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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813  
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

**FILED**

03/27/2024 9:24 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amending funding availability and adopting newest manual version for the Water Assistance Program.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/30/2024 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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Filed By:

Joy Aldrich

Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 04/23/2024

TIME: 11:00 AM - 11:30 AM

OFFICER: Hilda Rodriguez

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 890584508

NEED FOR THE RULE(S)

These rule changes will maintain the existing LIHWA Program rules while allowing flexibility for additional funds or funding sources that feed into the program. It also adopts the most recent version of the program operations manual with updated income guidelines.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

US Public Law 116-260 and 117-2; Community Action Agency quarterly meeting and daily contacts (via email and virtually); LIHWAP State Plan for Oregon.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The LIHWA Program was initiated with federal funding, which expired at the end of March 2024. This rulemaking, which maintains current income guidelines and monitoring/compliance measures, will allow flexibility for this program to be supplemented with other funds as they become available. The development of the federal program shed light on the massive water burden experienced by low-income Oregonians, which has historically been felt more so by racially

and ethnically diverse communities. These rule changes will enable future funds established for the use of water and wastewater assistance to feed directly into the LIHWA Program and reinitiate program activity.

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**FISCAL AND ECONOMIC IMPACT:**

These rule changes are expected to have a positive impact on the public and those entities who receive funding from the LIHWA Program. When funds are made available in the future, there is an estimated reduced burden on applying households and program subgrantees in the time and resources dedicated to processing applications through the LIHWA Program compared to establishing a new, independent program. Other positive impacts are foreseen with the utilities who will receive financial support to repay arrearages on residential accounts.

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**COST OF COMPLIANCE:**

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

It is anticipated that these rules will have a positive impact on all parties involved. It is expected that Community Action Agencies (subgrantees) will continue to experience a reduced burden due to the historical program implementation. As new funds for water and wastewater assistance payments become available, the subgrantees will already be experienced in providing assistance through these measures. There is an anticipated 900 eligible vendors for the LIHWA Program, of which over 200 of them are already experienced with this program. There will be no expected additional burden, regarding reporting or recordkeeping or the cost of administration, on any parties involved.

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**DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

Small businesses were consulted throughout the development process to determine how program implementation would look throughout Oregon. Community Action Agencies, many of which are small businesses, help to administer this program on a local level and were active participants in this discussion.

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**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?**

OHCS consults with the Community Action Agency network on a very regular basis. This network administers the LIHWA program on a local level and has a much better understanding of what individual communities need for application purposes. These rule changes allow for flexibility to absorb additional funds as they become available, which does not directly reflect major programmatic changes.

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**HOUSING IMPACT STATEMENT:**

These rules do not affect the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single-family dwelling on that parcel.

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**RULES PROPOSED:**

813-203-0000, 813-203-0005, 813-203-0007, 813-203-0010, 813-203-0020, 813-203-0040, 813-203-0050, 813-203-0060, 813-203-0070, 813-203-0080, 813-203-0090, 813-203-0100

AMEND: 813-203-0000

RULE SUMMARY: Establishes the purpose and objectives of this program.

CHANGES TO RULE:

813-203-0000

Purpose and Objectives

OAR chapter 813, division 203 originally provides specific guidance pursuant to US Public Laws 116-260 and 117-2. These laws designate Oregon Housing and Community Services (OHCS) to administer and operate the Low-Income Household Water Assistance (LIHWA) Program in a manner similar to that of the Low-Income Home Energy Assistance Program (LIHEAP)-see OAR Chapter 813, Division 200. The purpose of the program is to assist low-income households with their household drinking water and sewage disposal services needs through water assistance payments. This division of rules shall apply to any additional funds received, either under these laws or otherwise, specifically for the purpose above.

Statutory/Other Authority: US Public Law 116-260, ORS 456.555, US Public Law 117-2

Statutes/Other Implemented: US Public Law 116-260, US Public Law 117-2, ORS 458.505

AMEND: 813-203-0005

RULE SUMMARY: Provides the program's definitions.

CHANGES TO RULE:

813-203-0005

#### Definitions

Terms used throughout OAR chapter 813, division 203 may be defined in Oregon Revised Statute (ORS) or in the OHCS General Definitions (OAR 813-005-0005). Terms used within this division observe those definitions except as defined below:¶

- (1) "Crisis assistance" or "crisis payment" means the assistance provided to low-income households for crisis situations such as loss of household supply of drinking water or sewage disposal services or other situations approved by OHCS as described in the program requirements.¶
- (2) "Public drinking water or water treatment utility" or "utility" means the owner or operator of a Community Water System (as defined by the U.S. Environmental Protection Agency) or water treatment facility, who supplies a household with drinking water or sewage disposal services continuously via pipes.¶
- (3) "Household" means any individual residing alone, a family with or without children or a group of individuals who are living together as one economic unit and purchase drinking water or sewage disposal services in common.¶
- (4) "Household income" means the total household income before taxes from all sources. Specific sources and deductions are outlined in the program manual (see OAR 813-203-0007).¶
- (5) "Low-income household" means a household with income that is at or below 60% of the state median income.¶
- (6) "Program" or "LIHWA" means the Low-Income Household Water Assistance Program administered by OHCS pursuant to this division and other applicable law.¶
- (7) "Program manual" or "Manual" means the LIHWA Intake Operations Manual, as described in OAR 813-203-0007.¶
- (8) "Program requirements" means these administrative rules; all funding agreement terms and conditions; OHCS directives (including deficiency notices); the program manual requirements; and applicable state, local, and federal laws and requirements.¶
- (9) "Program services" means the services that may be provided to eligible households as described in OAR 813-203-0030 or allowed thereunder.¶
- (10) "Water assistance payment" means a payment made under the LIHWA Program to or on behalf of an eligible household for the specific purposes of paying for program services as described in OAR 813-203-0030.¶
- (11) "Water burden" means the percentage of household income that goes towards drinking water and sewage disposal services.

