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**Rules of**  
**Department of Social Services**  
**Division 40—Family Support Division**  
**Chapter 19—Energy Assistance**

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**Title 13—DEPARTMENT OF  
SOCIAL SERVICES**

**Division 40—Family Support Division  
Chapter 19—Energy Assistance**

**13 CSR 40-19.010 Utilicare Program  
(Rescinded May 30, 2017)**

*AUTHORITY: section 207.022, RSMo 1994. Emergency rule filed Nov. 9, 1979, effective Nov. 19, 1979, expired Feb. 10, 1980. Original rule filed Nov. 9, 1979, effective Feb. 11, 1980. Emergency amendment filed Dec. 11, 1979, effective Dec. 21, 1979, expired Feb. 10, 1980. Amended: Filed Feb. 8, 1980, effective May 11, 1980. Emergency amendment filed Nov. 26, 1980, effective Dec. 6, 1980, expired March 11, 1981. Amended: Filed Nov. 26, 1980, effective March 12, 1981. Emergency amendment filed Nov. 19, 1981, effective Dec. 1, 1981, expired March 10, 1982. Amended: Filed Nov. 19, 1981, effective March 11, 1982. Emergency amendment filed Oct. 29, 1982, effective Nov. 15, 1982, expired Feb. 10, 1983. Amended: Filed Oct. 29, 1982, effective Feb. 11, 1983. Rescinded: Filed Sept. 21, 2016, effective May 30, 2017.*

**13 CSR 40-19.020 Low Income Home Energy Assistance Program (LIHEAP) and Utilicare**

*PURPOSE: This rule establishes the basic policies and procedures to determine eligibility and amount of benefits to be paid under Missouri's Utilicare and Low Income Home Energy Assistance Program (collectively known as "LIHEAP"). This program is designed to assist eligible, low income individuals, particularly those with the lowest income who pay a high proportion of household income for home energy, in meeting their immediate energy needs.*

(1) Scope: This rule establishes procedures for the implementation of the Low Income Home Energy Assistance Program and Utilicare, collectively referred to in this rule as "LIHEAP". This rule establishes the requirements governing the eligibility of households under the program, pursuant to 42 U.S.C. sections 8621-8630 and sections 660.100-660.136, RSMo.

(2) Definitions.

(A) "Applicant" shall be defined as the individual whose signature, or whose signature as written by the individual's guardian/conservator or power of attorney, is on the application.

(B) "Crisis" shall be defined as any of the

following:

1. The receipt of a termination or disconnect notice indicating a specific disconnect date;

2. The issuance of a final billing statement advising the account has been terminated;

3. A situation in which a propane tank is filled at less than twenty-percent (20%) capacity;

4. A situation in which the customer is a cash on delivery (COD) customer; or

5. A situation in which a pre-paid electric customer indicates their pre-paid usage is about to run out.

(C) "Disabled" shall be defined as an individual who is totally and permanently disabled or blind and is receiving one (1) or more of the following: Civil Service Disability, Medical Assistance, Railroad Retirement Disability Benefits, Social Security Disability Benefits, State Aid to the Blind, State Blind Pension, State Supplemental Payments, Supplemental Security Income Program, or Veterans Administration Disability Benefits.

(D) "Elderly" shall be defined as sixty-five (65) years of age or older to receive the LIHEAP income deduction, as established in section (3) of this rule, and sixty (60) years of age or older for federal reporting purposes, as required under 45 CFR section 96.82.

(E) "Fuel source" shall be defined as the fuel consumed in the operation of an appliance manufactured and used for the purpose of heating or cooling a household.

(F) "Home energy supplier" shall be defined as a public or private business engaged in the retail sale of home heating and cooling fuel, including public or private investor owned utilities, municipally owned utilities, rural electric cooperatives, and privately owned distributorships.

(G) "Household" shall be defined as an individual(s) living in private living quarters (a space with a private entrance) for which residential heat is purchased in common.

(H) "Income" shall be defined as monthly revenue obtained that is either earned or unearned.

(I) A "landlord household" shall be defined as a household in which the landlord sends the household a separate bill to cover the heating and cooling costs. Landlord households may receive both Energy Assistance (EA) and Energy Crisis Intervention Program (ECIP) benefits.

(J) "LIHEAP fiscal year" shall be defined as the federal fiscal year, October 1-September 30.

(K) "Live-in-attendant" shall be defined as an individual living in the household who receives wages to provide medical/child care

and who is not responsible for any household expenses. A relative, as defined in this rule, cannot be considered a live-in-attendant.

(L) "Roomer/boarder" shall be defined as an individual who pays a household for lodging and/or food expenses only, and who is not responsible for any other household expenses. A relative, as defined in this rule, cannot be considered a roomer/boarder.

(M) A "renter household" shall be defined as a household in which heating and/or cooling costs are included in the rent. Renter households may receive EA benefits, but cannot receive ECIP benefits.

