

LEGISLATIVE SUMMARY SHEET

Tracking No. 0051-21

DATE: March 19, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING HEHSCD-042-13, POLICY MANUAL FOR LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

PURPOSE: This resolution, if adopted, would amend HEHSCD-042-13, Policy Manual For Low Income Home Energy Assistance Program.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

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Health Education & Human Services Committee

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0051-21

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING
HEHSCD-042-13, POLICY MANUAL FOR LOW INCOME HOME ENERGY
ASSISTANCE PROGRAM

BE IT ENACTED:

SECTION ONE. AUTHORITY

The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400(A). Among various responsibilities, it serves as oversight authority for the Navajo Nation Division of Social Services. 2 N.N.C. § 401(C)(1).

SECTION TWO. FINDINGS

A. The Navajo Nation Division of Social Services is proposing amendments to the Policy Manual for the Low Income Home Energy Assistance Program. See attached Exhibit A-1.

1 B. The Navajo Nation Department of Justice has reviewed the proposed amendments to
2 the Policy Manual for the Low Income Home Energy Assistance Program. See attached
3 Exhibit B

4 C. The Policy Manual was approved by HEHSCD-042-13. See attached Exhibit C.
5

6 **SECTION THREE. APPROVING AMENDMENTS TO HEHSCD-042-13 AND**
7 **THE POLICY MANUAL FOR LOW INCOME HOME ENERGY ASSISTANCE**

8 A. The Health, Education and Human Services Committee of the Navajo Nation Council
9 hereby amends HEHSCD-042-13 and the Policy Manual for Low Income Home Energy
10 Assistance program as provided in Exhibit A-1 attached hereto.

11 B. The Navajo Nation Division of Social Services shall ensure compliance with the
12 Navajo Nation Privacy Act, 2 N.N.C. § 81 *et seq*, in providing services under the Policy
13 Manual for the Low Income Home Energy Assistance program.
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NAVAJO NATION PROGRAM FOR SELF-RELIANCE NNDSS NAVAJO FAMILY ASSISTANCE SERVICES
LOW INCOME HOME ENERGY ASSISTANCE (LIHEAP) POLICY MANUAL

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EXHIBITS: ATTACHMENTS:

- A. Legislative Approval: Resolution of the Health, Education and Human Services
Committee of the Navajo Nation Council
- B. Navajo Nation Privacy and Access to Information Act

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SECTION 100: GENERAL INFORMATION**101 INTRODUCTION**

The Low Income Home Energy Assistance Program (LIHEAP) is authorized by Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, as amended. The Administration for Children and Families (~~ACF~~) within the U.S. Department of Health and Human Services administers LIHEAP at the federal level.

102 PURPOSE

The purpose of LIHEAP is "to assist low income households, particularly those with the lowest income, that pay a high proportion of household income for home energy, primarily in meeting their immediate home energy needs."

LIHEAP assistance is provided to help eligible households pay the cost of heating their Primary dwelling, cooling their Primary dwelling, or weatherizing their Primary dwelling to make it more energy efficient. The amount of LIHEAP assistance provided is determined based on the household's gross countable income and type of assistance provided.

103 CUSTOMER RIGHTS

1. Every Customer has a right to:

- a. Be treated with respect and dignity.
- b. ♦Have their privacy recognized and respected including protection of any information that identifies a particular Customer and his/her household members.
- c. ♦Not be discriminated against in the delivery of services based on religion, sex, age, mental or physical disability, sexual orientation, genetic information, housing type, or source of payment

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- d. Have services provided in a timely and culturally appropriate manner with consideration for Customers with limited English proficiency or reading skills and those with diverse cultural backgrounds.
 - e. ~~•Be advised of their appeal rights and provided information on how to file an appeal regarding complaints or grievance procedures and how to obtain prompt resolution of their issues and concerns.~~
 - f. ~~•Have access to his/her case file in accordance with Navajo Nation law and applicable Federal law.~~
 - g. ~~•A Customer who is not satisfied with the services they received at a NNPSR office, or believe their rights have been violated, may file a formal written complaint in accordance with Section 406, Grievance.~~
2. In the event a customer determines that their above-mentioned rights were violated, the customer has a right to file a formal complaint with the Navajo Family Assistance Services (NFAS) Special Program Project Specialist in accordance with Section 406.

104**CUSTOMER RESPONSIBILITIES****A. Every Customer has a responsibility to:**

- 1. Provide accurate and complete information about their present conditions, previous services and other information relating to his/her situation.
- 2. Cooperate with NFAS NNPSR in the determination of their eligibility and the monitoring of their on-going eligibility, including investigations.
- 3. Comply with all scheduled appointments, including arriving on time, or contacting the NFAS NNPSR staff to reschedule appointments.
- 4. ~~Attend a LIHEAP Orientation Session prior to applying for LIHEAP assistance.~~
- 4. Utilize the LIHEAP assistance received only for home heating/cooling and weatherization related expenses.
- 5. Not sell or give away wood, coal, pellets, wood/coal stove, cooling unit,

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furnace or weatherization materials and supplies purchased with LIHEAP assistance funds.

6. Submit original, itemized receipts within ~~thirty (30)~~ sixty (60) working days after receiving a LIHEAP assistance payment to verify assistance was utilized for home heating/cooling and weatherization related expenses.
 7. Pay the balance of home heating/cooling related expenses which are not covered by the LIHEAP assistance.
 8. Report any incidents where they are not treated fairly or ethically by a LIHEAP vendor.
 9. Respect the rights and property of others, including ~~NNPSR~~ NFAS staff and property.
 10. Refrain from verbal/physical abusive conduct toward ~~NNPSR~~ NFAS staff.
- B. Customers who do not comply with one or more of the above responsibilities will be subject to having their application denied; being responsible for reimbursing the Navajo Nation for any overpayments which occur; or being disqualified for a specified period,
1. When a determination is made by the ~~NNPSR~~ NFAS that a Customer committed an Intentional Program Violation, the Customer and all members of their benefit group shall be ineligible to receive LIHEAP assistance in accordance with the following:
 - a. First Offense: One (1) Year
 - b. Second Offense: Two (2) Years
 - c. Third Offense: Permanent
 2. An individual who physically assaults, or threatens the safety of, an ~~NNPSR~~ NFAS employee(s) shall be ineligible to receive LIHEAP assistance for a period of six (6) months for the first incident. A second incident shall result in permanent disqualification. The assault(s) and/or threat(s) must be substantiated by a police report(s).

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EMPLOYEE RESPONSIBILITIES**A. NNPSR NFAS employees have a responsibility to:**

1. Inform low-income households, particularly disabled and elderly ~~clients~~ Customers, about the eligibility determination process and application procedures for the LIHEAP program;
2. Assist Customers in completing the Application for Assistance and other necessary forms.
3. Uphold and protect the confidentiality of program Customers in accordance with the Navajo Nation Privacy Act and the NNPSR Department for Self Reliance (DSR) Professional and Ethical Standards of Employee Conduct.
4. Provide accurate and timely determination of eligibility for LIHEAP assistance.
5. Ensure that Customers understand program requirements and consequences for non-compliance.
6. Ensure that all Customers understand that, if they do not agree with a decision made regarding their application or assistance, they have the Right to Appeal the decision.
7. If necessary, verify information provided by the Customer.
8. Adhere to the NNPSR DSR Professional and Ethical Standards of Employee Conduct.

B. NNPSR NFAS employees who do not fulfill and/or adhere to the above responsibilities shall be subject to disciplinary action in accordance with the Navajo Nation Personnel Policies and Procedures.

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SECTION 200: INTAKE AND ELIGIBILITY DETERMINATION

201 PURPOSE

This section contains the policies related to intake and eligibility determination for ~~Low Income Home Energy Assistance Program (LIHEAP)~~ assistance.

202 APPLICATION

The ~~Low Income Home Energy Assistance Program (LIHEAP)~~ Application for Assistance shall be utilized to apply for LIHEAP assistance.

- A. ~~Individuals who want to apply for LIHEAP assistance must complete a LIHEAP Orientation session prior to submitting an application for LIHEAP assistance unless exempted. An Individual may apply for LIHEAP assistance by submitting a complete and signed LIHEAP Application for Assistance, in person, in exigent circumstances, NFAS will only accept applications through mail, email, or facsimile, to a local NFAS office or itinerant site.~~
- B. ~~Upon completing the Orientation session, an individual may apply for LIHEAP assistance by submitting a complete and signed LIHEAP Application for Assistance, in person, to a local NNPSR office, itinerant site or Orientation site.~~

203 ELIGIBILITY DETERMINATION

A decision shall be rendered on all applications for LIHEAP assistance, and written notification provided to the Customer, by no later than thirty (30) working days after the Registration Date, unless an exception applies.

- A. Upon receipt of a Complete Application, an eligibility determination interview should be scheduled and conducted by no later than twenty (20) working days from the Registration Date.
- B. Applications submitted by an individual referred for energy crisis

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intervention assistance shall be interviewed immediately.

- C. An applicant who is more than fifteen (15) minutes late for their scheduled interview will need to reschedule their appointment.
- D. An applicant may reschedule their interview appointment once, in accordance with established procedures.
- E. At the conclusion of the interview, if the Customer has not submitted all required verification documents, the Customer shall be given a LIHEAP Checklist which identifies the documents which need to be submitted in order to determine the Customer's eligibility for LIHEAP assistance.
- F. The established timeline may be extended by an additional fifteen (15) working days if a decision cannot be rendered by the end of the thirty (30) working day period due to a reason beyond the Customer's control (e.g. Energy audit is not completed within the thirty (30) working day period; delay in rendering an eligibility decision is caused by ~~NNPSR~~ NFAS, etc.)
- G. When a decision cannot be rendered by the established deadline, the Customer's application shall be denied.

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ELIGIBILITY CRITERIA

A household must meet Financial, Non-Financial, and, if applicable, Supplemental eligibility criteria in order to receive LIHEAP assistance.

A. Non-Financial Eligibility Criteria

1. Service Delivery Area

The household must have resided on the Navajo Nation, including Trust lands and the satellite communities of Alamo and Tóhajiilee for at least thirty (30) consecutive days at the time of application.

2. Native American Head-of-Household

~~The head of household must be an enrolled member of a federally recognized Indian tribe.~~

A Certificate of Indian blood/tribal identification to verify enrollment

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with a federally recognized Indian tribe will be required for all household members, except newborns under the age of three (3) months, to ensure that a household does not receive duplicative assistance.