Statutory/Other Authority: US Public Law 116-260, ORS 456.555, US Public Law 117-2

Statutes/Other Implemented: US Public Law 116-260, US Public Law 117-2, ORS 458.505

AMEND: 813-203-0007

RULE SUMMARY: Provides the program guidelines for implementation.

CHANGES TO RULE:

813-203-0007

Manuals

The LIHWA Intake Operations Manual (program manual) with the requirements and standards therein, dated ~~January~~October 1, 2022~~2~~3, is incorporated into and adopted as part of this division of administrative rules, by reference. The program manual may be accessed online at the OHCS website.

Statutory/Other Authority: US Public Law 116-260, ORS 456.555, US Public Law 117-2

Statutes/Other Implemented: US Public Law 116-260, US Public Law 117-2, ORS 458.505

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

# Low-Income Household Water Assistance (LIHWA) PROGRAM



## ***INTAKE OPERATIONS MANUAL PROGRAM YEAR 2022-2024***

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~~Effective: January 1, 2022 – March 31, 2024~~

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# LOW-INCOME HOUSEHOLD WATER ASSISTANCE (LIHWA) PROGRAM

## Intake Operations Manual

### Introduction:

Oregon Housing and Community Services (OHCS) administers the Low-Income Household Water Assistance (LIHWA) Program. The program was originally established using two federal assistance funding sources: the Consolidated Appropriations Act (CAA) of 2021 and the American Rescue Plan Act (ARPA) of 2021. This funding expires March 31, 2024. The continuation of the LIHWA Program is dependent upon the availability of additional or future funds and funding sources received, either under these Acts or otherwise, to serve the purposes of this program. As the LIHWA Program is independent of other assistance programs, it has its own distinct application process.

The [LIHWA Program Intake Operations Manual](#) establishes operating policies and procedures that govern both funding sources. The purpose of this manual is to provide detailed information and instructions for the administration of LIHWA. Please note that this Operations Manual is not a compilation of best practices or suggestions and the requirements contained within it are not optional.

LIHWA provides household water and/or sewage disposal services assistance to low-income Oregonians, especially households with the lowest incomes and the highest water burden in relation to income. The purpose of this program is to supplement the cost of drinking water and sewage disposal services. Assistance is provided on a first come, first served basis to households with services provided by eligible utilities and may cover arrearages and current rates charged to those households.

OHCS recognizes that flexibility is necessary to meet the unique needs of each community across our state. It is critical that LIHWA coordinators and staff balance the requirements of this manual with the innovation necessary to move low-income Oregonians toward water independence.

While the policies and procedures included in this manual are rules for determining eligibility, delivering benefits, and administering the program, it is impossible to anticipate and provide examples for all situations; therefore, coordinators and staff are encouraged to use reason and apply good judgment in making decisions when rare and unusual situations are encountered. Decision-making based on the best information available, common sense, program knowledge, experience, and expertise in a particular situation is sometimes referred to as the Prudent Person Principle. OHCS requests coordinators and staff to document the rationale used in the decision-making process along with any applicable manual references and policy interpretations.

This manual, which is adapted from the Energy Assistance Programs Operations Intake Manual, is the result of years of collaboration between OHCS and the Community Action Agencies (CAAs) in addition to recent stakeholder engagement efforts with the eligible water and sewer utilities.

**Commented [A1]:** The federal LIHWA assistance, which initiated the program, is expiring but we would like to leave this program and rules in as a placeholder instead of completely suspending/repealing the rules. Is this possible?

## SECTION ONE: APPLICATION PROCESS

### This Section contains:

- ✓ [Confidentiality](#)
- ✓ [Preliminary Household Assessment](#)
- ✓ [Verification of Identification](#)
- ✓ [During the Intake](#)
- ✓ [Avoiding Duplicate Applications](#)
- ✓ [Using Mail-In/Hard Copy Applications](#)
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- ✓ [Identify Theft](#)
- ✓ [Recovery of Ineligible Assistance](#)
- ✓ [Declaration of Household Income \(DHI\)](#)
- ✓ [Self-Employed Clients](#)

### **Confidentiality**

Confidentiality of client information is essential and must be assured by the agency. The Master Grant Agreement (MGA) between each agency and OHCS specifically addresses this responsibility. Please reference the current MGA for your agency for specific language.

Each agency must have in place policies and procedures to assure compliance with requirements. Refer to local agency confidentiality forms and policies.

For the protection of all clients, you must not disclose or use the contents of records, files, papers, or communications for purposes other than those directly connected with the administration of the LIHWA Program, whether on or off duty.

### **Preliminary Household Assessment**

The purpose of a Preliminary Household Assessment is to gather the necessary information to assure the intake process is effective, efficient, and poses minimal burden to low-income clients.

