affordable heating program to low income households to offset the cost of home heating.

**7 AAC 44.210. Application for heating assistance**

- (a) An application for heating assistance under 7 AAC 44.200 - 7 AAC 44.350 may be submitted only by an adult or emancipated minor who is
- (1) included in the household; or
  - (2) authorized by the household to act on the household's behalf.
- (b) An application may be submitted
- (1) in person to a department office or fee agent; or
  - (2) to the department by electronic mail, facsimile transmission, or United States mail.
- (c) To be considered for an annual heating assistance payment, an identifiable application must be postmarked or received by the department on or after September 1 of a year, but not later than the April 30 of the following year.
- (d) The department will determine eligibility for heating assistance only when the department possesses a completed application. The department possesses a completed application when
- (1) the application form provided by the department includes
    - (A) the full name, date of birth, social security number, and citizenship of each household member;
    - (B) the amount and frequency of income received by each household member;
    - (C) a description of the household's dwelling for which heating assistance is requested; and
    - (D) the signature or witnessed mark of the applicant; and
  - (2) all supporting documents required by the application form are submitted to the department, including proof of the household's regular purchasing and consumption of energy in the dwelling for which heating assistance is requested.

**7 AAC 44.220. Eligibility determination**

- (a) The department may process applications for heating assistance in the order in which they are received.

- (b) The department will award only one heating assistance payment under [7 AAC 44.340](#) per household for applications received during the period set out in [7 AAC 44.210](#).
- (c) The department will make an eligibility determination and will mail a notice of the determination to the applicant as soon as possible, but no later than 45 calendar days after receipt of the completed application by the heating assistance office in Juneau.
- (d) The department will expedite an eligibility determination, and award assistance to an eligible applicant, not later than 18 hours after receipt of a completed application in the heating assistance office in Juneau if
  - (1) the applicant has requested expedited service;
  - (2) the household's gross monthly income is less than the household's monthly shelter costs;
  - (3) the household has suffered, or will suffer within 48 hours, termination of fuel or home heating-related utility services; and
  - (4) the department has verified the application as required by [7 AAC 44.240](#).
- (e) The department will make an eligibility determination and will authorize heating assistance to an eligible household, no later than 10 days after receipt of the household's completed application in the heating assistance office in Juneau, if the applicant meets the requirements in [7 AAC 44.290](#).

#### **7 AAC 44.225. Household composition**

- (a) A household must include
  - (1) the applicant; and
  - (2) a United States citizen or a qualified alien; for the purposes of this paragraph, "qualified alien" has the meaning given in 8 U.S.C. 1641.
- (b) A household may include the following individual residing in the same dwelling if the applicant requests that the individual be included:
  - (1) an individual who rents or otherwise pays to live in the same dwelling;
  - (2) a child who is receiving state or Title IV-E foster care maintenance payments; in this paragraph, "Title IV-E" means 42 U.S.C. 670 - 675 (Title IV-E of the Social Security Act).
- (c) More than one household may live in the same dwelling. If more than one household lives in the same dwelling, the department will determine an award for each household as if it were the sole household in the dwelling and pay the household a percentage of that household's award equal to the percentage of the total heating cost for the dwelling that the household actually pays.
- (d) Spouses who reside in the same dwelling may not apply for heating assistance in separate households.

- (e) An individual may only be included in one household per heating assistance season. If an individual physically resides with members of more than one household, the individual must declare the household in which that individual will be included for the purpose of applying for heating assistance. If the individual is less than 18 years of age, the individual's parent or guardian must declare the household in which that individual will be included. The first household to which an individual declares or is declared is the household of record for the remainder of the heating assistance season.
- (f) An individual who rents or otherwise pays to live in the same dwelling who is not included in a household under (b)(1) of this section may apply for heating assistance as a separate household.