3. Identification

A valid Driver License or identification card is required for the applicant to ensure that a household does not receive duplicative assistance.

4. Social Security Number

A Social Security Number, as verified by a Social Security Card, will be required for all household members, except newborns under the age of three (3) months, to ensure that a household does not receive duplicative assistance.

5. Household Assistance Limit

- a. A household is defined as: *Any individual or group of individuals who live together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.*
- b. A household shall be eligible to receive LIHEAP assistance only one time each Fiscal Year (FY).
- c. Receipt of home heating or cooling assistance from another entity (e.g. tribe, county, state, private, non-profit, etc.) will disqualify the household from receiving LIHEAP assistance during the same FY.

5. Orientation

~~Unless exempted, individuals who want to apply for LIHEAP assistance must complete a LIHEAP Orientation session prior to applying. The Orientation Session will provide information on the application process, program eligibility criteria, Customer responsibilities, and energy conservation/efficiency.~~

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6. Receipts for Prior Years Assistance

Households that received LIHEAP assistance in prior fiscal years must have submitted original, itemized receipts, or other acceptable types of documentation, which verified that the total amount of the LIHEAP assistance provided was utilized for home heating/cooling expenses. Otherwise, the amount not verified shall be considered an overpayment and the household shall be ineligible to receive LIHEAP assistance until such time that the overpayment amount is fully repaid.

B. Financial Eligibility Criteria

1. Gross Monthly Income

The household's Total Gross Countable Monthly Income shall not exceed one hundred-fifty percent (150%) of the current National Poverty Guidelines for the applicable household size. The following shall be considered in the Gross Countable Income Calculation:

a. Earned Income including, but not limited to:

- i. ♦Hourly wages, salaries, commissions, tips from employment.
- ii. ♦Contract employment where compensation is based on a defined Scope of Work.
- iii. ♦Seasonal employment (e.g. school employees with a nine (9) month contract, NAPI, Railroad, Construction workers, etc.).
- iv. ♦Stipend payments for performing a duty (e.g. Board/Commission membership, Chapter Official, jury duty, etc.), excluding reimbursement for mileage/meals in the performance of their duties.
- v. ♦Self-Employment Income.

b. Unearned Income includes, but not limited to:

- i. ♦TANF Assistance Payments.

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- ii. ♦General Assistance Payments.
- iii. ♦Supplemental Security Income (SSI) Payments.
- iv. ♦Child Support Payments.
- v. ♦Social Security Benefits - Retirement, Survivors, and Disability Insurance.
- vi. ♦Veteran's Benefits.
- vii. ♦Retirement Benefits including state, tribal, federal and railroad.
- viii. ♦Interest and dividends.
- ix. ♦Oil and gas and other mineral royalties.
- x. ♦Rental/lease of properties/land.
- xi. ♦Per capita payments derived from tribal owned trust or income producing enterprises, unless excluded by federal statute.
- xii. ♦Unemployment Insurance Compensation (UIC).
- xiii. ♦Workers' Compensation Benefits.
- xiv. ♦Allowances/stipend payments received to cover living expenses while participating in an educational or training program, excluding Workforce Investment Act (WIA) and Native Employment Works (NEW) programs.
- xv. ♦State Income Tax Refunds.
- xvi. ♦Vacation/Sick/Severance payments.
- xvii. ♦Net profit from sales of any vehicles or property.
- xviii. ♦Lottery and Gambling winnings.
- xix. ♦Insurance Settlements.

2. Disregarded Income

The following shall be disregarded in the determination of eligibility for LIHEAP assistance:

- a. Workforce Investment Act (WIA), Native Employment Works (NEW) or Job Corps payments of all types.

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- b. Educational grants, scholarships, student work study, student loans, and other awards from a recognized source to cover educational expenses.
- c. Supplemental assistance provided by a public or private agency to help the household meet an emergency situation (e.g. Emergency Assistance provided by a Chapter, Church, or Faith Based Organization; Red Cross Assistance; Burnout Assistance; etc.)
- d. Wages of dependent children eighteen (18) years or younger in the household who are full time students.
- e. The value of food produced in home farming for the household's consumption.
- f. Reimbursements for job related expenses, including reimbursement for travel, lodging, meals and etc.
- g. Value of supplemental food assistance received under the Child Nutrition Act, the National School Lunch Act and USDA Food Stamp Program.
- h. Cash value of USDA Commodities Food Assistance.
- i. Payments made under U.S. Housing Act – Annual Contributions Contract. HUD community development block grant funds and Escrow Accounts in the Family Self Sufficiency Program.
- j. Relocation assistance under the Housing Act, including payments made under Title II of the Uniform Relocation and Real Property Acquisition Policy, and the Navajo-Hopi Relocation Act (P.L. 93-531).
- k. Tax-exempt portions of payments made under the Alaska Native Claims Settlement Act.
- l. Agent Orange Settlements or payments made under the Radiation Exposure Compensations Act (RECA) for injuries or death resulting from nuclear testing or uranium mining.
- m. Benefits received under Title III and VI, Nutrition Program for the

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Elderly-Older Americans Act.

- n. Payments to public service volunteers; e.g. Foster Grandparent Program, Community Services Program, AmeriCorps, etc.
- o. Spina Bifida benefit payments made to children of Vietnam veterans who suffer disabilities from Spina Bifida (P.L. 104-204).
- p. In-Kind Contributions (A gift or donation in the form of cash or non- cash given voluntarily without requiring something in return).

C. Energy Crisis Intervention Supplemental Eligibility Criteria

1. Energy Crisis Intervention Program

A household that is experiencing an energy crisis, as defined at 302.D.2, may receive Energy Crisis Intervention Program assistance if they meet the following eligibility criteria.

- a. Meet financial and non-financial eligibility criteria;
- b. Have not received LIHEAP assistance during the current fiscal year;
- c. Provide written verification that the primary dwelling's primary source of heating/cooling is in the process of being disconnected, is depleted, nearing depletion, or needs to be repaired or replaced (e.g. written disconnect notice from utility vendor; statement of non-delivery or sale of fuel from fuel vendor due to lack of payment or inability to pay; written statement that the primary dwelling's furnace or stove is inoperable, etc.); ~~and A written referral or statement must be received from an individual or program who has determined that a crisis situation exists, including, but not limited to:~~
- d. ~~A written referral or statement must be received from an individual or program who has determined that a crisis situation exists, including but not limited to:~~

i. •Community Health Representative

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- ii. ♦Adult In-Home Care Provider
 - iii. ♦Social Worker
 - iv. ♦Medical Care Provider (Public Health, Physician, Nurse)
 - v. ♦School Liaison
 - vi. ♦Police Officer
 - vii. ♦Chapter Coordinators
2. ~~Households applying for Energy Crisis Intervention Assistance shall be exempt from the Orientation requirement. Payments to a Utility or Propane Company~~
- a. A Utility/Account Statement, which is in the Head-of-Household's name and is dated no more than thirty (30) calendar days prior to the date of application, must be submitted with the application.
 - b. Assistance shall not be provided to Customers who have a credit on their account with the Utility or Propane company.

205**INELIGIBILITY CRITERIA**

A household must meet all Financial, Non-Financial, and, if applicable, Supplemental eligibility criteria to be approved for assistance as provided by this LIHEAP Policy Manual. If a household meets one of the following factors, the household will be deemed ineligible for assistance.

- A. If a household is receiving comparable assistance from another state, tribe, or entity during the same fiscal year.
- B. If a households total Countable Income exceeds the current LIHEAP Benefit Matrix.
- C. If a household does not submit all required documents to meet all Financial, Non-Financial, and, if applicable, Supplemental eligibility criteria.

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SECTION 300: PROVISION OF ASSISTANCE

301 PURPOSE

This section establishes policies related to the provision of LIHEAP assistance.

302 TYPES OF ASSISTANCE

Based on availability of funds, eligible households may receive LIHEAP assistance for Home Heating, Home Cooling and Weatherization, one time for each assistance each fiscal year.

A. Home Heating

- ~~1.~~ For Customers whose primary heating source is provided by a utility/propane company, payment for their primary heating source.

- a. Electricity; or
- b. Natural Gas; or
- c. Propane

~~• Assistance will be provided only to Customer who have a one hundred (100) gallon or larger propane storage tank.~~

~~A Utility/Account Statement in the Head of Household's name and dated no more than thirty (30) calendar days prior to the date of application, must be submitted with the application.~~

~~**NOTE:** Assistance will not be provided to Customers who have a credit on their account with the Utility/Propane company.~~

- ~~2.~~ For Customers whose primary dwelling is heated by a coal/wood/pellet burning stove, purchase of the primary dwelling's primary heating source.

- a. Wood and/or Coal; or
- b. Pellets.

B. Home Cooling

Payment to a utility company for the electricity expense associated with cooling the Customer's primary dwelling. Home Cooling Assistance shall

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be available during the months of June, July, and August.

~~A Utility/Account Statement in the Head of Household's name and dated
no more than thirty (30) calendar days prior to the date of application,
must be submitted with the application.~~

~~**NOTE:** Assistance will not be provided to Customers who have a credit on
their account with the Utility/Propane company.~~

C. Weatherization

Eligible Customers requesting Weatherization assistance shall have an energy audit conducted on their primary dwelling prior to approval for Weatherization Assistance. The energy audit assessment report shall be utilized to determine if the primary dwelling meets established criteria for Weatherization assistance.

1. Primary dwellings which meet the criteria established for Weatherization Assistance may be approved for one of the following based on the energy audit conducted:

- a. Minor home repair or improvement to protect the Customer's primary dwelling and its interior from the elements (e.g. precipitation, wind, etc.), reduce energy consumption and optimize energy efficiency; or
- b. Repair or one-time replacement/purchase of the primary dwelling's primary heating or cooling unit (e.g. furnace, wood/coal burning stove, evaporative cooler or air conditioner), including cost of parts, necessary components (e.g. chimney kits, evaporative cooler pumps, etc.).

NOTE: For safety and liability reasons, wood/coal stoves shall not be purchased for mobile homes, travel trailers, or structures which are not designed or intended to be homes (e.g. storage sheds), unless a determination is made by an energy auditor that the installation of a wood/coal stove will not pose a safety risk.