(N) "Resources" shall be defined as any assets that are available to an individual, including, but not limited to, annuities, bonds, certificates of deposit, deposits in banks, savings and loan companies, credit unions, and other financial institutions, individual retirement accounts, Keogh's and deferred compensation plans, money markets, mutual funds, and stocks. Resources will be considered available unless documented by the institution holding the resources that they are restricted or inaccessible.

(O) "Participating home energy suppliers" shall be defined as suppliers that sign an agreement with the department.

(P) "Account" shall be defined as a customer account established with a home energy supplier for residential heating and cooling.

(Q) "Relative" shall be defined as an individual who is related to the household member as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, half-brother, or half-sister.

(R) "Address of record" shall be defined as the most recent mailing address that the applicant/participant provided to the division.

(3) Federal funds, pursuant to 42 U.S.C. sections 8621-8630, and state funds, pursuant to RSMo 660.100-660.136, may be expended for—

(A) Energy Assistance (EA), which provides a direct one (1) time lump sum payment of utility costs incurred for home heating by qualified Missouri residents continuing so long as funds remain available for this purpose. EA may include additional supplemental payments as determined necessary by the department; or

(B) The Energy Crisis Intervention Program (ECIP), which provides direct payment of utility costs incurred for home heating and cooling by qualified Missouri residents experiencing a crisis, as defined in this rule, so long as funds remain available for this purpose.



(4) Not more than one (1) LIHEAP qualified EA benefit will be paid for each qualified individual eligible household, with the exception of a possible additional supplemental payment, during any LIHEAP fiscal year.

(A) Only one (1) individual on a multiple named fuel bill account will be eligible to receive LIHEAP benefits.

(B) If the fuel bill account is in the name of an individual under the age of eighteen (18) and there is another household member that is age eighteen (18) or older, the account name must be changed to an adult household member's name. If the oldest individual in the household is under the age of eighteen (18), that individual may be considered the account holder only with division approval.

(5) ECIP benefits must not exceed the amount needed to resolve the energy crisis, up to the maximum amount of eight hundred dollars (\$800) for winter assistance for the months of November through May, and three hundred dollars (\$300) for summer assistance for the months of June through September, so long as funds remain available for this purpose.

(6) LIHEAP qualified households must meet all of the following criteria to be eligible for benefits under the program:

(A) All household members must be a citizen of the United States or be a legal permanent resident admitted to the United States for permanent residence status and a current resident of Missouri;

(B) Each household's resources may not exceed three thousand dollars (\$3,000);

(C) Each household must establish that they have an account in their name or meet the definition of a renter/landlord household, pursuant to this rule, and are incurring heating/cooling costs; and

(D) Each household must meet the specified income guidelines based on their household size, as established in section (14) of this rule.

1. Households with applicants or their spouses who are elderly or disabled shall be entitled to a one hundred dollar- (\$100-) deduction for medical expenses when determining income eligibility;

(E) All ineligible and eligible LIHEAP applicants will receive written notification by mail to the address of record. Applicants may choose to receive notification by electronic mail or text message, if the division has established a policy that gives applicants and/or participants this option. The notification shall advise them of their right to request a fair hearing regarding the decision made on their application. LIHEAP applicants can request a hearing for denial of their application, a lack

of timeliness, or as otherwise provided for in section 208.080, RSMo.

(7) A household meeting any of the following conditions will not be eligible to receive LIHEAP benefits:

(A) A household that is located outside the State of Missouri. This does not include a household that has a mailing address of another state, but that is physically located in Missouri;

(B) A household which resides in a professional, practical, or domiciliary nursing or boarding home and does not pay a home energy supplier or landlord directly for heating/cooling costs;

(C) A household which resides in a hotel, motel, dormitory, or temporary shelter, and does not pay a home energy supplier or landlord directly for heating/cooling costs;

(D) A household which resides in government subsidized housing, unless they are paying a home energy supplier or are billed by the landlord/housing authority for any out-of-pocket heating/cooling costs;

(E) A household in a transitional living situation that has its heating/cooling paid for by the Department of Mental Health;

(F) A household that has a credit balance with its fuel supplier that is in excess of five-hundred dollars (\$500), with the exception of households who pre-pay for their fuel;

(G) A household that cuts its own wood, when wood is the household's primary source of heating; and

(H) A household residing in a recreational vehicle (RV), travel trailer, tent, shed, or other dwelling residing at the same address as, and sharing the same meter or source of power with, a household that has already received EA in the current LIHEAP fiscal year. (One (1) Meter + One (1) Bill = One (1) Household).

(8) Individuals meeting any of the following conditions shall not be included in a LIHEAP household:

(A) Individuals that are not citizens of the United States or a legal permanent resident;

(B) Individuals that are not living in the home at the time of application, unless the individual(s) was temporarily out of their home due to service termination;

(C) Individuals that are incarcerated;

(D) Individuals defined as roomers, boarders, or live-in-attendants;

(E) Deceased individuals, unless determined eligible prior to their date of death, and surviving household members exist; and

(F) Individuals that have been approved in a Missouri EA case or individuals moving into a household that has previously received

EA in the current LIHEAP fiscal year at the same address. Eligibility will not be affected for individuals who have received LIHEAP benefits from another state in the same program year. Individuals that have been approved for EA in another household but require a new application due to change in address or supplier, may be eligible for ECIP only benefits as long as all other LIHEAP eligibility requirements have been met.