Below is a list of a few sample questions:

- Does the client reside within the local service area of this agency? If not, from which other agency can the client seek assistance?
- Have any of the adult household clients received LIHWA assistance previously? (If possible, check history in OPUS or client files.)
- Does the client pay for water and sewer services separately, together, or not at all? Does the client pay a utility provider directly or through a landlord? Does the local agency have a vendor agreement with the utility? Are the utility expenses eligible for LIHWA? How many total clients reside in the household? How many adults? How many minors?
- What are all sources of income and total gross amounts for all household clients? (Except income EARNED by minors, such as from part-time jobs while enrolled in high school.)
- Is the household currently experiencing a crisis? (*See section Four*)

After conducting the Preliminary Household Assessment, an appointment may be scheduled with the client. For all applications, explain that the client will need to provide the following documentation representative of all household clients (except for those items with an asterisk (\*) when using express enrollment):

- \*Income verification for **all** household clients (Except income EARNED by minors, such as from part-time jobs while enrolled in high school).
- \*Identification for all adult household clients. (*See following section for examples of Identification Verification.*)
- Current utility/vendor bill(s), statement(s), invoice(s), or receipt(s). All households are encouraged to provide both their water and sewer bills (if separate and available), and account information must be updated in OPUS for any utility/vendor provided.
- \*Social Security Number(s) and date(s) of birth for all household clients.
- Copy of rental or lease documentation (where applicable).

The following supplemental forms may need to be provided to the client; please refer to your local agency form(s):

- Landlord Authorization Form.
- Declaration of Household Income Form (DHI) and/or other local agency form(s).
- Self-Employment Form.
- Other form(s) as determined by local agency policy.

**Verification of Identification**

All adult household clients must provide proof of identity once per program year. Agencies must maintain copies of identification documents in the client file or use a payment receipt or similar OPUS printout to reference these documents in the LIHEAP file when using express enrollment (see express enrollment section).

Below are examples of documentation that can be provided to establish identity:

- |  |   |
|--|---|
| Driver’s License                             | Passport  |
| Military Identification                      | State Identification/Government issued identification |
| Birth Certificate                            | School Records/ID                                     |
| Insurance Card                               | Tax Records   |
| Insurance Records                            | DHS Printout  |
| Court Documents                              | Utility Bills   |
| Government Records                           | Pay Stub  |
| Social Security Records                      | Tribal ID   |
| Other paperwork identifying household client |   |

**During the Intake**

Verifying, entering, and/or updating all necessary information provided by all household clients helps to ensure that the household is eligible for LIHWA, and that the intake worker has all documentation required to process the application and make a LIHWA commitment.

During each intake, the intake worker should document the following information:

- Names, dates of birth, and Social Security Numbers for every household client. In cases where issues inhibit clients from providing a valid Social Security Number, OPUS will issue a unique client identification number (OPUS System ID) to assure non-duplication of services when entering household information into the system. When an OPUS System ID number is used and the client meets the exception criteria, **it must be noted in the client file which exception criteria has been met** (See exception criteria on page 1.5). (Confidential/sensitive information should never be entered into OPUS)
- Contact information (phone number, email, mailing address, and physical address).
- Residence information (type of dwelling).

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- Demographic information (intake workers must ask for this information; however, services will not be denied for refusal by the client to provide information).
- Verification of GROSS income for all household adult and/or minor clients (Except income EARNED by minors, such as from part-time jobs while enrolled in high school). This may include Declaration of Household Income (DHI), Social Security calculator worksheet, and/or other local agency forms.
- Vendor/account information (water and sewer services, either combined or separate). Because the LIHWA Program commits payments to cover the balance in full, the utility/vendor bill needs to be current as of the date of data entry. If the billing cycle does not cover this date, the intake worker will need to verify with utility/vendor for updated account information via Utility Verification Form).

Intake workers must include copies of all relevant documentation that the client provides to produce a finalized application (See page 1.13 of Intake Manual for further explanation of documents required for a completed application).

Depending on local resources available to the client, intake workers should also provide additional information and contact numbers to the client. This should include, but is not limited to, weatherization and energy assistance, case management, interagency services, and local community programs.

**Avoiding Duplicate Applications**

To avoid duplicate applications, client information must be entered into the OPUS database.

**Using Mail-In/Hard Copy Applications**

If a client qualifies for multiple assistance programs (i.e., LIHEAP and LIHWA) while using mail-in/hard copy applications, the intake worker may use the original application submitted by the client, marking it as “original,” to create multiple applications, and add program-specific materials to each application, if it is done at the same intake. **A separate LIHWA disclaimer form must be completed for the LIHWA application.** All completed file requirements as outlined later in this manual still apply.

**LIHWA Program OPUS Data Entry and Authorization Form**

The following are general steps and information for completing either an OPUS intake or filling out a hard copy application:

**Client Information Section** (Found in OPUS in “Client View” screen, begin with the client considered Head of Household and enter data for all household clients.):

1. **Legal Name:** Enter full legal name for the client listed on the most current documentation from the SSA or state-issued photo ID.
2. **Birthdate:** Enter date of birth for the client (Month/Day/Year).
3. **SSN/SYSID:** Enter the Social Security Number (SSN) for the client.

Valid Social Security Numbers are **required** for LIHWA, and agencies are strongly encouraged to retain a copy of the Social Security Card or other documentation (when provided) for the client file in accordance with state retention schedules. **Agencies must require proof of Social Security Numbers from all household clients.**

In those cases where circumstances prevent clients from providing a Social Security Number, OPUS will issue a unique client identification number (OPUS System ID) to prevent duplication of services when entering household information into system.

**Links to:**

- [The Social Security Administration](#) website
- SSA info about SSNs [here](#) and [here](#)

Note: A valid SSN will not begin with 000, 666, or 900-999.