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2. Weatherization Assistance for minor home repairs and improvements shall be provided only if the primary dwelling is structurally sound and has no health and safety concerns (e.g. mold, sanitation problems, pest/insect manifestation, malfunctioning combustion appliance, etc.).
3. Eligible households who do not own the primary dwelling they live in (e.g. renters) will be provided Weatherization Assistance only if the home owner authorizes, in writing, the minor home repair/improvement.
4. Weatherization Assistance shall be provided up the maximum amount allowed for the type of Weatherization Assistance being provided. The Customer will be responsible for paying any costs which exceed the maximum assistance amount. If the Customer is not able or willing to pay the difference between the cost of actual cost and the maximum amount allowed, the Customer shall be given the option to receive home heating or home cooling assistance.
5. Primary dwellings which do not meet the criteria for Weatherization Assistance shall be given the option to receive home heating or home cooling assistance.

D. Energy Crisis Intervention Program

1. A crisis must exist in order to provide Energy Crisis Intervention and the crisis must be clearly and fully documented.
2. Crisis is defined as: *A situation where the safety and well-being of a vulnerable household member (elderly, disabled or child under the age of six (6)) is at risk due to a home energy related reason (e.g. disconnection notice, depletion of heating source, inoperable furnace, unsafe stove, etc.), or due to a Declaration of Emergency issued by the federal, state, county or local government.*
3. In addition to the types of assistance identified under Home Heating, Home Cooling, and Weatherization, Energy Crisis Intervention

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assistance may include, but is not limited to, ~~the following:~~ blankets and cooling fans.

- ~~Blankets~~
- ~~Space heaters~~
- ~~Cooling Fans~~

4. Households determined eligible for Energy Crisis Intervention assistance shall be provided intervention services to address the crisis within forty-eight (48) hours after submission of an application for LIHEAP assistance; or within eighteen (18) hours in demonstrated life-threatening situations. The established timelines shall not apply during a declared federal, state, county or tribal emergency.

303**ASSISTANCE PRIORITIES**

- A. Eligible households shall be assisted on a first come, first served basis until such time that seventy-five percent (75%) of the amount budgeted for assistance is expended each fiscal year. Thereafter, priority shall be provided, in accordance with the following, to households which include at least one (1) vulnerable member.
- Priority 1: Elderly and Disabled
 - Priority 2: Elderly
 - Priority 3: Disabled
 - Priority 4: Age five (5) or younger
- B. Households which do not include a vulnerable household member shall be classified as Non-Priority.
- C. Verification must be provided that the household member meets the criteria for Vulnerable Individual.
- ~~D. G.~~ When the priority system is implemented, all payments for the highest priority level shall be processed before processing payments for the next priority level. If funds remain after assisting all of the priority levels, payments will be processed for Non-Priority households, on a first come,

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first served basis.

E. The applicant or any listed household member shall not be a resident of an institution, including, but not limited to:

1. ♦Hospitals
2. ♦Licensed Domiciliary Care Facilities (family care homes, homes for the aged and homes for developmentally disabled adults)
3. ♦Intermediate Care Facilities
4. ♦Skilled Nursing Facilities/Homes
5. ♦Alcohol and Drug Rehabilitation Centers or Treatment Programs
6. ♦Dormitories
7. ♦Temporary protective facilities (e.g. domestic violence shelters, etc.).
8. ♦Prisons

304 ASSISTANCE PAYMENT AMOUNT

The most current ~~NNPSR~~ NFAS LIHEAP Payment Matrix shall be utilized to determine the assistance amount to be provided to eligible households.

305 PAYMENT METHOD

Payments shall be made to vendors unless a justifiable reason exists to make the assistance payment to the Customer.

306 MONITORING/FOLLOW-UP

A. Payments to Vendors

1. For payments made to vendors and/or the applicant (utility companies, propane companies, wood/coal/pellet vendors, etc.), Customers must submit verification, within ~~thirty (30)~~ sixty (60) working days from the date the payment is issued, that the total amount of the assistance payment was utilized for home

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heating/cooling related expenses.

2. Acceptable verification documents include, but is not limited to:
 - a. Monthly statement showing a credit for the full amount of the assistance;
 - b. Receipt which verifies delivery/pick up of heating fuel and indicates the type and quantity of heating fuel delivered or picked up.
 - c. Receipt which verifies delivery/pick up of weatherization supplies and indicates the type and quantity of weatherization supplies delivered or picked up.

1. The Applicant shall be responsible for reimbursing the Navajo Nation for the full amount of the Overpayment and shall be ineligible to receive LIHEAP assistance for one year. The Applicant shall be ineligible until such time the full amount of the overpayment is repaid or receipts are received for the full amount of assistance verifying purchase off Wood/Coal and or pellets.

B. Purchase of Stoves/Cooling Unit/Furnace

1. Customers who are approved to receive a wood/coal stove, cooling unit (e.g. evaporative cooler), or furnace shall sign a LIHEAP Stove/Cooling Unit/Furnace Acknowledgement form to acknowledge that they understand:
 - a. the stove/cooling unit/furnace is being purchased for the Customer's primary dwelling;
 - b. the stove/cooling unit/furnace cannot be moved to another primary dwelling, sold or given away;
 - c. if they move, sell or give away the stove/cooling unit/furnace provided by the LIHEAP, the household shall be ineligible to receive LIHEAP assistance until they reimburse the LIHEAP for the cost of the stove/cooling unit/furnace; and

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- d. if applicable, for health and safety reasons, the stove/cooling unit/furnace being replaced will be removed and properly disposed of.
2. A follow-up shall be conducted three (3) to six (6) months after installation to verify the stove/cooling unit/furnace is not subsequently removed.
3. Customers who move the stove/cooling unit/furnace to another primary dwelling, sell the stove/cooling unit/furnace or give away the stove/cooling unit/furnace shall be ineligible to receive LIHEAP assistance until they reimburse the LIHEAP for the cost of the stove/cooling unit.

C. Payments to Customers

When a payment is made payable to a Customer, the Customer must submit original, itemized receipts, within ~~thirty (30)~~ sixty (60) working days from the date they receive the payment, which verify the assistance amount was utilized for home heating/cooling related expenses.

1. When a Customer does not submit original, itemized receipts within the established timeline, or provides original, itemized receipts for less than the amount of assistance provided, a Potential LIHEAP Overpayment referral shall be made to the Senior Program Project Specialist.
2. The ~~Local Office Supervisor~~ Senior Programs and Projects Specialist shall determine and certify the amount of any Overpayment that occurred.
3. Once Due Process has been provided, the Customer shall be responsible for reimbursing the Navajo Nation for the full amount of the Overpayment and shall be ineligible to receive LIHEAP assistance until such time the full amount of the overpayment is repaid.

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SECTION 400: CUSTOMER DUE PROCESS

401 PURPOSE

This section establishes policies related to Customer Due Process.

402 ADVANCE NOTIFICATION

- A. Customers must be provided written notification of any decision which affects their assistance.
- B. Customers shall be advised of their appeal rights and given ten (10) working days to appeal a decision they do not agree with.
- C. If the Customer does not submit a request for an Informal Fair Hearing within the established timeframe, the decision shall be considered official at the end of the tenth (10th) working day.

403 APPEALS

- A. A Customer may appeal a decision by submitting a request for an Informal Fair Hearing to the local ~~NNPSR~~ NFAS Office which issued the decision.
- B. The Customer's appeal must be received by the close of business on the last day of the ten (10) working day appeal period.
- C. The postmark date of the Decision Notice will be used to determine the ten (10) working day appeal period.

404 INFORMAL FAIR HEARING

- A. An Informal Fair Hearing shall be scheduled and conducted by no later than ten (10) working days from the date the appeal is received at the local ~~NNPSR~~ NFAS Office which issued the decision.
- B. If the Customer is not satisfied with the decision rendered at the conclusion of the Informal Fair Hearing, they may appeal the decision by submitting a Formal Hearing Request.

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405

FORMAL HEARING

- A. A Request for Formal Hearing must be received at the local NFAS office which issued the decision by no later than ten (10) working days after the postmark date of the Informal Fair Hearing Decision Notice
- B. A final decision of the Informal Fair Hearing must have occurred prior to a request for a Formal Hearing.

406

GRIEVANCE

- ~~A. The NFAS respects and advocates for Customers to be treated with respect and professional courtesy. A customer has the right to submit a written complain to express their dissatisfaction with the treatment they received from an NFAS employer to the Senior Programs and Project Specialist. The written complaint should include the following information:-~~
- ~~B. A Customer who is not satisfied with the services they received at a NNPSR local NFAS office, or believe their rights have been violated, may file a formal written complaint with the Senior Programs and Projects Specialist applicable Local Office Supervisor (LOS). The written complaint should include the following information:-~~
 - ~~1. An outline of which customer's rights as provided in Section 103 were violated.-~~
 - ~~2. An outline of the facts related to the alleged violation conducted by the local NFAS worker or office.-~~
 - ~~3. If applicable, attach any documents that support the facts.-~~
- ~~B. Upon review of the written complaint as provided in subsection A of this section, the LOS Senior Programs and Projects Specialist shall review and determine if the information is sufficient to make a determination. In the event the information in the written complaint is not sufficient, Senior Programs and Projects Specialist shall obtain clarification from the Customer. Once the written complaint has the adequate information, the Senior Programs and Projects Specialist shall be responsible for~~

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- ~~providing a written response to the Customer by no later than five (5) working days after the complaint is received.~~
- ~~B. A Customer's complaint must be filed with the LOS of the applicable NNPSR office prior to filing a complaint with the NNPSR Department Manager, unless their complaint is regarding the LOS.~~
- ~~C. Customer may file a formal written complaint with the NNPSR Department Manager if:~~
- ~~1. the Customer's complaint is regarding the LOS; or~~
 - ~~2. the Customer is not satisfied with the response provided by the LOS;~~
- ~~or~~
- ~~3. the LOS fails to provide a written response within five (5) working days after the complaint is received.~~
- ~~D. The NNPSR Department Manager shall provide a written response to the Customer by no later than ten (10) working days after receiving the complaint.~~
- ~~E. If the Customer is not satisfied with the response provided by the NNPSR Department Manager, the Customer may file a formal written complaint with the Executive Director of the Navajo Nation Division of Social Services (NNDSS). The NNDSS Executive Director's response shall be the final administrative remedy available to Customers.~~
- ~~C. The written decision of the Senior Programs and Projects Specialist shall be the final, with no further appeals.~~

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SECTION 500: INTERNAL CONTROLS

501 PURPOSE

This section establishes policies related to program internal controls to ensure compliance with the Federal, State and Tribal laws, and regulations.

