

**SUBCHAPTER 71V - LOW INCOME ENERGY ASSISTANCE PROGRAM**

**10A NCAC 71V .0101 FUNDING**

*History Note: Authority G.S. 143B-153;  
Eff. November 19, 1980;  
Repealed Eff. July 1, 2012.*

**10A NCAC 71V .0102 GROUPS COVERED**

*History Note: Authority G.S. 143B-153;  
Eff. November 19, 1980;  
Amended Eff. October 19, 1981;  
Repealed Eff. October 1, 2021.*

**10A NCAC 71V .0103 ELIGIBILITY REQUIREMENTS**

A household must meet the following requirements to be eligible for the Low Income Energy Assistance Program:

- (1) The North Carolina Department of Health and Human Services (DHHS) determines the maximum eligibility requirements in accordance with this Rule on an annual basis, not to exceed 130 percent of the federal poverty level. DHHS shall consider the economic status of the state of North Carolina and availability of funding in determining the annual income eligibility criteria. The income eligibility criteria shall be included in each annual block grant application that is submitted for public review and approved by the Governor prior to submission to the United States Department of Health and Human Services (HHS) for approval. The income eligibility criteria shall be posted on the DHHS website within 10 business days of application approval by federal HHS. Income shall be defined as gross income less:
  - (a) the standard medical deduction of eighty five dollars (\$85.00) for each specified person. A specified person is an individual 60 years of age or older, or one of the following:
    - (i) A person who receives SSI or disability or blindness payments under Titles I, II, XIV or XVI of the Social Security Act; these individuals may have been approved but may have not received their initial payment;
    - (ii) A person who receives VA disability benefits for a 100 percent service or non-service connected disability;
    - (iii) A person who is a disabled surviving spouse or disabled surviving child of a Veteran;
    - (iv) A person who receives disability retirement benefits from a State, county, or local government agency due to a disability considered permanent under Section 221 of the Social Security Act;
    - (v) A person who is receiving a pension from the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare;
    - (vi) A person who receives Federal Employees Compensation Act payments due to a disability considered permanent under the Social Security Act;
    - (vii) A person who receives Medicaid due to a qualifying disability; or
    - (viii) A person who receives SSI based on presumptive eligibility.
  - (b) a deduction of the actual out of pocket child or dependent care costs paid by the household; and
  - (c) a standard deduction for work related expense as set forth in the below table:

Gross Income Level	Standard Deduction
\$1-50	\$10
\$51-100	\$20
\$101-150	\$30
\$151-200	\$40
\$201-300	\$60

\$310-400	\$80
\$401-UP	20%

Earned and unearned income shall be counted or excluded as mandated by federal laws and administrative rules in Subchapter 10A NCAC 71U that govern the Food and Nutrition Services Program.

- (2) Assets: A household shall not have assets exceeding two thousand, two hundred and fifty dollars (\$2,250). All assets shall be counted except:
- (a) Household or personal belongings (including essential and non-essential personal property);
  - (b) Vehicles;
  - (c) Primary residence (including mobile home) and all contiguous property;
  - (d) Income producing real property;
  - (e) Insurance (including burial, term and whole life cash values);
  - (f) Value of prepaid burial contracts;
  - (g) Value of burial plots;
  - (h) Savings of a student under age 18 who is saving their money for school expenses;
  - (i) Relocation assistance payments;
  - (j) That portion of monthly income deposited in a checking or savings account to meet monthly needs;
  - (k) Non-salable life estate or remainder interests;
  - (l) Heir property;
  - (m) HUD community development block grants; and
  - (n) Any of a lump sum payment for the month received or the following month.
- (3) A household shall be vulnerable to rising costs of energy. A household that is vulnerable to rising costs of energy is one that is not protected against such increases under any other program of assistance.
- (4) As a condition of eligibility, United States citizenship for Low Income Energy Assistance Program shall be governed by the procedures set forth in 10A NCAC 71W .0403.

*History Note:* Authority G.S. 108A-25; 108A-25.4; 143B-153; 42 U.S.C. 8621(a); 8624(b); 7 CFR 233.50; Eff. November 19, 1980; Amended Eff. September 1, 1991; October 1, 1990; March 1, 1990; August 1, 1985; Readopted Eff. October 1, 2021.

**10A NCAC 71V .0104 BENEFIT LEVELS**  
**10A NCAC 71V .0105 METHOD OF PAYMENT**  
**10A NCAC 71V .0106 DUPLICATE PAYMENTS AND OVERPAYMENTS**

*History Note:* Authority G.S. 108A-25; 108A-25.4; 143B-153; 42 U.S.C. 8624(b)(7); Eff. November 19, 1980; Amended Eff. September 1, 1982; October 19, 1981; Repealed Eff. October 1, 2021.