- 4. Social Security Number Verification:** Select if the SSN was verified, if it was not verified, or if the client received an exemption. If the SSN has *not* been verified and documented, the client will not be counted for the purposes of benefit determination, but that client's income (if applicable) will be counted in the total gross income calculation for the household. When an OPUS System ID is used and the client meets the exception criteria, it must be noted in the client file which exception criteria have been met. Examples of exceptions for not providing an SSN may include, but not limited to the following:
  - Unavailable to custodial guardian/parent,
  - Domestic Violence (DV) (any information regarding DV should only be documented in/on the paper file, **NOT** in OPUS),
  - Minors under the age of one (1), or
  - Adults applying for SSN with letter of SSN application.
- 5. Adult Identification Verified:** Check the box if the if the adult client's identification has been verified and documented. If adult ID has *not* been verified and documented, the client will not be counted for the purposes of benefit determination, but that client's income (if applicable) will be counted in the total gross income calculation for the household.
- 6. Email Address:** Enter the email address for the client, if applicable.
- 7. Phone:** Enter a primary telephone number for the client. When available enter secondary phone number(s).
- 8. Mailing Address:** Enter the client's mailing address, especially if different from physical address.
- 9. Physical Address:** Enter the client's physical address. The physical address on the application **must match** the service address on the utility bill/vendor receipt. If the physical address is not on the standardized utility bill, vendor receipt, or landlord letter, an alternate documentation of physical

address must be provided. **Changes to OPUS should not occur for minor discrepancies in the address format between utilities (i.e., 1234 W. Main St. versus 1234 Main St. W.).**

**ALL DEMOGRAPHIC DATA MUST BE REQUESTED FOR EACH CLIENT** (However, services will not be denied for refusal to provide demographic information)

10. **Language:** Select the applicable language for the client.
11. **Gender:** Select the applicable gender for the client.
12. **Ethnicity:** Select the applicable ethnicity for the client.
13. **Race:** Select the applicable race(s) for the client.
14. **Oregon Tribes:** Select the applicable Oregon Tribe(s), if any, for the client.
15. **Education:** Select the highest level of education completed for the client.
16. **Disability:** Select the applicable disability status for the client.
17. **Veteran:** Select the applicable veteran status for the client.
18. **Homebound:** Select the applicable homebound status. If the client is homebound, select the transportation status for the client when prompted.
19. **Non-Cash Benefits:** Select all applicable non-cash benefit(s) that the client receives (i.e., food stamps, public housing, WIC, etc.).
20. **Income/Employer:** Select if the client had any income for the determination period elected by the local agency (either the prior full calendar month or the previous 30 days).
21. **Source:** Enter the source of income (i.e., name of employer, type of deposits such as SSA or Unemployment). Those sources of income **earned** by minors enrolled in high school do not need to be reported but may be notated. If income is **received** in care of a minor, that income must be counted either under the minor client's name or adult client's name who holds guardianship.
22. **Type:** Select the type of income received by the client.
23. **Amount:** Enter the total GROSS amount received by the client during the elected timeframe.
24. **Frequency:** Select the frequency for the amount entered. *All clients must be determined eligible or ineligible monthly prior to determining eligibility for quarterly or yearly periods.*
25. **Verified How:** Select the type of documentation used to verify income for the client (i.e., check pay stub, FSRN, award letter, etc.).
26. **Don't use this record when creating Energy Module payments:** Check this box for income considered non-countable for LIHWA (i.e., TANF).



- 27. Employer Information:** Enter employer's information, if available (at a minimum, enter employer's phone number).

**Dwelling Information** (Found in the "Residence View" screen in OPUS):

- 28. Residence Type:** Select the residence type (i.e., duplex, tri-plex, house, etc.).
- 29. Residence Status:** Select the residence type (i.e., rent, own, etc.).
- 30. Energy Sources:** Select all applicable energy sources for the residence, and select the primary source used for heating purposes.

**Vendor Information** (Found in the "Client Vendor" screen in OPUS):

- 31. Client:** Select the client considered head of household and/or who is listed on the bill.
- 32. Account Number:** Enter the account number provided on the most recent vendor/utility bill or that which was identified through verbal contact. If a standardized account number is not used by the utility/vendor, at a minimum, the client's name must be listed in lieu of account number. Leaving the account number box blank is not acceptable.
- 33. Name on Account:** Enter the name on the account exactly as noted on utility bill. **The intake worker should place notes when the client's name is different (i.e., spelling is different, landlord is account holder, etc.).** For rentals where the client pays the landlord, the landlord authorization form must be on file.

*Every effort should be made to place an adult client of the household on the utility bill/account. In cases where this is not feasible, justification must be well documented in client's file and in OPUS. Examples may include, but not limited to:*

- Domestic Violence (DV)/Safety Concerns (any information regarding DV should only be documented in/on the paper file, **NOT** in OPUS)
- Military Deployment of the Account Holder
- "Payee" or "Power of Attorney" Arrangement
- Incarcerated Account Holder

**Payment Information** (Found in the "Payment New" screen in OPUS):

- 34. APC:** Select the correct APC based on the client's residence county and the LIHWA program funding source.
- 35. Applicant Information:** Select the client considered head of household and/or utility/vendor bill and verify the information is correct for household income and number of eligible clients in the household.