502 INTERNAL REVIEWS

Random case reviews shall be conducted to assure accuracy and compliance with requirements of the Low Income Home Energy Assistance Act of 1981 and the Navajo Nation Low Income Home Energy Assistance Plan.

503 DATA COLLECTION AND REPORTING

Complete and accurate data shall be collected and reported to comply with Section 2605(c) (1) (G) of Public Law 97-35.

504 PROGRAM INTEGRITY

To protect the program's integrity and to deter fraud, waste and abuse, all potential internal and external fraudulent activities shall be investigated. In addition, all staff will be subject to background check and must obtain a Favorable result.

505 RECORDS MANAGEMENT

A case file shall be created and maintained, in accordance with applicable laws, regulations, and internal record procedures, for all Customers applying for LIHEAP assistance. ~~LIHEAP case files shall be maintained separate from case files for other types of assistance provided by the NNPSR.~~

506 PROFESSIONAL ETHICS AND STANDARDS

All NNPSR NFAS staff shall strictly adhere to the NNPSR DSR's Professional and Ethical Standards of Employee Conduct, Ethics in Government Law, and

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the Navajo Nation Privacy Act to uphold the integrity of the program and protect the confidentiality of program Customers.

507

IMPROPER PAYMENTS

All Potential Improper Payments (a payment that should not have been made or that was made in an incorrect amount) shall be handled in accordance with the DSR Improper Payment Procedures.

SECTION 600: GLOSSARY

601 PURPOSE

The purpose of this section is to define the words, terms and acronyms that are used in this Policy Manual. The terms or words used in this Manual may differ from the terms or words as used by the general public.

602 DEFINITIONS

Appeal: A request made by a ~~NNPSR~~ NFAS Customer to have someone other than the caseworker review or examine an adverse action on their application for LIHEAP assistance.

Applicant: An individual who submits an application to request LIHEAP assistance.

Application: The form, *Low Income Home Energy Assistance (LIHEAP) Application*, which is completed and submitted to apply for LIHEAP assistance.

Assistance: A payment provided to assist a household with home heating, home cooling or Weatherization related expenses.

Complete

Application: A *LIHEAP Application for Assistance* which is completed in full and signed.

Crisis: A situation where the safety and well-being of a vulnerable household member (elderly, disabled or child(ren) age 5 and under) is at risk due to a home energy related reason (e.g. disconnection notice, depletion of heating source,

inoperable furnace, unsafe stove, etc.) or due to a Declaration of Emergency issued by the federal, state, county or local government.

Customer: An individual applying for, or receiving, LIHEAP assistance.

Decision Notice: Written notification provided to a Customer explaining a decision made on their application for LIHEAP assistance.

Disabled: An individual with a permanent or temporary disability as verified by: a written medical statement from a licensed physician, or a licensed/certified psychologist; or an award letter from the Social Security Administration.

Due Process: A Customer's right to be provided written notification of a decision made on their application for assistance; be provided ten (10) working days from after the postmark date of the Informal Fair Hearing Decision Notice to appeal the decision before the decision is implemented; and be provided an opportunity to be heard (fair hearing).

Dwelling: A building or structure which is utilized as a residence by the household.

Elderly: An individual who is sixty (60) years of age or older.

Exemption: ~~Released or excused from having to comply with a program requirement (e.g. Orientation) due to a justifiable reason or special circumstances.~~

Fiscal Year:	The twelve-month period which begins on October 1 st and ends on September 30 th of the following calendar year.
Fraud:	Intentional false representation of facts through deceit, trickery, or omission that induces the Caseworker to approve benefits that the Customer was not entitled to receive.
Gross Income:	The total amount of earned or unearned income a person receives from all sources, before any deductions are made.
Head-of-Household:	The individual, age 18 or older, applying for LIHEAP assistance on behalf of a household.
Household:	Any individual or group of individuals who live together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.
Income:	The amount of money received from employment, child support payments, benefit payments, state tax refunds, property, winnings, and other sources.
Ineligible	A determination that an individual or household does not meet the eligibility requirements for LIHEAP assistance.
Informal Fair Hearing:	A meeting conducted in an informal setting with a Customer to attempt to resolve an issue, complaint, or appeal before

proceeding to a formal hearing.

Intentional Program

Violation: Intentionally committing one of the following acts for the purpose of establishing eligibility for LIHEAP assistance, or increasing or preventing a reduction in the amount of LIHEAP Assistance: Making a false or misleading statement; Misrepresenting, concealing or withholding facts; or Disposing of assets for the sole purpose of becoming or remaining eligible.

Lump-Sum: A windfall or retroactive payment given in one payment.

National Poverty

Guideline: The federal poverty measure, issued annually by the U.S. Department of Health and Human Services, which is used to determine financial eligibility for certain federal programs.

Payment

Matrix: The matrix utilized to determine the amount of LIHEAP assistance to be provided based on the household's heating source and the household's Total Gross Countable Income.

Primary

dwelling: A person's **primary** residence, or main residence is the **Primary dwelling** where they usually live, typically a house or an apartment. A person can only have one **primary** residence at any given time, though they may share the residence with other people.

Payment

Matrix: ~~The matrix utilized to determine the amount of LIHEAP assistance to be provided based on the household's heating source and the household's Total Gross Countable Income.~~

Registration

Date: The date that an application is accepted by the NNPSR NFAS local office.

Self

Employment: Income that is earned by a Customer for self-gain by working in one's own business, trade, or profession.

Service

Delivery Area: The geographic area and population to be served by the LIHEAP Program, as defined in the Navajo Nation's LIHEAP Policy Manual.

Valid: An original document which has not reached its expiration date.

Vendor: An individual, business or organization to whom a LIHEAP Assistance Payment is issued, on behalf of an eligible household, to provide home heating, home cooling, or weatherization related products and services.

Vulnerable

Individual: An individual who is elderly; disabled; or ~~under the age of~~ 6 five (5) years of age or younger.

Weatherization: Performing minor repairs to protect a Primary dwelling and its interior from the elements, particularly precipitation and wind; performing minor modifications to a Primary dwelling to reduce energy consumption and optimize energy efficiency; repair or replacement of a furnace or cooling unit; or replacement or purchase of a stove.

ACRONYMS

CFR	Code of Federal Regulations
<u>DSR</u>	<u>Department for Self Reliance</u>
<u>ECIP</u>	<u>Energy Crisis Intervention Program</u>
IPV	Intentional Program Violation
LIHEAP	Low Income Home Energy Assistance Program
<u>NFAS</u>	<u>Navajo Family Assistance Services</u>
<u>NNDSS</u>	<u>Navajo Nation Division of Social Services</u>
NPG	National Poverty Guideline
SDA	Service Delivery Area

EXHIBITS ATTACHMENTS:

- A. Legislative Approval: Resolution of the Health, Education and Human Services
Committee of the Navajo Nation Council
- B. Navajo Nation Privacy and Access to Information Act



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
10/13/2020 3:18pm
DATE / TIME
☐ 7 Day Deadline
DOC #: 015232
SAS #:
UNIT: H59W

☐ RESUBMITTAL

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST: 10/7/2020 DIVISION: SOCIAL SERVICES
CONTACT NAME: Roselyn Begay DEPARTMENT: Office of the Executive Director
PHONE NUMBER: 871-6851 E-MAIL: roselynbegay@navajo-nsn.gov

TITLE OF DOCUMENT: Low Income Home Energy Assistance Program Policy

DOJ SECRETARY TO COMPLETE

Emailed by: ni
DATE/TIME IN UNIT: 10/13/2020 @ 3:20 PM REVIEWING ATTORNEY/ADVOCATE: LATONIA B. JOHNSON

DATE TIME OUT OF UNIT:

DOJ ATTORNEY / ADVOCATE COMMENTS

Substantive

REVIEWED BY: (Print) Date / Time SURNAMED BY: (Print) Date / Time

DOJ Secretary Called: Roselyn Begay @ navajo-nsn.gov
DOJ Secretary Called: Nicole Begay for Document Pick Up on 10/14/2020 at 9:30 By: ni

PICKED UP BY: (Print) DATE / TIME:

NNDJ/DRRF-July 2013

Document No. 015232Date Issued: 10/07/2020**EXECUTIVE OFFICIAL REVIEW**Title of Document: Low Income Home Energy Asst Prg- Policy Contact Name: BEGAY, ROSELYN ANNProgram/Division: DIVISION OF SOCIAL SERVICESEmail: roselynbegay@navajo-nsn.gov Phone Number: 928-871-6851☐ **Business Site Lease** Sufficient Insufficient

1. Division: _____	Date: _____	□	□
2. Office of the Controller: _____	Date: _____	□	□
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)			
3. Office of the Attorney General: _____	Date: _____	□	□

☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

1. Division: _____	Date: _____	□	□
2. Office of the Attorney General: _____	Date: _____	□	□

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

1. Office of Management and Budget: _____	Date: _____	□	□
2. Office of the Controller: _____	Date: _____	□	□
3. Office of the Attorney General: _____	Date: _____	□	□

☐ **Navajo Housing Authority Request for Release of Funds**

1. NNEPA: _____	Date: _____	□	□
2. Office of the Attorney General: _____	Date: _____	□	□

☐ **Lease Purchase Agreements**

1. Office of the Controller: _____	Date: _____	□	□
(recommendation only)			
2. Office of the Attorney General: _____	Date: _____	□	□

☐ **Grant Applications**

1. Office of Management and Budget: _____	Date: _____	□	□
2. Office of the Controller: _____	Date: _____	□	□
3. Office of the Attorney General: _____	Date: _____	□	□

☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

1. Division: _____	Date: _____	□	□
2. Office of the Attorney General: _____	Date: _____	□	□

☐ **Relinquishment of Navajo Membership**

1. Land Department: _____	Date: _____	□	□
2. Elections: _____	Date: _____	□	□
3. Office of the Attorney General: _____	Date: _____	□	□

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

			Sufficient	Insufficient
1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Rights of Way**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

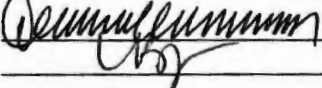
☐ **Assignment of Mineral Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☒ **OTHER:**

1. Division of Social Services		Date: 10-07-2020	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Department of Justice		Date: 10/13/20	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



HEHSCD-042-13

RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
OF THE NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Third Year, 2013

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; APPROVING POLICY
MANUAL FOR LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

BE IT ENACTED:

1. The Navajo Nation hereby approves the Policy for the Low Income Home Energy Assistance Program. The Manual is attached as Exhibit "A."