**10A NCAC 71V .0107 OVERPAYMENTS AND SUSPECTED FRAUD**

Instances of overpayments and suspected fraud for households participating in the Low Income Energy Assistance Program shall be governed by the procedures set forth for Correction of Overpayments in 10A NCAC 71W .0604 and Client Fraud and Intentional Program Violations in 10A NCAC 71W .0606.

*History Note:* Authority G.S. 108A-25; 180A-25.4; 143B-153; Eff. November 19, 1980; Amended Eff. August 1, 1985; Readopted Eff. October 1, 2021.

**10A NCAC 71V .0108 APPEALS**

*History Note:* Authority G.S. 108A-25; 143B-153;

*Eff. November 19, 1980;*  
*Amended Eff. October 1, 1983; October 19, 1981;*  
*Repealed Eff. October 1, 2021.*

## **SECTION .0200 – CRISIS INTERVENTION PROGRAM**

### **10A NCAC 71V .0201 ELIGIBILITY REQUIREMENTS**

A household must meet the following requirements to be eligible for the Crisis Intervention Program:

- (1) A household shall have income at or below 130 percent of the federal poverty income guidelines calculated in accordance with 10A NCAC 71V .0103.
- (2) A household shall be in a heating or cooling related crisis to be eligible for assistance. A household is in a crisis if it is experiencing or is in danger of experiencing a life threatening or health-related emergency and assistance is not available from any other source. An energy crisis means that a household is in danger of experiencing a disconnection with their primary heating or cooling source, or a household is presently without a heating or cooling source due to disconnection, inoperable equipment, or insufficient fuel.
- (3) As a condition of eligibility, United States citizenship for Crisis Intervention Program shall be governed by the procedures set forth in 10A NCAC 71W .0403.

*History Note: Authority G.S. 108A-25; 143B-153; 42 USC 8621(a); 8624(b); 7 CFR 233.50;*  
*Temporary Regulation Eff. November 24, 1981, for a period of 38 Days to Expire on January 1, 1982;*  
*Eff. January 1, 1982;*  
*Amended Eff. October 1, 1990; August 1, 1985;*  
*Temporary Amendment Eff. March 13, 2000;*  
*Amended Eff. April 1, 2001;*  
*Readopted Eff. October 1, 2021.*

### **10A NCAC 71V .0202 BENEFIT LEVELS**

### **10A NCAC 71V .0203 METHOD OF PAYMENT**

*History Note: Authority G.S. 108A-25; 143B-153; 150B-13;*  
*Temporary Regulation Eff. November 24, 1981, for a period of 38 Days to Expire on January 1, 1982;*  
*Eff. January 1, 1982;*  
*Amended Eff. March 1, 1992; August 1, 1985;*  
*Temporary Amendment Eff. March 13, 2000; August 24, 1998;*  
*Amended Eff. November 1, 2007; April 1, 2001; July 1, 2000;*  
*Repealed Eff. October 1, 2021.*

### **10A NCAC 71V .0204 OVERPAYMENTS AND SUSPECTED FRAUD**

Instances of overpayments or suspected fraud for households participating in the Crisis Intervention Program shall be governed by the procedures set forth for Correction of Overpayments in 10A NCAC 71W .0604 and Client Fraud and Intentional Program Violations in 10A NCAC 71W .0606.

*History Note: Authority G.S. 108A-25; 108A-25.4; 143B-153;*  
*Temporary Regulation Eff. November 24, 1981, for a period of 38 Days to Expire on January 1, 1982;*  
*Eff. January 1, 1982;*  
*Amended Eff. August 1, 1985;*  
*Readopted Eff. October 1, 2021.*

### **10A NCAC 71V .0205 APPEALS**

*History Note: Authority G.S. 143B-153; 150B-13;*  
*Temporary Regulation Eff. November 24, 1981, for a period of 38 Days to Expire on January 1, 1982;*  
*Eff. January 1, 1982;*  
*Repealed Eff. October 1, 2021.*

<b>10A NCAC 71V .0301</b>	<b>GROUPS COVERED</b>
<b>10A NCAC 71V .0302</b>	<b>ELIGIBILITY REQUIREMENTS</b>
<b>10A NCAC 71V .0303</b>	<b>BENEFIT LEVELS</b>
<b>10A NCAC 71V .0304</b>	<b>METHOD OF PAYMENT</b>
<b>10A NCAC 71V .0305</b>	<b>OVERPAYMENTS AND SUSPECTED FRAUD</b>
<b>10A NCAC 71V .0306</b>	<b>APPEALS</b>

*History Note:* Authority G.S. 108A-25; 143B-153;  
Emergency Adoption Eff. October 9, 2003;  
Temporary Adoption Eff. February 17, 2004;  
Temporary Adoption Expired February 28, 2004.