36. **Energy Type:** *This does not apply to LIHWA, just leave this as is.*
37. **Life Threatening Crisis:** Select the timeframe in which the client is in a life-threatening crisis due to their water and/or sewer services (i.e., disconnected service, pending disconnection service), if applicable.
38. **Refer for Weatherization:** Click the box if the client is referred to Weatherization Services.
39. **COVID19 Impacted:** Click the box if the client has been impacted by COVID19.
40. **Referral to Non-Energy Service:** Click the box if the client is referred for Non-Energy Service (i.e., prescription assistance, rental assistance, food box, etc.).
41. **Energy Advocacy:** Click the box if the client is provided advocacy for either water/sewer or energy (i.e., assisting with payment plan, arrearage forgiveness, medical certification, etc.).
42. **Calculating Income:** Determination of income is based on all household income **before any deductions** (this is known as **gross income**). (See “*What Is Income and What Is Not Income*” chart in Section Two.)

All income from all clients in the household—earned through self-employment or regular employment, unearned or received through benefit, or otherwise—must be documented and verified. The only exception to this is income EARNED by minor clients of the household who are still enrolled in high school. Income must be entered exactly as calculated; do not round up or down, do not project or average income. Intake workers must verify with the local agency to determine if income is collected and calculated based on the prior full calendar month or previous thirty (30) days.

**NOTE:** Each source of income must be associated with a specific client of the household.

**NOTE:** For self-employment, the intake worker should use the net amount (gross income minus business receipts).

**NOTE:** Income that exchanges hands within a household is not countable income.

**Income Calculations:** Income for each client of the household is calculated as follows, based on the local agency’s election of eligibility determination:

**Monthly:** Collect all income paid to or received by the client during the prior full calendar month or previous 30 days from the date of intake. Once data is entered into OPUS, it will automatically project out the annual income (multiplying the monthly income by twelve (12)).

**Quarterly:** If the client is ineligible based on monthly income, collect all income paid to or received by the client during the prior full three (3) calendar months or previous 90 days from the date of intake. Once data is entered into OPUS, it will automatically project out the

annual income (multiplying the quarterly amount by four (4)).

**Annual:** If the client is ineligible based on monthly and quarterly income, collect all income paid to or received by the client during the prior full twelve (12) calendar months or previous 365 (or 366) days from the date of intake.

**Income certification:** Household income must be certified at the time of intake (mail-in applications may consider date signed as date of intake). That certification is valid for a maximum of sixty (60) days. Agencies may require income certification from all households more often; however, timelines must be consistent for all households, and all completed file requirements (as outlined on page 1.12) must be followed. Express enrollment using a LIHEAP or LIHEAP-ARPA payment serve as the exemption for this.

**Express enrollment:** Express enrollment may be used to determine income eligibility if the intake worker verifies that the household composition and residence are the same. Completed LIHEAP or LIHEAP-ARPA applications may be used for the household in the current program year (i.e., LIHWA in September 2022 must use LP22 or LP22-ARPA, LIHWA in May 2023 must use LP23 or LP23-ARPA). Include a printout of the OPUS household screen or payment view/receipt with the application in place of income, SSN, and ID documentation.

43. **Program Payment Type:** Select payment type out of the following program options: Standard, Crisis, or Combo.
44. **Authorization Number:** Enter the application authorization number or leave blank to allow for OPUS to generate a number automatically.
45. **Vendor Information:** For either water, sewer, or split payments, select the vendor's name, enter the amount owed to the vendor, and select the account status (i.e., current, past due, etc.). **Please note: The "Disconnected" option should only be used when utility service is actually disconnected.**
46. **Payment Comment Box:** This section must be used for payment notes and/or special circumstances for the payment. This includes, but is not limited to:
  - Total account balance and amount required to avert disconnect/reconnect,
  - Justification for crisis or combo payment and amount (*particularly when the benefit exceeds documented need or may result in a credit on a utility/vendor account*), or
  - Reason for denial or void.
47. **Signatures:** The client signs and dates the application after they have reviewed with the intake worker the information and have been notified of their benefit award amount, as well as having read the LIHWA Program disclaimer. The intake worker then signs and dates the application; upon request, a copy of the application is then provided to the client for their records.

**Electronic signatures and authorizations:** For those circumstances where obtaining a traditional original signature is either not possible or presents an unreasonable hardship for the client, an

emailed, faxed, or electronically transmitted document can be accepted. However, all documents must be printed and either stamped or marked as "Original."

**Verbal signatures and authorizations:** For those circumstances in which a signature and date cannot be obtained for the LIHWA disclaimer and application, such as for intakes completed over the phone, the intake worker may read aloud the LIHWA disclaimer to the client. If the client agrees that the information submitted is true and accurate to the best of their knowledge, the intake worker will write "verbal signature exemption", then date the document and indicate appropriate notes in OPUS. If the agency receives an electronic or hardcopy signature for the application later, the intake worker may make notations in OPUS and add it to the original file.

**Power of Attorney Signatures:** If a non-household member is signing the application/OPUS Water Intake Report, a Power of Attorney form or a "permission to sign" form with a justification must be included in the file and noted in OPUS.

**LIHWA PROGRAM APPLICATION---Required Language for Applications**

### **LIHWA DISCLAIMER**

With my signature, I, the Applicant, agree to the following statements regarding the Low-Income Household Water Assistance (LIHWA) Program:

- ❖ I attest that the information stated in this application is true and accurate and will be used to determine my eligibility for water and/or wastewater assistance.
- ❖ I understand that the information provided, if misrepresented or incomplete, may be grounds for immediate application termination and/or could result in penalties as specified by law, including but not limited to enforcement under the Federal and Oregon False Claims Acts.
- ❖ I agree, as the water and/or wastewater services account holder, to the additional Release of Information to the water and/or wastewater provider or its authorized partners and representatives as necessary to verify services provided and those costs associated with services and process payment.
- ❖ If I pay my landlord or authorized representative for water and/or wastewater services, I have provided a signed Landlord Authorization Form as Release of Information.
- ❖ In addition, I agree that data from this application and from my water and/or wastewater services account (not including my personal identifying information) may be used for reporting or program evaluation purposes by the water and/or wastewater provider, its authorized partners and representatives, and the State of Oregon, including but not limited to Oregon Housing and Community Services (OHCS) and its authorized partners and representatives.