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Health, Education and Human Services Committee of the Navajo Nation Council at a duly called meeting at Twin Arrows, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor and 0 opposed, this 11th day of December 2013.

Honorable Dwight Witherspoon, Chairperson Pro Tem
Health, Education and Human Services Committee

Motioned: Honorable Joshua Lavar Butler
Seconded: Honorable Walter Phelps

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EXHIBITS:

- A. Legislative Approval: Health, Education and Human Services Committee of the Navajo Nation Council
- B. Navajo Nation Privacy and Access to Information Act

SECTION 100: GENERAL INFORMATION

101 INTRODUCTION

The Low Income Home Energy Assistance Program (LIHEAP) is authorized by Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), Public Law 97-35, as amended. The Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services administers LIHEAP at the federal level.

102 PURPOSE

The purpose of LIHEAP is "to assist low income households, particularly those with the lowest income, that pay a high proportion of household income for home energy, primarily in meeting their immediate home energy needs."

LIHEAP assistance is provided to help eligible households pay the cost of heating, cooling or weatherizing their dwelling to make it more energy efficient. The amount of LIHEAP assistance provided is determined based on the household's gross countable income and type of assistance provided.

103 CUSTOMER RIGHTS

Every Customer has a right to:

- Be treated with respect and dignity.
- Have their privacy recognized and respected including protection of any information that identifies a particular Customer and his/her household members.
- Not be discriminated against in the delivery of services based on religion, sex, age, mental or physical disability, sexual orientation, genetic information, housing type, or source of payment.
- Have services provided in a timely and culturally appropriate manner with consideration for Customers with limited English proficiency or reading skills and those with diverse cultural backgrounds.
- Be provided information regarding complaints or grievance procedures and how to obtain prompt resolution of their issues and concerns.
- Have access to his/her case file in accordance with Navajo Nation law and applicable Federal law.
- A Customer who is not satisfied with the services they received at a NNPSR office, or believe their rights have been violated, may file a formal written complaint in accordance with Section 406, Grievance.

104 CUSTOMER RESPONSIBILITIES

A. Every Customer has a responsibility to:

1. Provide accurate and complete information about their present conditions, previous services and other information relating to his/her situation.
2. Cooperate with NNPSR in the determination of their eligibility and the monitoring of their on-going eligibility, including investigations.
3. Comply with all scheduled appointments, including arriving on time, or contacting the NNPSR staff to reschedule appointments.
4. Attend a LIHEAP Orientation Session prior to applying for LIHEAP assistance.
5. Utilize the LIHEAP assistance received only for home heating/cooling related expenses.
6. Submit original, itemized receipts within thirty (30) working days after receiving a LIHEAP assistance payment to verify assistance was utilized for home heating/cooling related expenses.
7. Pay the balance of home heating/cooling related expenses which are not covered by the LIHEAP assistance.
8. Report any incidents where they are not treated fairly or ethically by a LIHEAP vendor.
9. Respect the rights and property of others, including NNPSR staff and property.
10. Refrain from verbal/physical abusive conduct toward NNPSR staff.

B. Customers who do not comply with one or more of the above responsibilities will be subject to having their application denied; being responsible for reimbursing the Navajo Nation for any overpayments which occur; or being disqualified for a specified period,

1. When a determination is made by the NNPSR FIU that a Customer committed an Intentional Program Violation, the Customer and all members of their benefit group shall be ineligible to receive LIHEAP assistance in accordance with the following:
 - a. First Offense: One (1) Year
 - b. Second Offense: Two (2) Years
 - c. Third Offense: Permanent
2. An individual who physically assaults, or threatens the safety of, an NNPSR employee(s) shall be ineligible to receive LIHEAP assistance for a period of six (6) months for the first incident. A second incident shall result in permanent disqualification. The assault(s) and/or threat(s) must be substantiated by a police report(s).

105 EMPLOYEE RESPONSIBILITIES

A. NNPSR employees have a responsibility to:

1. Inform low-income households, particularly disabled and elderly clients, about the eligibility determination process and application procedures for the LIHEAP program;
2. Assist Customers in completing the Application for Assistance and other necessary forms.
3. Uphold and protect the confidentiality of program Customers in accordance with the Navajo Nation Privacy Act and the NNPSR Professional and Ethical Standards of Employee Conduct.
4. Provide accurate and timely determination of eligibility for LIHEAP assistance.
5. Ensure that Customers understand program requirements and consequences for non-compliance.
6. Ensure that all Customers understand that, if they do not agree with a decision made regarding their application or assistance, they have the Right to Appeal the decision.
7. If necessary, verify information provided by the Customer.
8. Adhere to the NNPSR Professional and Ethical Standards of Employee Conduct.

B. NNPSR employees who do not fulfill and/or adhere to the above responsibilities shall be subject to disciplinary action in accordance with the Navajo Nation Personnel Policies and Procedures.

SECTION 200: INTAKE AND ELIGIBILITY DETERMINATION

201 PURPOSE

This section contains the policies related to intake and eligibility determination for Low Income Home Energy Assistance Program (LIHEAP) assistance.

202 APPLICATION

The *Low Income Home Energy Assistance Program (LIHEAP) Application for Assistance* shall be utilized to apply for LIHEAP assistance.

- A. Individuals who want to apply for LIHEAP assistance must complete a LIHEAP Orientation session prior to submitting an application for LIHEAP assistance, unless exempted.
- B. Upon completing the Orientation session, an individual may apply for LIHEAP assistance by submitting a complete and signed *LIHEAP Application for Assistance*, in person, to a local NNPSR office, itinerant site or Orientation site.

203 ELIGIBILITY DETERMINATION

A decision shall be rendered on all applications for LIHEAP assistance, and written notification provided to the Customer, by no later than thirty (30) working days after the Registration Date, unless an exception applies.

- A. Upon receipt of a Complete Application, an eligibility determination interview should be scheduled and conducted by no later than twenty (20) working days from the Registration Date.
- B. Applications submitted by an individual referred for energy crisis intervention assistance shall be interviewed immediately.
- C. An applicant who is more than fifteen (15) minutes late for their scheduled interview will need to reschedule their appointment.
- D. An applicant may reschedule their interview appointment once, in accordance with established procedures.
- E. At the conclusion of the interview, if the Customer has not submitted all required verification documents, the Customer shall be given a LIHEAP Checklist which identifies the documents which need to be submitted in order to determine the Customer's eligibility for LIHEAP assistance.
- F. The established timeline may be extended by an additional fifteen (15) working days if a decision cannot be rendered by the end of the thirty (30) working day period due to a reason beyond the Customer's control (e.g. Energy audit is not completed within the thirty (30) working day period; delay in rendering an eligibility decision is caused by NNPSR, etc. . . .)
- G. When a decision cannot be rendered by the established deadline, the Customer's application shall be denied.

204 **ELIGIBILITY CRITERIA**

A household must meet Financial, Non-Financial, and, if applicable, Supplemental eligibility criteria to receive LIHEAP assistance.

A. Non-Financial Eligibility Criteria

1. Service Delivery Area

The household must have resided on the Navajo Nation, including Trust lands and the satellite communities of Alamo and Tohajiilee for at least thirty (30) consecutive days at the time of application.

2. Native American Head-of-Household

The head-of-household must be an enrolled member of a federally recognized Indian tribe.

3. Social Security Number

A Social Security Number, as verified by a Social Security Card, will be required for all household members, except newborns under the age of three (3) months, to ensure that a household does not receive duplicative assistance.

4. Household Assistance Limit

- a. A household is defined as: Any individual or group of individuals who live together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.
- b. A household shall be eligible to receive LIHEAP assistance only one time each Fiscal Year (FY).
- c. Receipt of home heating or cooling assistance from another entity (e.g. tribe, county, state, private, non-profit, etc.) will disqualify the household from receiving LIHEAP assistance during the same FY.

5. Orientation

Unless exempted, individuals who want to apply for LIHEAP assistance must complete a LIHEAP Orientation session prior to applying. The Orientation Session will provide information on the application process, program eligibility criteria, Customer responsibilities, and energy conservation/efficiency.

6. Receipts for Prior Assistance

Households that received LIHEAP assistance in a prior fiscal year must have submitted original, itemized receipts, or other acceptable types of documentation, which verified that the total amount of the LIHEAP assistance provided was utilized for home heating/cooling expenses. Otherwise, the amount not verified shall be considered an overpayment and the household shall be ineligible to receive LIHEAP assistance until such time that the overpayment amount is fully repaid.