### **7 AAC 44.230. Eligibility requirements; income calculations**

- (a) A household is eligible to participate in the heating assistance program only if
  - (1) the dwelling for which heating assistance is requested is located in the state, and at least one member of the household is physically present in the state at the time of application for, and receipt of, heating assistance; and the household
    - (A) physically resides in the dwelling for which heating assistance is requested; or
    - (B) is seeking heating assistance to help with the natural gas and electric utility deposit necessary to move into subsidized housing in the state;
  - (2) repealed 11/5/2011;
  - (3) the household's annual unsubsidized home heating costs exceed \$200; and
  - (4) the household's gross monthly income is no more than 150 percent of the level set in the federal poverty guidelines for Alaska established annually by the United States Department of Health and Human Services, at Fed. Reg. 7555-7557 (February 15, 2000), as amended from time to time and adopted by reference.
- (b) A household is not eligible to participate in the heating assistance program if, at the time eligibility determination, the household
  - (1) is eligible for or has received benefits from a tribal organization financed by the United States Department of Health and Human Services under 42 U.S.C. 8621 - 8630 (Low-Income Home Energy Assistance Act), unless an agreement to the contrary has been executed between the department and the tribal organization; or
  - (2) resides in a crisis center, hotel, motel, tent, or other shelter normally intended for temporary occupancy, and
    - (A) has resided there for less than 60 consecutive days before the date of signature on the completed application; and
    - (B) is not seeking a utility deposit under (a)(1)(B) of this section;
  - (3) resides (A) in a (i) hospital, nursing home, Alaska Pioneers' Home, or other public or private institution to receive treatment for a mental or physical illness; (ii) student dormitory; or (iii) correctional facility; or (B) on a military base; or
  - (4) resides in subsidized rental housing and has no direct home heating costs.

- (c) The department will calculate the household's gross monthly income by counting total cash receipts before taxes, earned and unearned, derived from any source by any member of the household in the calendar month before the date of signature on the completed application. The department will prorate income from self-employed occupations and seasonal employment during the 12-month period before the date of signature on the completed application over a 12-month period to determine the household's gross monthly income.

### **7 AAC 44.240. Verification**

- (a) An applicant shall, upon request, provide the department with verification of income and any other information contained in the application. An applicant shall provide verification acceptable to the department through a wage stub, profit-and-loss statement, award letter, or other documentary evidence, or, if documentary evidence is not available, through correspondence from village council members, staff members of social service agencies, fee agents, or other third parties, if they are disinterested and unrelated.
- (b) If each household member listed on an application for heating assistance is a recipient of a public assistance program administered by the department under [AS 47](#), and if the department considers income information submitted to establish eligibility and benefits under that program to be current, valid, verified, and available for review, the department will use that previously submitted income information for purposes determining eligibility and benefits for heating assistance.
- (c) If not all of a household's members are recipients of public assistance programs administered by the department under [AS 47](#), the applicant must provide verification of income for those members who are not recipients.

### **7 AAC 44.250. Exempt income**

When determining heating assistance program eligibility or a payment amount, the department will not include as part of a household's gross monthly income the following:

- (1) payments received under [AS 47.45.301](#) - 47.45.309 (senior benefits payment program);
- (2) payments received under 43 U.S.C. 1601 - 1629h (Alaska Native Claims Settlement Act);
- (3) payments received under [AS 43.23](#) (Alaska permanent fund dividend program);
- (4) repealed 10/1/2009;
- (5) wages received by a full-time student under 18 years of age who is not the head of household;
- (6) payments received for reimbursement of expenses incurred in connection with employment, such as travel, mileage, training, or per diem reimbursement;
- (7) payments received for reimbursement of medical expenses;
- (8) payments for jury duty issued directly to the employer;
- (9) food or rent in lieu of wages;

- (10) non-cash or in-kind income;
- (11) money received from an educational, personal, commercial, or other loan for which the borrower has an obligation to repay;
- (12) money received from student study grants;
- (13) supportive service payments for work activities under [7 AAC 45.415\(a\)](#), and unearned income generated from participation as a trainee under 29 U.S.C. 2801 - 2945 (secs. 101 - 195 of the Workforce Investment Act of 1998);
- (14) payments received under 42 U.S.C. 5044 for support services or reimbursement of out-of-pocket expenses, such as lunches or transportation, made to an individual serving as a volunteer in a domestic volunteer service program under 42 U.S.C. 4951 - 5024;
- (15) payments made to, or on behalf of, a household member by the division of vocational rehabilitation, Department of Labor and Workforce Development, for purposes related to training programs in which the individual is enrolled;
- (16) cash gifts that do not exceed a total of \$20 per month per individual in the household;
- (17) federal income tax refunds or earned income tax credits;
- (18) payments received under [7 AAC 38.030](#) (general relief assistance);
- (19) income specifically excluded by federal law;
- (20) payments received from a program funded by the senior community service employment program under 20 C.F.R., Part 641.