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Applicant Signature

Date

## DESCARGOS DE RESPONSABILIDAD DEL PROGRAMA

Con mi firma, yo, el Solicitante, estoy de acuerdo con las siguientes declaraciones en lo que respecta de Asistencia de Agua y Aguas Residuales (LIHWA):

- ❖ En certificado que la información provista en esta solicitud es verdadera y correcta y se usa para determinar mi elegibilidad para asistencia de agua y aguas residuales.
- ❖ Yo entiendo que la información provista, si tergiversada o incompleta, puede resultar en una terminación inmediata y/o puede resultar en sanciones según lo especificado en el lay, incluyendo, pero no limitado a, los Actos de Reclamos de federal o Oregón.
- ❖ Como titular de la cuenta de servicios de agua y/o aguas residuales, yo estoy de acuerdo con la liberación de información adicional al proveedor de servicios de agua y/o aguas residuales o sus representantes a verificar los servicios prestados y los costos asociados con esos servicios y para procesar pagos.
- ❖ Si pago mi propietario u otro representante autorizado para servicios de agua y/o aguas residuales, yo previsto la forma de Autorizado de los Propietarios con firma para la liberación de información.
- ❖ En adicional, yo estoy de acuerdo que los datos e información en esta solicitud y este del proveedor de servicios de agua y/o aguas residuales (no incluyendo mi información personal o identificativa) puede ser utilizado para reportar o evaluar del programa por el proveedor de servicios de agua y/o aguas residuales, sus socios y representantes autorizados, y el Estado de Oregón, incluyendo pero no limitado a la agencia de Vivienda y Servicios Comunitarios del Estado de Oregón (OHCS) y sus socios y representantes autorizados.

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Firma del Solicitante

Fecha

### **Completed Files and Distribution of Authorization Copies**

The original application and all supporting documentation must be maintained by the local agency. As part of an official agency file, the original application should be kept in the sub-grantee's or sub-recipient's official program files. It is not necessary to maintain separate number and alpha files. All official program files must comply with standard records management principals. There must be a date recorded on all authorizations for audit purposes.

**Each agency must have a process in place to assure compliance with this program guideline. Staff should verify policies and procedures with their local agency.**

A completed file **must have** the following:

1. A signed LIHWA application, using either a local application or the OPUS Water Intake Report, with all required signatures and dates/times. **Signature notes:** The same person may sign for both the intake and data entry lines (**by signing on the intake line**) but there must be a separate person signing for the authorizing agency representative. All applications must be reviewed by both intake/data entry and authorizing agency representative prior to being authorized in OPUS.
2. Income documentation for all household clients, excluding income EARNED by minor clients of the household who are still enrolled in high school. This could include, but is not limited to:
  - Wage Slips
  - Employer Statement
  - Official State and/or Court documents
  - Benefit Award Letters
  - Self-employment form
  - Bank Statements (only to verify SSI payments)

Any gaps in income during the eligibility period may be covered by statements from employers, proof of the following gross income, or a Declaration of Household Income (DHI) or Declaration of Zero Income (DOZI) form. If an adult client has no source of income for the entire eligibility period, they are required to complete a DHI/DOZI. *The Food Stamps screen should only be used as last resort verification for limited types of income.*

***Income documentation may be replaced with a printed screenshot of the OPUS household screen or payment view/receipt of the LIHEAP or LIHEAP ARPA payment received in the current program year if using express enrollment.***

3. Copy of a current utility bill. Because the LIHWA Program commits payments to cover the balance in full, the utility/vendor bill needs to be current as of the date of data entry. If the billing cycle does not cover this date, the intake worker will need to verify with utility/vendor for updated account information via Utility Verification Form). The service address on the bill must match the client's physical address. Verbal contact with utilities/vendors must be documented and included in the client file. If verbal contact is made by phone or through utility portal, the following information must be included on a *Utility Verification Form*. A printout of the client's information obtained via a utility portal may be used in place of a utility verification form. This form must include:

- Name(s) of utilities provider/vendors
- Name of Person(s) contacted (if verifying via a log-in required utility portal, make note)
- Date(s) of contact
- Utility provider/vendor account number(s)
- Verification of name and address on account(s)
- Current total account balance due
- Signature of agency representative completing form (clients may not fill out the Utility Verification Form for themselves, it must be done by agency staff)

4. Documented justification for a crisis/combo payment, as described in *Section Three*.
5. Documented proof of all household clients' Social Security Numbers and copies of Identification for all adult clients in the household.

***Proof of SSN and ID may be replaced with a printed screenshot of the OPUS household screen or payment view/receipt of the LIHEAP or LIHEAP ARPA payment received in the current program year if using express enrollment.***

6. Copy of any additional correspondence/documentation used during intake, such as:
- Notice of Action (NOA)  
A NOA is required when an application is placed on hold, in pending status, or when a benefit amount changes. A NOA may be required by the local agency for other changes or modifications.
  - Declaration of Household Income Form (DHI) and/or other local agency form(s)
  - Self-Employment Form
  - General Release of Information Form
  - Any additional file/documentation that may be required by the agency. Staff should verify policies and guidelines with their local coordinator.