B. Financial Eligibility Criteria

1. Gross Monthly Income

The household's Total Gross Countable Monthly Income shall not exceed one hundred-fifty percent (150%) of the current National Poverty Guidelines for the applicable household size. The following shall be considered in the Gross Countable Income Calculation:

a. Earned Income including, but not limited to:

- Hourly wages, salaries, commissions, tips from employment.
- Contract employment where compensation is based on a defined Scope of Work.
- Seasonal employment (e.g. school employees with a nine (9) month contract, NAPI, Railroad, Construction workers, etc.).
- Stipend payments for performing a duty (e.g. Board/Commission membership, Chapter Official, jury duty, etc.), excluding reimbursement for mileage/meals in the performance of their duties.
- Self-Employment Income.

b. Unearned Income including, but not limited to:

- TANF Assistance Payments
- General Assistance Payments
- Supplemental Security Income (SSI) Payments
- Child Support Payments
- Social Security Benefits - Retirement, Survivors, and Disability Insurance
- Veteran's Benefits
- Retirement Benefits including state, tribal, federal and railroad.
- Interest and dividends.
- Oil and gas and other mineral royalties.
- Rental/lease of properties/land.
- Per capita payments derived from tribal owned trust or income producing enterprises, unless excluded by federal statute.
- Unemployment Insurance Compensation (UIC)
- Workers' Compensation Benefits
- Allowances/stipend payments received to cover living expenses while participating in an educational or training program, excluding Workforce Investment Act (WIA) and Native Employment Works (NEW) programs.
- State Income Tax Refunds.
- Vacation/Sick/Severance payments.
- Net profit from sales of any vehicles or property.
- Lottery and Gambling winnings.
- Insurance Settlements

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2. Disregarded Income

The following shall not be considered in the determination of eligibility for LIHEAP assistance:

- a. Workforce Investment Act (WIA), Native Employment Works (NEW) or Job Corps payments of all types.
- b. Educational grants, scholarships, student work study, student loans, and other awards from a recognized source to cover educational expenses.
- c. Supplemental assistance provided by a public or private agency to help the household meet an emergency situation (e.g. Emergency Assistance provided by a Chapter, Church, or Faith Based Organization; Red Cross Assistance; Burnout Assistance; etc.)
- d. Wages of dependent children eighteen (18) years or younger in the household who are full time students.
- e. The value of food produced in home farming for the household's consumption.
- f. Reimbursements for job related expenses, including reimbursement for travel, lodging, meals and etc.
- g. Value of supplemental food assistance received under the Child Nutrition Act, the National School Lunch Act and USDA Food Stamp Program.
- h. Cash value of USDA Commodities Food Assistance.
- i. Payments made under U.S. Housing Act - Annual Contributions Contract. HUD community development block grant funds and Escrow Accounts in the Family Self Sufficiency Program.
- j. Relocation assistance under the Housing Act, including payments made under Title II of the Uniform Relocation and Real Property Acquisition Policy, and the Navajo-Hopi Relocation Act (P.L. 93-531).
- k. Tax-exempt portions of payments made under the Alaska Native Claims Settlement Act.
- l. Agent Orange Settlements or payments made under the Radiation Exposure Compensations Act (RECA) for injuries or death resulting from nuclear testing or uranium mining.
- m. Benefits received under Title III and VI, Nutrition Program for the Elderly-Older Americans Act.
- n. Payments to public service volunteers; e.g. Foster Grandparent Program, Community Services Program, AmeriCorps, etc.
- o. Spina Bifida benefit payments made to children of Vietnam veterans who suffer disabilities from Spina Bifida (P.L. 104-204).
- p. In-Kind Contributions (A gift or donation in the form of cash or non-cash given voluntarily without requiring something in return).

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C. Energy Crisis Intervention Criteria

1. A household that is experiencing an energy crisis, as defined at 302.C.2, may receive Energy Crisis Intervention assistance if they meet the following eligibility criteria.
 - a. Meet financial and non-financial eligibility criteria, with the exception of the Orientation requirement;
 - b. Have not received LIHEAP assistance during the current fiscal year;
 - c. Provide written verification that the dwelling's primary source of heating/cooling is in the process of being disconnected, is depleted, nearing depletion, or needs to be repaired or replaced (e.g. written disconnect notice from utility vendor; statement of non-delivery or sale of fuel from fuel vendor due to lack of payment or inability to pay; written statement that the dwelling's furnace or stove is inoperable, etc.); and
 - d. A written referral or statement must be received from an individual or program who has determined that a crisis situation exists, including, but not limited to:
 - Community Health Representative
 - Adult In-Home Care Provider
 - Social Worker
 - Medical Care Provider (Public Health, Physician, Nurse)
 - School Liaison
 - Police Officer
 - Chapter Coordinators
2. Households applying for Energy Crisis Intervention Assistance shall be exempt from the Orientation requirement.

SECTION 300: PROVISION OF ASSISTANCE

301 PURPOSE

This section establishes policies related to the provision of LIHEAP assistance.

302 TYPES OF ASSISTANCE

Based on availability of funds, eligible households may receive LIHEAP assistance, one time each fiscal year, for one of the following:

A. Home Heating

1. For Customers whose primary heating source is provided by a utility/propane company, payment for their primary heating source.

- a. Electricity; or
- b. Natural Gas; or
- c. Propane

- Assistance will be provided only to Customer who have a one hundred (100) gallon or larger propane storage tank.

A Utility/Account Statement in the Head-of-Household's name and dated no more than thirty (30) calendar days prior to the date of application, must be submitted with the application.

NOTE: Assistance will not be provided to Customers who have a credit on their account with the Utility/Propane company.

2. For Customers whose primary dwelling is heated by a coal/wood/pellet burning stove, purchase of the dwelling's primary heating source.

- a. Wood and/or Coal; or
- b. Pellets.

B. Home Cooling

Payment to a utility company for the electricity expense associated with cooling the Customer's primary dwelling. Home Cooling Assistance shall be available during the months of June, July, and August.

A Utility/Account Statement in the Head-of-Household's name and dated no more than thirty (30) calendar days prior to the date of application, must be submitted with the application.

NOTE: Assistance will not be provided to Customers who have a credit on their Utility/Account Statement.

C. Weatherization

Eligible Customers requesting Weatherization assistance shall have an energy audit conducted on their primary dwelling prior to approval for Weatherization Assistance. The energy audit assessment report shall be utilized to determine if the dwelling meets established criteria for Weatherization assistance.

1. Dwellings which meet the criteria established for Weatherization Assistance may be approved for one of the following based on the energy audit conducted:
 - a. Minor home repair or improvement to protect the Customer's primary dwelling and its interior from the elements (e.g. precipitation, wind, etc.), reduce energy consumption and optimize energy efficiency; or
 - b. Repair or one-time replacement/purchase of the dwelling's primary heating or cooling unit (e.g. furnace, wood/coal burning stove, evaporative cooler or air conditioner), including cost of parts, necessary components (e.g. chimney kits, evaporative cooler pumps, etc.).

NOTE: For safety and liability reasons, wood/coal stoves shall not be purchased for mobile homes, travel trailers, or structures which are not designed or intended to be homes (e.g. storage sheds), unless a determination is made by an energy auditor that the installation of a wood/coal stove will not pose a safety risk.

2. Weatherization Assistance for minor home repairs and improvements shall be provided only if the dwelling is structurally sound and has no health and safety concerns (e.g. mold, sanitation problems, pest/insect manifestation, malfunctioning combustion appliance, etc.).
3. Eligible households who do not own the dwelling they live in (e.g. renters) will be provided Weatherization Assistance only if the home owner authorizes, in writing, the minor home repair/improvement.
4. Weatherization Assistance shall be provided up the maximum amount allowed for the type of Weatherization Assistance being provided. The Customer will be responsible for paying any costs which exceed the maximum assistance amount. If the Customer is not able or willing to pay the difference between the cost actual cost and the maximum amount allowed, the Customer shall be given the option to receive home heating or home cooling assistance.
5. Dwellings which do not meet the criteria for Weatherization Assistance shall be given the option to receive home heating or home cooling assistance.

D. Energy Crisis Intervention

1. A crisis must exist in order to provide Energy Crisis Intervention assistance and the crisis must be clearly and fully documented.
2. Crisis is defined as a situation where the safety and well-being of a vulnerable household member (elderly, disabled or child under the age of 6) is at risk due to a home energy related reason (e.g. disconnection notice, depletion of heating source, inoperable furnace, unsafe stove, etc.) or due to a Declaration of Emergency issued by the federal, state, county or local government.
3. In addition to the types of assistance identified under Home Heating, Home Cooling, and Weatherization, Energy Crisis Intervention assistance may include, but is **not limited to, the following:**
 - Blankets
 - Space heaters
 - Cooling Fans
4. Households determined eligible for Energy Crisis Intervention assistance shall be provided intervention services to address the crisis within forty-eight (48) hours after submission of an application for LIHEAP assistance; or within eighteen (18) hours in demonstrated life-threatening situations. The established timelines shall not apply during a declared federal, state, county or tribal emergency.

303 ASSISTANCE PRIORITIES

- A. Eligible households shall be assisted on a first come, first served basis until such time that seventy-five percent (75%) of the amount budgeted for assistance is expended each fiscal year. Thereafter, priority shall be provided, in accordance with the following, to households which include at least one (1) vulnerable member.
 - Priority 1: Elderly and Disabled
 - Priority 2: Elderly
 - Priority 3: Disabled
 - Priority 4: Age five (5) or younger
- B. Households which do not include a vulnerable household member shall be classified as Non-Priority.
- C. When the priority system is implemented, all payments for the highest priority level shall be processed before processing payments for the next priority level. If funds remain after assisting all of the priority levels, payments will be processed for Non-Priority households, on a first come, first served basis.

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D. The applicant or any listed household member shall not be a resident of an institution, including, but not limited to:

- Hospitals
- Licensed Domiciliary Care Facilities (family care homes, homes for the aged and homes for developmentally disabled adults)
- Intermediate Care Facilities
- Skilled Nursing Facilities/Homes
- Alcohol and Drug Rehabilitation Centers or Treatment Programs
- Dormitories
- Temporary protective facilities (e.g. domestic violence shelters, etc.).
- Prisons

304 ASSISTANCE PAYMENT AMOUNT

The most current NNPSR LIHEAP Payment Matrix shall be utilized to determine the assistance amount to be provided to eligible households.

305 PAYMENT METHOD

Payments shall be made to vendors unless a justifiable reason exists to make the assistance payment to the Customer.

306 MONITORING/FOLLOW-UP

A. Payments to Vendors

1. For payments made to vendors (utility companies, propane companies, wood/coal/pellet vendors, etc.), Customers must submit verification, within thirty (30) working days from the date the payment is issued, that the total amount of the assistance payment was utilized for home heating/cooling related expenses.
2. Acceptable verification documents include, but is not limited to. :
 - a. Monthly statement showing a credit for the full amount of the assistance;
 - b. Receipt which verifies delivery/pick up of heating fuel and indicates the type and quantity of heating fuel delivered or picked up.
3. If a Customer does not provide verification that the total amount of the LIHEAP assistance payment was utilized for home heating/cooling related expenses, the amount not verified shall be considered an Overpayment and the household shall be ineligible to receive LIHEAP assistance until such time that the overpayment amount is fully repaid.