#### **7 AAC 44.260. Manner of payment**

- (a) The department may pay the applicant's vendor directly an amount determined under [7 AAC 44.340](#)
  - (1) by establishing a line of credit for the amount; or
  - (2) by making a cash advance for the amount.
- (b) The department may pay the applicant directly if
  - (1) the household pays rent and pays home heating and electricity costs indirectly through rental payments; or
  - (2) the vendor has not executed an agreement under [7 AAC 44.300](#).
- (c) The department may pay a portion of the amount to the applicant's home electricity vendor and the remainder to the applicant if the household pays home heating costs indirectly through rental payments but pays directly for home electricity.
- (d) After May 15 and before September 1 of each year, the department may distribute to an applicant any unexpended amounts credited to that applicant's account under (a) of this section

#### **7 AAC 44.270. Use of heating assistance payments**

- (a) A heating assistance payment may only be used for

- (1) the purchase of fuel oil, kerosene, propane, natural gas, electricity, wood, coal, or other petroleum products used for home heating, lighting, or cooking in the household's dwelling;
  - (2) gasoline and two-cycle oil for a snowmachine or chain saw used to harvest and transport wood if the household cuts its own wood for home heating and self-harvested wood is the household's primary heating source; or
  - (3) payment of incidental charges, including deposits, delivery charges, connection fees, and late-payment charges associated with purchase or delivery.
- (b) A heating assistance payment may not be used for any purpose not described in (a) of this section. A household or vendor may not sell or barter heating fuel purchased with a heating assistance payment under this section.
- (c) A household paying home heating costs indirectly through rent or lease payments shall apply the heating assistance payment toward those rent or lease payments.

### **7 AAC 44.290. Subsidized rental housing utility deposit**

(a) The department will award heating assistance for the minimum amount needed to establish natural gas and electric utility service required to participate in subsidized rental housing if

- (1) the housing program will fully subsidize the household's home heating costs;
- (2) the applicant has requested a subsidized rental housing utility deposit;
- (3) the household has not received a payment under this chapter within 180 days of the request for a subsidized rental housing utility deposit;
- (4) the department has verified the application as required by [7 AAC 44.240](#); and
- (5) the amount of the heating assistance, up to a maximum of \$500, is sufficient to establish utility service.

(b) The department will not award heating assistance under this section more than once to a household in a 24-month period.

### **7 AAC 44.300. Vendor agreement**

A vendor must sign an agreement with the department, which includes the following conditions, for the vendor to be a recipient of heating assistance payments in the manner described in [7 AAC 44.260](#):

- (1) the vendor shall reduce, in the normal billing process, the outstanding indebtedness of the household by the amount of payment; if the outstanding indebtedness exceeds the amount paid, the amount paid will be applied to the oldest portion of the household's indebtedness;
- (2) the vendor may not discriminate against a household receiving heating assistance in the cost of goods, conditions of sale, or services provided;
- (3) the vendor shall avert disconnection of service, reconnect discontinued service, or deliver fuel upon notification from the department that a household is entitled to receive heating assistance, unless to do so would violate a tariff of the Regulatory Commission of Alaska;

- (4) if the vendor is receiving payment under [7 AAC 44.260\(a\)\(1\)](#), the vendor shall first submit a bill for services to the department;
- (5) if the vendor receives payment under [7 AAC 44.260\(a\)\(2\)](#), the vendor shall submit proof to the department that each payment is credited to the household; a refund of any remaining heating assistance must be made to the household or to the department for delivery to the household if
  - (A) the household closes its account with the vendor; or
  - (B) the applicant dies and no surviving household member continues to use the account.

### **7 AAC 44.310. Opportunity for hearing**

An opportunity for a hearing will be granted to an applicant who requests a hearing within 30 days after mailing of the notice described in [7 AAC 44.220\(c\)](#) and whose

- (1) request for assistance is denied;
- (2) completed application was not acted upon within the time set out in [7 AAC 44.220](#); or
- (3) amount of heating assistance was modified by the department for a reason other than a change in the benefit rate under [7 AAC 44.340\(m\)](#) or the limitation set by the total heating cost points set in [7 AAC 44.340\(n\)](#) that is a result of year-to-year program changes applying to all applicants.