**Please Note: Any local forms with signature lines must be signed by the client(s).**



**Pending Applications**

Applications that need additional eligibility verification documentation may be placed in either **pending status** or **hold status** in OPUS. The intake worker should fill out a Notice of Action (NOA) Form with the following information:

- Reason the application has been placed in pending/hold,
- Information needed to complete the application,
- Date by which the information is to be provided (within fifteen (15) calendar days unless otherwise authorized by the local agency), or
- Result if information is not received by deadline (including denial of application).

Once the NOA has been filled out, then the intake worker should review details with the client if in person or mail the NOA to the client for prompt reply. If changes are made to the client record after issuing a payment in OPUS, during pending status, the household must be “re-qualified” in OPUS for these changes to be reflected on the payment.

**Denied Applications**

An application is **denied** if the client fails to meet program eligibility requirements at the time of application or after the appropriate pending/hold period has been exhausted.

Clients must be provided a copy of the application or an NOA, which outlines the reason for their denial. For clients whose applications were placed in pending/hold then denied due to non-completion, the original NOA is sufficient notice of denial.

All notices of denial (including pending notices) must document reason for denial and include information regarding fair hearings. Any client whose claim for LIHWA assistance is either denied or is not processed with reasonable promptness is entitled to ask for a fair hearing at the local agency level.

All denied applications must be kept on file and have an intake (and data entry) and authorizing signature. Unless a client refuses, a client signature is required on all denied applications. **If refused, write “Refused” in place of the client signature.**

**OPUS will require comments for denying household payments.**

Clients may contact Oregon Housing and Community Services (OHCS) within thirty (30) days of the agency hearing decision to request that OHCS review the agency hearing decision for material deficiencies. The request must be in writing and delivered or mailed to OHCS at 725 Summer St NE Suite B, Salem OR 97301, or by email to [HCS.waterassistance@hcs.oregon.gov](mailto:HCS.waterassistance@hcs.oregon.gov). Review by OHCS, and the manner thereof, is at the sole discretion of OHCS.

### Voided Applications

An application is **voided** when it is found to be in error after processed in OPUS or if the application is withdrawn by the applicant **after** it has been signed by an intake worker but not batched in OPUS. If the application has already been batched in OPUS, the local agency must seek assistance with the void process through the OPUS HelpDesk.

Voided applications do not need to be printed, but the reason for voiding an application must be documented in OPUS.

Accurate data entry is very important. Data entry errors can lead to duplicate or denied applications. Inaccurate entry of address or account number(s) could result in checks being mailed to the wrong address or applied to the wrong account.

### Unusual Eligibility Situations

The following section provides basic guidance regarding eligibility determination in unusual situations. This information is not intended to be comprehensive, and discretion should be used in circumstances that do not fall neatly into the categories listed below.

- **Dwellings with a Shared Meter:** Many applicants reside in a dwelling that utilizes a single or master meter. These may include, but are not limited to:
  - a) **Multifamily Complexes and Manufactured/Mobile Home Parks:** Multifamily properties or manufactured/mobile home parks that have one water/sewer meter supplying more than one residential unit. Typically, the property/park owner or landlord is the utility account holder. **A landlord authorization form must be on file.**
  - b) **Roomer/Boarder:** A roomer/boarder is a person who rents a room from the building owner. A roomer/boarder does not have a separate site address from other occupants of the building and independently provides their own necessities of life (i.e., food, living costs). A roomer/boarder in a single-family structure must verify he or she is not part of the economic unit of the other tenants of the structure (i.e., rental agreement). **A landlord authorization form must be on file.**
  - c) **Co-Habitants/Roommates:** Persons living in a housing arrangement with their own room, who share common spaces (i.e., kitchens, living rooms, TV rooms, recreation rooms) and the cost of necessities of life. Cohabitants/roommates are generally *not* considered roomers. Persons sharing common spaces are part of a household with other members and eligibility must be assessed for the whole group as an economic unit (household).
  - d) **Neighbors/Land Sharing:** Applicants who obtain their water/sewer from a neighboring residence are not eligible to receive LIHWA independently. However, they may apply as part of the neighboring household.
  - e) **Hotels/Motels:** Applicants may be eligible for LIHWA if they have resided in a hotel/motel for more than thirty (30+) days **OR** if they are paying a “rental” (long-term) rate. Applicant is

responsible for verifying length of stay and/or special rate. **A landlord authorization form must be on file.**

- f) Group Homes:** Applicants who live together and receive support from caregivers. Group homes administered under a contract with or administered by a government unit are considered an “institution” and are not eligible to receive LIHWA services (i.e., most nursing home facilities). Contact the State LIHWA Coordinator for eligibility questions.
- g) Institutions:** Applicants living in institutions are not eligible to apply for LIHWA. Institutions include, but are not limited to, correctional facilities, nursing homes, alcohol/drug rehabilitation centers, treatment programs, dormitories, fraternities, sororities, domestic violence shelters, and homeless shelters.
- **Commercial or Non-Residential Utility Account:** Applicants with a commercial or non-residential utility account are **not** eligible to receive LIHWA.
- **Companion/Attendant/Caregiver (C/A):** Some applicants may have someone living with them who provide health/supportive services. If the caregiver lives with the applicant and that is their only residence, they will be counted as part of the household and their income will be included. If the caregiver provides documentation that they have their own residence, they will not be included as part of the household and income will not be included. If the live-in caregiver is paid solely by the applicant and no other money is paid from outside of the household the income of the caregiver will not be counted as income. If the live-in caregiver is paid from a source outside of the residence that amount shall be counted as income.
- **Household Separation:** If a previously served household separates, adults who move to a new household and reapply need to be assessed for eligibility at that time.
- **Counting Children in more than one household:** Children can be counted in more than one household based on local agency decision and policy. Both households may qualify for a standard payment.
- **Account holders other than adult(s) in the household:** Renting households may have the account holder as the landlord, which will require the Landlord Authorization Form to be on file. Some households may establish accounts in the name of minor household member or adult outside of the household to avoid large arrearages or maintain utility service. In this later case, agencies are advised to work with the applicant, utility, and OHCS to re-establish an account in the proper name including arranging for additional LIHWA assistance if necessary.
- **Passing of account holder or other unusual situations:** In unusual situations, such as if a client passes away before the LIHWA payment reaches the utility/vendor, contact the State LIHWA Coordinator for assistance.