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B. Purchase of Stoves/Cooling Unit

1. Customers who are approved to receive a wood/coal stove or cooling unit (e.g. evaporative cooler) shall sign a LIHEAP Stove/Cooling Unit Acknowledgement form to acknowledge that they understand:
 - a. the stove/cooling unit is being purchased for the Customer's dwelling;
 - b. the stove/cooling unit cannot be moved to another dwelling, sold or given away;
 - c. if they move, sell or give away the stove/cooling unit provided by the LIHEAP, the household shall be ineligible to receive LIHEAP assistance until they reimburse the LIHEAP for the cost of the stove/cooling unit; and
 - d. if applicable, for health and safety reasons, the stove/cooling unit being replaced will be removed and properly disposed of.
2. A follow-up should be conducted three (3) to six (6) months after installation to verify the stove/cooling unit is not subsequently removed.
3. Customers who move the stove/cooling unit to another dwelling, sell the stove/cooling unit or give away the stove/cooling unit shall be ineligible to receive LIHEAP assistance until they reimburse the LIHEAP for the cost of the stove/cooling unit.

C. Payments to Customers

When a payment is made payable to a Customer, the Customer must submit original, itemized receipts, within thirty (30) working days from the date they receive the payment, which verify the assistance amount was utilized for home heating/cooling related expenses.

1. When a Customer does not submit original, itemized receipts within the established timeline, or provides original, itemized receipts for less than the amount of assistance provided, a Potential LIHEAP Overpayment referral shall be made to the Local Office Supervisor.
2. The Local Office Supervisor shall determine and certify the amount of any Overpayment that occurred.
3. Once Due Process has been provided, the Customer shall be responsible for reimbursing the Navajo Nation for the full amount of the Overpayment and shall be ineligible to receive LIHEAP assistance until such time the full amount of the overpayment is repaid.

SECTION 400: CUSTOMER DUE PROCESS

401 PURPOSE

This section establishes policies related to Customer Due Process.

402 ADVANCE NOTIFICATION

- A. Customers must be provided written notification of any decision which affects their assistance.
- B. Customers shall be advised of their appeal rights and given ten (10) working days to appeal a decision they do not agree with.
- C. If the Customer does not submit a request for an Informal Fair Hearing within the established timeframe, the decision shall be considered official at the end of the tenth (10th) working day.

403 APPEALS

- A. A Customer may appeal a decision by submitting a request for an Informal Fair Hearing to the local NNPSR Office which issued the decision.
- B. The Customer's appeal must be received by the close of business on the last day of the ten (10) working day appeal period.
- C. The postmark date of the Decision Notice will be used to determine the ten (10) working days appeal period.

404 INFORMAL FAIR HEARING

- A. An Informal Fair Hearing shall be scheduled and conducted by no later than ten (10) working days from the date the appeal is received at the local NNPSR Office which issued the decision.
- B. If the Customer is not satisfied with the decision rendered at the conclusion of the Informal Fair Hearing, they may appeal the decision by submitting a Formal Hearing Request.

405 FORMAL HEARING

- A. A Request for Formal Hearing must be received at the local NNPSR office which issued the decision by no later than ten (10) working days after the postmark date of the Informal Fair Hearing Decision Notice
- B. A final decision of the Informal Fair Hearing must have occurred prior to a request for a Formal Hearing.

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406 GRIEVANCE

- A. A Customer who is not satisfied with the services they received at a NNPSR office, or believe their rights have been violated, may file a formal written complaint with the applicable Local Office Supervisor (LOS). The LOS shall be responsible for providing a written response to the Customer by no later than five (5) working days after the complaint is received.
- B. A Customer's complaint must be filed with the LOS of the applicable NNPSR office prior to filing a complaint with the NNPSR Department Manager, unless their complaint is regarding the LOS.
- C. Customer may file a formal written complaint with the NNPSR Department Manager if:
 - 1. the Customer's complaint is regarding the LOS; or
 - 2. the Customer is not satisfied with the response provided by the LOS; or
 - 3. the LOS fails to provide a written response within five (5) working days after the complaint is received.
- D. The NNPSR Department Manager shall provide a written response to the Customer by no later than ten (10) working days after receiving the complaint.
- E. If the Customer is not satisfied with the response provided by the NNPSR Department Manager, the Customer may file a formal written complaint with the Executive Director of the Navajo Nation Division of Social Services (NNDSS). The NNDSS Executive Director's response shall be the final administrative remedy available to Customers.

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SECTION 500: INTERNAL CONTROLS

501 PURPOSE

This section establishes policies related to program internal controls to ensure compliance with the Federal, State and Tribal laws, and regulations.

502 INTERNAL REVIEWS

Random case reviews shall be conducted to assure accuracy and compliance with requirements of the Low Income Home Energy Assistance Act of 1981 and the Navajo Nation Low Income Home Energy Assistance Plan.

503 DATA COLLECTION AND REPORTING

Complete and accurate data shall be collected and reported to comply with Section 2605(c) (1) (G) of Public Law 97-35.

504 PROGRAM INTEGRITY

To protect the program's integrity and to deter fraud, waste and abuse, all potential internal and external fraudulent activities shall be investigated. In addition, all staff will be subject to background check and must obtain a Favorable result.

505 RECORDS MANAGEMENT

A case file shall be created and maintained, in accordance with applicable laws, regulations, and internal record procedures, for all Customers applying for LIHEAP assistance. LIHEAP case files shall be maintained separate from case files for other types of assistance provided by the NNPSR.

506 PROFESSIONAL ETHICS AND STANDARDS

All NNPSR staff shall strictly adhere to the NNPSR's Professional and Ethical Standards of Employee Conduct and the Navajo Nation Privacy Act to uphold the integrity of the program and protect the confidentiality of program Customers.

507 IMPROPER PAYMENTS

All Potential Improper Payments (a payment that should not have been made or that was made in an incorrect amount) shall be handled in accordance with the NNPSR Improper Payment Procedures.

SECTION 600: GLOSSARY

601 PURPOSE

The purpose of this section is to define the words, terms and acronyms that are used in this Policy Manual. The terms or words used in this Manual may differ from the terms or words as used by the general public.

602 DEFINITIONS

- Appeal:** A request made by a NNPSR Customer to have someone other than the caseworker review or examine an adverse action on their application for LIHEAP assistance.
- Applicant:** An individual who submits an application to request LIHEAP assistance.
- Application:** The form, *Low Income Home Energy Assistance (LIHEAP) Application*, which is completed and submitted to apply for LIHEAP assistance.
- Assistance:** A payment provided to assist a household with home heating, home cooling or Weatherization related expenses.
- Complete Application:** A *LIHEAP Application for Assistance* which is completed in full and signed.
- Crisis:** A situation where the safety and well-being of a vulnerable household member (elderly, disabled or child(ren) age 5 and under) is at risk due to a home energy related reason (e.g. disconnection notice, depletion of heating source, inoperable furnace, unsafe stove, etc.) or due to a Declaration of Emergency issued by the federal, state, county or local government.
- Customer:** An individual applying for, or receiving, LIHEAP assistance.
- Decision Notice:** Written notification provided to a Customer explaining a decision made on their application for LIHEAP assistance.
- Disabled:** An individual with a permanent or temporary disability as verified by: a written medical statement from a licensed physician, or a licensed/certified psychologist; or an award letter from the Social Security Administration.

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Due Process:	A Customer's right to be provided written notification of a decision made on their application for assistance; be provided ten (10) working days to appeal the decision before the decision is implemented; and be provided an opportunity to be heard (fair hearing).
Dwelling:	A building or structure which is utilized as a residence by the household.
Elderly:	An individual who is sixty (60) years of age or older.
Exemption:	Released or excused from having to comply with a program requirement (e.g. Orientation) due to a justifiable reason or special circumstance.
Fiscal Year:	The twelve month period which begins on October 1 st and ends on September 30 th of the following calendar year.
Fraud:	Intentional false representation of facts through deceit, trickery, or omission that induces the Caseworker to approve benefits that the Customer was not entitled to receive.
Gross Income:	The total amount of earned or unearned income a person receives from all sources, before any deductions are made.
Head-of-Household:	The individual, age 18 or older, applying for LIHEAP assistance on behalf of a household.
Household:	Any individual or group of individuals who live together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.
Income:	The amount of money received from employment, child support payments, benefit payments, state tax refunds, property, winnings, and other sources.
Ineligible	A determination that an individual or household does not meet the eligibility requirements for LIHEAP assistance.
Informal Fair Hearing:	A meeting conducted in an informal setting with a Customer to attempt to resolve an issue, complaint, or appeal before proceeding to a formal hearing.

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**Intentional
Program**

Violation: Intentionally committing one of the following acts for the purpose of establishing eligibility for LIHEAP assistance, or increasing or preventing a reduction in the amount of LIHEAP Assistance: Making a false or misleading statement; Misrepresenting, concealing or withholding facts; or Disposing of assets for the sole purpose of becoming or remaining eligible.

Lump-Sum: A windfall or retroactive payment given in one payment.

**National Poverty
Guideline:**

The federal poverty measure, issued annually by the U.S. Department of Health and Human Services, which is used to determine financial eligibility for certain federal programs.

**Payment
Matrix:**

The matrix utilized to determine the amount of LIHEAP assistance to be provided based on the household's heating source and the household's Total Gross Countable Income.

**Registration
Date:**

The date that an application is accepted by the NNPSR local office.

**Self
Employment:**

Income that is earned by a Customer for self-gain by working in one's own business, trade, or profession.

**Service Delivery
Area:**

The geographic area and population to be served by the LIHEAP Program, as defined in the Navajo Nation's LIHEAP Policy Manual.

Valid:

An original document which has not reached its expiration date.

**Vulnerable
Individual:**

An individual who is elderly, disabled or under the age of 6.

Weatherization: Performing minor repairs to protect a dwelling and its interior from the elements, particularly precipitation and wind; performing minor modifications to a dwelling to reduce energy consumption and optimize energy efficiency; repair or replacement of a furnace or cooling unit; or replacement or purchase of a stove.