### **7 AAC 44.340. Amount of assistance**

- (a) The department has assigned heating cost points to each community in the state, based upon the community's annual fuel cost and climatic conditions. These points are listed in Appendix A at the end of this chapter.
- (b) If the household uses natural gas and another fuel type for heat, the department will use the community heating cost points for natural gas in Appendix A.
- (c) If the household uses self-harvested wood or coal for heat, the department will use the community heating cost points for oil in Appendix A multiplied by 0.5.
- (d) If the household uses purchased wood or coal for heat, the department will use the community heating cost points for oil in Appendix A multiplied by 0.8.
- (e) If the household uses purchased wood pellets for heat, the department will use the community heating cost points for oil in Appendix A multiplied by 0.9.
- (f) If a household uses electricity, steam, hot water, or propane for heat, the department will use the community heating cost points for oil in Appendix A.
- (g) The department will multiply the community heating cost points determined under (a) - (f) of this section by the first one of the following factors that describes the household's dwelling. If more than one factor applies, the department will use the factor listed first:

- (1) the factor of 1.4 if the household resides in a mobile home with heated living space of 980 square feet or more;
  - (2) the factor of 0.4 if the household resides in a travel trailer or mobile home less than 35 feet in length, or in a recreational vehicle, tent, or pickup camper;
  - (3) the factor of 0.15 if the household resides in a one-room dwelling such as a studio apartment, hotel, or boarding home;
  - (4) the factor of 0.35 if the household resides on a boat;
  - (5) the factor of 0.55 if the household resides in a one-bedroom dwelling, or a one-room house or cabin without bedrooms;
  - (6) the factor of 1.3 if the household resides in a three-or-more-bedroom single-family, duplex, or triplex home;
  - (7) the factor of 0.7 if the household resides in a two-bedroom unit in an apartment building of four or more attached units;
  - (8) the factor of 1.0 if the household resides in a two-bedroom single-family home.
- (h) If the household resides in a single dwelling with one or more other households, the heating cost points determined under (a) - (g) of this section are reduced to the household's proportionate share of the home heating expenses.
- (i) The department will assign each household the following percentage of heating cost points determined under (a) - (h) of this section, based on the household's gross monthly income and family size, expressed as a percentage of the Alaska poverty level:
- (1) 40 percent of points if the household's gross monthly income is more than 150 percent of the Alaska poverty level but no more than 175 percent of the Alaska poverty level;
  - (2) 30 percent of points if the household's gross monthly income is more than 175 percent but no more than 200 percent of the Alaska poverty level;
  - (3) 20 percent of points if the household's gross monthly income is more than 200 percent but no more than 225 percent of the Alaska poverty level;
  - (4) 10 percent of points if the household's gross monthly income is more than 225 percent, but no more than 250 percent of the Alaska poverty level; a household that has a gross monthly income of more than 225 percent, but no more than 250 percent of the Alaska poverty level is only eligible under this paragraph if the average price of oil under [AS 47.25.623\(c\)](#) is more than \$150 a barrel.
- (j) If the household's gross monthly income exceeds the maximum allowable Alaska poverty level, the household is not eligible for assistance under [7 AAC 44.200](#) - [7 AAC 44.350](#).
- (k) The department will add one point to the heating cost points determined under (a) - (i) of this section if the household includes one or more members 60 years of age or older, legally disabled, or under six years of age.
- (l) Households with heating cost points determined under (a) - (k) of this section to be less than 2.0 are not eligible.

- (m) The department will round the total heating cost points computed in (a) - (k) of this section to the nearest whole number and multiply by the benefit rate to determine the amount of the household heating assistance. The department will establish the benefit rate annually based upon
- (1) anticipated state money available for heating assistance;
  - (2) the anticipated number of households to be served in this state;
  - (3) anticipated total household heating costs points calculated in accordance with this section; and
  - (4) dollar values per point as set out in [AS 47.25.623\(c\)](#).
- (n) The total heating cost points determined under (m) of this section may not exceed 35 points.
- (o) If the household meets the conditions set out in this subsection, the department may reduce the amount of heating assistance available under (m) and (n) of this section by the amount of the unpaid balance that the household owes the department for previously awarded heating assistance to which the household was not entitled. The department will use this method of recoupment of overpayments only if the household has not responded to the department's request for repayment or the household defaults on its repayment agreement.
- (p) Notwithstanding (a) - (o) of this section, heating assistance is subject to the availability of state money appropriated each year. If insufficient money is appropriated, each applicant that is a household with a gross monthly income that is no more than 225 percent of the Alaska poverty level will be served on a first-come, first-served basis subject to the availability of money for benefits. If the department determines, after the close of the application period set out in [7 AAC 44.210\(c\)](#), that available money exceeds the total amount that can be expended, the department may distribute all or part of the surplus on a pro rata basis to households that have been determined eligible to receive assistance under this section.