(9) Applicants shall use form EA-1 to apply for LIHEAP benefits. General application procedures for programs administered by the division are found in 13 CSR 40-2.010. For anything in this rule conflicting with the general application procedures in 13 CSR 40-2.010, this regulation controls for the application procedures for LIHEAP.

(A) The application form for LIHEAP benefits may be obtained by contacting the division or by accessing the department website ([www.dss.mo.gov](http://www.dss.mo.gov)).

(B) The applicant shall provide and attest to the following information when making an application for LIHEAP benefits:

1. Applicant's contact information, including a home address and a mailing address, if different from the home address;

2. Applicant's and all other household member's identifying information, including name, Social Security number, date of birth, relationship to applicant, and citizenship status;

3. Utility and household information, including whether or not the applicant owns or plans on buying his/her home, whether or not the home has been weatherized by the local weatherization program, whether or not the home is all electric, the primary/main form of energy and secondary/other form of energy, if any, used to heat the home, and energy supplier information including supplier name, city, name on the account, and account number;

4. Landlord information, if applicable, including whether the applicant has an account with an energy supplier in his/her landlord's name and is billed by the landlord, whether or not the applicant lives in subsidized housing and the heating and cooling costs are included in the rent, and the landlord's name, address, and phone number;

5. For each household member that received income from a job in the calendar month preceding the month in which the application is submitted to the division, include the member's name, employer name and address, how often the individual is paid, gross pay, current employment status, and provide all income documentation for that month on everyone in the household that works. This



documentation includes, but is not limited to, wages (regular pay), vacation, sick leave, bonuses, and tips;

6. If anyone in the household receives income from self-employment, the applicant must provide a copy of the most recent Federal Income Tax Form 1040, and any accompanying schedules and other relevant forms, for each household member who is self-employed;

7. If anyone in the household pays court ordered Child Support, provide the amount paid in the last month and the eight- (8-) digit Child Support Case Number;

8. Any and all income received by any household member from sources other than a job or business, including the amount received and how often; and

9. Any and all resources, as defined in this rule.

(C) By submitting information to the division, an applicant or household member is certifying that the information is true, accurate, and complete.

(D) Applicants must provide additional application documentation as requested by the division, pursuant to Chapter 208, RSMo.

(E) The division will begin accepting applications on October 1, and processing applications on November 1, for households that include members who are elderly or disabled, as defined in this rule. The division will begin accepting all other household applications on November 1, and will begin processing those applications starting on December 1. If an acceptance or processing date falls on a weekend or holiday, the division will begin accepting/processing applications on the following work day.

(F) The applicant and anyone acting on their behalf have a continuing obligation to notify the division if any information specified in the application changes within ten (10) days of the change. Failure to do so may result in an adverse effect on the account, including, but not limited to, termination of LIHEAP benefits.

(G) Any notices will be sent to the address of record, and service by first class mail to the last known address of record in the department’s system shall be good service for all notices for all purposes.

(10) Amounts paid by the department above the amount that the household was eligible to receive shall be an overpayment and may be collected as a debt due the state.

(11) In addition to any remedies authorized by law, the division may recover outstanding EA overpayments made in a prior year’s pro-

grams by deducting the overpayment from the current year’s EA benefit payment.

(12) Any LIHEAP eligible household whose home energy supplier does not participate in the program, or declines to provide service to the household, qualifies for a direct LIHEAP EA payment, to be paid to the applicant in an amount as determined under section (14) of this rule.

(13) A LIHEAP eligible renter household whose home heating costs are included as a part of their regular monthly rental charge will receive a one- (1-) time Energy Assistance (EA) direct cash payment equal to no more than eight percent (8%) of their annual rental charge not to exceed the maximum EA benefit payment.

(14) EA payments are determined by household size, income range, and fuel source, using metrics established by the division. Monthly Income Federal Poverty ranges are A: 0-25% of the Federal Poverty Level, as set by the U.S. Department of Health and Human Services each year, B: 26-50%, C: 51-75%, D: 76-100%, E: 101-125% and F: 126-135%.

**Payment Levels for Missouri  
Primary Fuel  
Monthly Income Federal Poverty Level**

<b>Fuel Type</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Natural Gas	\$296	\$278	\$259	\$240	\$221	\$203
Tank Propane	\$450	\$413	\$375	\$338	\$300	\$263
Electric	\$289	\$270	\$251	\$233	\$214	\$195
Fuel Oil	\$296	\$278	\$259	\$240	\$221	\$203
Wood	\$199	\$180	\$161	\$143	\$124	\$105
Kerosene	\$139	\$120	\$101	\$ 83	\$ 64	\$ 45
Cylinder Propane	\$161	\$143	\$124	\$105	\$ 86	\$ 68



*AUTHORITY:* section 207.022, RSMo 2016.\*  
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\*Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993.

### **13 CSR 40-19.030 Summer Electric Utility Service**

(Rescinded May 30, 2017)

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