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603 ACRONYMS

CFR	Code of Federal Regulations
IPV	Intentional Program Violation
LIHEAP	Low Income Home Energy Assistance Program
NNPSR	Navajo Nation Program for Self Reliance
NPG	National Poverty Guideline
SDA	Service Delivery Area

EXHIBITS:

- A. Legislative Approval: Health, Education and Human Services Committee of the Navajo Nation Council

EXECUTIVE OFFICIAL REVIEWTitle of Document: NNPSR LIHEAP Policy Manual Contact Name: GENE, YOLANDAProgram/Division: DIVISION OF SOCIAL SERVICESEmail: yolanda.gene@nntanf.org Phone Number: 928-810-8553

			Sufficient	Insufficient
<input type="checkbox"/>	Business Site Lease			
	1. Division:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)			
	3. Office of the Attorney General:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions			
	1. Division:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications			
	1. Office of Management and Budget:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Navajo Housing Authority Request for Release of Funds			
	1. NNEPA:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Lease Purchase Agreements			
	1. Office of the Controller:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
	(recommendation only)			
	2. Office of the Attorney General:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Grant Applications			
	1. Office of Management and Budget:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval			
	1. Division:	Date: <u>7/30/13</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	Date: <u>7/10/13</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Relinquishment of Navajo Membership			
	1. Land Department:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
	2. Elections:	Date:	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	Date:	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

Sufficient Insufficient

1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Rights of Way**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Assignment of Mineral Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **OTHER:**

1.	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2.	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3.	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4.	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5.	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

NAVAJO NATION DEPARTMENT OF JUSTICE



DOJ
7/31/13 0255
DATE/TIME
Doc 000205
UNIT: H594

REQUEST FOR SERVICES

~CLIENT TO COMPLETE~

DATE OF REQUEST: 07/30/13 DIVISION: Social Services
REQUESTING PARTY: Anthony Dineyazhe DEPARTMENT: 039
PHONE NUMBER: 928-810 8553 PROGRAM: Program for Self Reliance

COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (attach documents):

Review the Low Income Home Energy Assistance Program (LIHEAP)
Policy manual.

DEADLINE: August 7, 2013 REASON: NNPSR takes over LIHEAP October 1, 2013

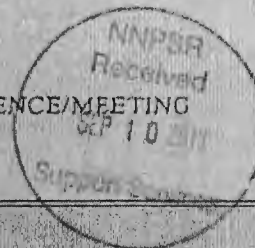
540

~DOJ SECRETARY TO COMPLETE~

DATE/TIME IN UNIT: 7-31-13 0400 RESPONSIBLE STAFF PERSON: Kearlis
REVIEWED & ASSIGNED: Sumth TIME/HRS/MIN: _____ COMPLETION DATE: _____

☒ REVIEW FOR LEGAL SUFFICIENCY
☐ REQUEST FOR LEGAL OPINION
☐ RESOLUTION: _____

☒ SURNAME
☐ APPOINTMENT/CONFERENCE/MEETING
☐ REVIEW & ADVISE



~DOJ ATTORNEY/ADVOCATE TO COMPLETE~

Insufficient - see memo.

REVIEWED BY: Kandis Martin DATE: 9/10/13 TIME: 2:02 Hrs. _____ Min.
SURNAMED BY: [Signature] DATE: 9/10/13 TIME: 3:25 Hrs. _____ Min.

DATE SENT TO DOJ RECEPTIONIST: 9-10-13 Called: Antenew for document pickup.
Date: 9-10-13 Time: 4:29 By: GM

PICKED UP BY: _____ DATE/TIME: _____

PLEASE PRINT ♦ PLEASE PRINT ♦ PLEASE PRINT

The Navajo Nation


Mr. Ben Shelly
PRESIDENT



Mr. Rex Lee Jim
VICE-PRESIDENT

MEMORANDUM

TO: Kandis Martine, Staff Attorney
Human Services and Government Unit
Office of the Attorney General

FROM:  11/5/13
Roxanne Gorman, Department Manager III
Navajo Nation Program for Self Reliance
Navajo Division of Social Services

DATE: September 24, 2013

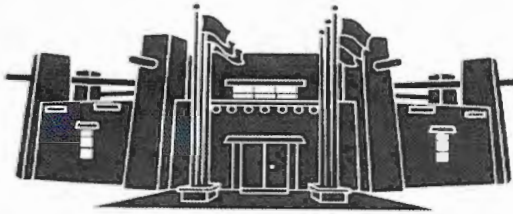
SUBJECT: **Response to LIHEAP Policy Comments/Recommendations**

Attached are a revised copy of the draft LIHEAP Policy Manual and a chart containing responses to the comments and recommendations you provided in your September 10, 2013 memorandum (164 Review – Document #205-LIHEAP Policy Manual).

If you have any questions, please call Anthony Dineyazhe, Senior Program and Project Specialist, at (928) 810-8553, ext. 2123.

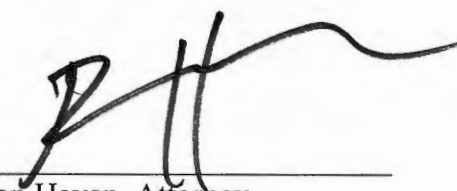
NNPSR LIHEAP Policy Manual
Response to DOJ Review Comments/Recommendations

COMMENT/RECOMMENDATION	RESPONSE
1. Section 104-D & 202: Language was not provided regarding how PSR will exempt the vulnerable class of people targeted for these benefits, but DOJ still cautions PSR in making this a requirement. There is potential for liability if this strict requirement excluded that vulnerable class of people.	Customer's applying for Crisis Intervention Assistance are exempt from the Orientation Requirement. In addition, Orientations can be provided on a one-on-one basis for Customer's who are unable to attend a group orientation session due to a justifiable reason.
2. Section 106: this section was deleted. However, it is still unclear how PSR will comply with the federal requirements when making payments directly to vendors. PSR must establish procedures that make sure a.) the household knows how much assistance the vendor received as payment for the household's fuel. This means that some kind of notice about the vendor payment must be sent or given to the household; B.) that the vendor reduces the household's bill by the amount of its LIHEAP benefit and does not overcharge the household; c.) that the vendor not treat LIHEAP households adversely or discriminate against LIHEAP households. Although agreements with vendors are not required by the law, agreements might be the best way to meet these requirements.	<p>a. The LIHEAP Approval Notice will inform each Customer of the type of assistance they are receiving, the amount of assistance being provided, and the vendor being paid on their behalf.</p> <p>b. Customers must submit verification that the total amount of the assistance payment was utilized for home heating/cooling related expenses. Acceptable verification documents include: Monthly statement showing a credit for the full amount of the assistance or a receipt/invoice which verifies delivery/pick up of heating fuel and indicates the type and quantity of heating fuel delivered or picked up.</p> <p>c. The following language was added under the Customer Responsibilities section: <i>Report any incidents where they are not treated fairly or ethically by a LIHEAP vendor.</i></p>
3. It is fine if PSR has chosen to make a requirement of customer to provide a social security card. However, would recommend this provision be #3 under this section A, it would make more sense since it is not a requirement for "Household Assistance Limit."	Recommended change made.
4. Section 205-A-4: continue to recommend utilizing the federal definition of "household." DOJ does not agree that the federal definition and the PSR definition are generally the same. Actually PSR's definition is a narrowing of the federal definition, which would restrict the number of "households" receiving these benefits. The LIHEAP law does not state such a narrowing is allowed.	Recommended change made.
5. DOJ is still recommending that PSR complete the revisions to the Plan of Operation to have full authorization to administer the program, as well as, assume supervision authority over the current LIHEAP employees.	In accordance with the recommendation made, the Plans of Operation of the NNPSR and Department of Family Service are being revised.



MEMORANDUM

To : Hon. Pernell Halona, Delegate
Navajo Nation Council

From : 
Ron Haven, Attorney
Office of Legislative Counsel

Date : March 19, 2021

Re : AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN
SERVICES; AMENDING HEHSCD-042-13, POLICY MANUAL FOR LOW
INCOME HOME ENERGY ASSISTANCE PROGRAM

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 21-108-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0051-21_

SPONSOR: Pernell Halona

TITLE: An Action Relating to Health, Education and Human Services; Amending
HEHSCD-042-13, Policy Manual for Low Income Home Energy Assistance Program

Date posted: March 23, 2021 at 10:57AM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0051-21

SPONSOR: Honorable Pernell Halona

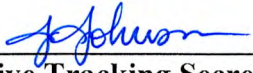
**TITLE: An Action Relating to Health, Education and Human Services;
Amending HEHSCD-042-13, Policy Manual for Low Income Home Energy
Assistance Program**

Posted: March 23, 2021 at 10:57 PM

5 DAY Comment Period Ended: March 28, 2021

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

03/29/21 8:47AM
Date/Time

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO
NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0051-21

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING HEHSCD-
042-13, POLICY MANUAL FOR LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

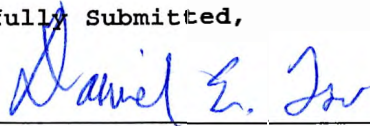
Sponsor: Honorable Pernell Halona

Co-Sponsor: Honorable Edison J. Wauneka

(Eligible for Committee Action March 29, 2021)

Has had under consideration and report the same with the recommendation that
Legislation 0051-21 pass with no amendment and no directive; and therefore
referred the same to the HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE
NAVAJO NATION COUNCIL AS FINAL AUTHORITY

Respectfully Submitted,



Daniel E. Tso, Chairperson
Health, Education and Human Services Committee

April 07, 2021 - Main Motion

Motion by: Honorable Paul Begay Jr.

Seconded by: Honorable Edison J. Wauneka

Vote: 4 in favor; 0 Opposed; Chairperson Not Voting

Yeas: Pernell Halona, Carl R. Slater, Edison J. Wauneka, Paul Begay,
Jr.

Nays: none

Not Voting: Daniel E. Tso

Absent (excused): Charlaine Tso

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Special Meeting
April 07, 2021

Roll Call
Vote Tally Sheet

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO
NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0051-21

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING HEHSCD-
042-13, POLICY MANUAL FOR LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

Sponsor: Honorable Pernell Halona
Co-Sponsor: Honorable Edison J. Wauneka

(Eligible for Committee Action March 29, 2021)

April 07, 2021 - Main Motion

Motion by: Honorable Paul Begay, Jr.

Seconded by: Honorable Edison J. Wauneka

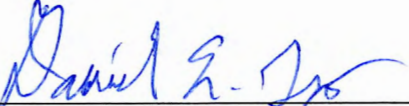
Vote: 4 in favor; 0 Opposed; Chairperson Not Voting

Yeas: Pernell Halona, Carl R. Slater, Edison J. Wauneka, Paul Begay,
Jr.


Nays: none

Not Voting: Daniel E. Tso

Absent (excused): Charlaine Tso



Daniel E. Tso, Chairperson
Health, Education and Human Services Committee



Michele M. Cook, Legislative Advisor Pro Tem
Health, Education and Human Services Committee