### **7 AAC 44.350. Time frame for assistance payments**

- (a) The heating assistance program begins awarding payments under [7 AAC 44.210](#) on November 1 of each year.
- (b) Expedited eligibility determination and assistance payment awards under [7 AAC 44.220\(d\)](#) begin on November 1 of each year and run through April 30 of the following year.
- (c) If a disaster occurs in an area where the household is located, the department may begin issuing heating assistance payments before November 1 if the governor has issued a disaster proclamation and the disaster has increased the need for heating assistance to the household.
- (d) The department will make the payment of subsidized rental housing utility deposits, under [7 AAC 44.290](#) throughout the year.

**7 AAC 44.360. Regional heating assistance program** Repealed.

Article 3  
**General Provisions**

**7 AAC 44.900. Definitions**

In this chapter, unless the context requires otherwise,

(1) "applicant" means an individual who has submitted to the department an identifiable application for heating assistance for the individual's household and who represents the household;

(2) "Alaska poverty level" means the level set out in the federal poverty guidelines for Alaska established annually by the United States Department of Health and Human Services at 73 Fed. Reg. 3971 - 3972 (January 23, 2008), as amended from time to time, and adopted by reference;

(3) "completed application" means an application, on a form authorized by the department, that contains the applicant's name, mailing and physical address, and signature or witnessed mark, as well as the information requested by the department to determine eligibility;

(4) "department" means the Department of Health and Social Services;

(5) "fee agent" means a department-paid volunteer who is authorized by the department to conduct face-to-face interviews with applicants and assist applicants in completing applications and related forms;

(6) "fully subsidize" means regular monthly financial assistance provided by a government, housing authority, or non-profit entity, that covers that annual cost to within \$200;

(7) "heating assistance" means financial assistance awarded under this chapter;

(8) "home heating costs" means an amount that the household pays for its own home heating needs either directly, or indirectly through rent;

(9) "household" means an individual or a group of individuals who are living together as one economic unit and for whom residential heating is customarily purchased in common, or who make undesignated payments for heat in the form of rent;

(10) "seasonal employment" means employment with a regular work season of 11 months or less that is compensated on a salary basis;

(11) "self-employed occupations" means occupations in which an individual receives income from the production or sale of goods or services as determined under 7 AAC 45.445;

(12) "shelter costs" means the total for the household of (A) the regular monthly rent or mortgage obligation for the shelter that the household occupies; (B) the cost of 30 days of heating fuel or the amount of the natural gas utility bill; and (C) the amount of the electric bill;

(13) "subsidized housing" means housing subsidized by a government, housing authority, or non-profit entity, in which tenants pay only a set portion of their adjusted monthly income for rent or home heat;

(14) "vendor" means an individual, business, or private or public agency that sells home heating related energy;

(15) "verification" means documentation or third-party information that establishes the accuracy of statements on the application;

(16) "United States citizen" means a citizen of one of the 50 states, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, or a United States national, including a national from American Samoa or Swain's Island;

(17) "adult" means an individual 18 years of age or older;

(18) "dwelling" means the physical structure that the household has identified on the heating assistance application as the sole physical structure for which heating assistance is requested;

(19) "emancipated minor" means an individual under 18 years of age who has been declared emancipated by the superior court of this state under [AS 09.55.590](#), or by a court of another jurisdiction under procedures granting the individual the equivalent status;

(20) "heating assistance season" means the annual period that begins September 1 and runs through April 30 of the following year during which applications for heating assistance are accepted by the department;

(21) "identifiable application" means a written request for heating assistance under [7 AAC 44.010](#) - [7 AAC 44.090](#) or [7 AAC 44.200](#) - [7 AAC 44.350](#) that is submitted by an individual who the department is able to clearly identify.