- **Agency Staff as Clients:** Eligible agency staff may apply for LIHWA. Employee applications must be approved and signed by the Executive Director or their designee. **A list of agency staff receiving LIHWA must be retained for auditing purposes and supplied to OHCS upon request.**
- **Family and Friends as Clients:** Eligible family members and friends may apply for LIHWA; however, a staff person other than a family member or friend should conduct the interview. In agencies where it is otherwise not possible to meet this criterion, the staff person **must** record the relationship in OPUS **and** on the application. **All** applications of family and friends must be approved and signed by the agency Executive Director or their designee. **When friends or family members are assisted at the agency, a list of those served and the relationship must be retained for auditing purposes and supplied to OHCS upon request.**

**Please note that these are minimum requirements, and the definition of “friend” is not always clear. For further guidance staff should verify policies and procedures with their local agency.**

- **Tribal Members:** The following Tribes received LIHWA funds directly from US Health and Human Services (US HHS):
  - Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
  - Confederated Tribes of Grand Ronde
  - Confederated Tribes of Siletz Indians
  - Confederated Tribes of Warm Springs
  - The Klamath Tribe

**For those agencies with the above tribes in their service territory:** If a member from one of the above listed tribes lives on a reservation or on tribal trust lands, they should be referred to seek assistance from their tribal LIHWA program first. If for any reason an eligible tribal member is unable to access their tribal LIHWA program (i.e., out of funds, geographically inaccessible, unanticipated hardship), they should be served as any other eligible household.

Households affiliated with Oregon tribes **not listed above** should be treated as any other household.

Any deviation from these policies must be approved by the State LIHWA Coordinator within local agency work plans.

#### **Fraud and Determination of Fraud**

Fraud can involve clients, employees, or vendors. In all cases of actual or suspected fraud, the sub-grantee shall take necessary action to recover the funds and must inform OHCS. Fraud occurs when a household or business takes any of the following actions knowingly, willfully, and with deceitful intent by:

- Making false statements, or knowingly assisting clients to make a false statement(s) to the agency or its agent(s), either orally or in writing, to receive benefits, services, or payments, for which the household/business are not eligible.

- Concealing information that would change or disallow benefits for the household.
- Violating provisions set forth in the program regulations, vendor contracts, or other documents pertaining to LIHWA.

**Identity Theft**

OHCS is committed to mitigating identity theft amongst low-income Oregonians who receive LIHWA funding. In addition to protecting the privacy and confidentiality of clients, agencies should also be making efforts to ensure that day-to-day program practices guard against identity theft.

**Recovery of Ineligible Assistance**

The local agency is responsible for recovering duplicate payments, overpayments, and forgeries. Agencies should first determine if the ineligible assistance is due to agency error or applicant error. *If assistance has been provided due to agency error, the agency is responsible for repayment and/or recovery of ineligible benefits.*

If ineligible benefits are due to client error or fraud, agencies should follow the recovery procedure as outlined below:

Notify the vendor with information about the problem, and request return of the funds. If entire amount is returned from the vendor, the case is closed.

If funds have already been applied to the client's account by the vendor, the client is responsible for repaying the full benefit amount to the local agency. Send a certified letter to the client requesting reimbursement and provide a specific date for response. If fraud is suspected, include the fact that no response to the letter will result in the case being turned over to appropriate authorities for fraud investigation.

1. Send a copy to OHCS and keep all related documents in the client file. The client's Authorization Number must appear on all correspondence.
2. If there is no response within thirty (30) days from initial client contact, send a second letter to the client by certified mail, return receipt requested, with a copy to OHCS. This letter shall state that the matter is being turned over to OHCS, as of a specific date (use seven (7) days from date certified letter was received), for fraud investigation.

All cases of actual or potential fraud must be reported to the State LIHWA Coordinator at OHCS. Additionally, all attempts to recover LIHWA funds by an agency must be reported *in writing* to OHCS.

Should the client not complete their obligation to repay all ineligible funds received, notify OHCS.

**Declaration of Household Income (DHI)**

All household income must be accompanied by documentation. For adult clients claiming no income or irregular income without documentation for verification, must sign a Declaration of Household Income (DHI).

This form must be used for the following circumstances:

- A client has no income,
- A client has irregular income—such as resulting from occasional work like mowing lawns, childcare, donating blood, collecting cans/bottles—and/or a household whose income is from an informal child support agreement, or
- Regular cash gifts; *clients receiving gifts at least three (3) consecutive months will be counted as income.*

The DHI form must contain:

- “Head of household” or main client’s name,
- Name of adult client claiming zero or irregular income,
- Amount and type of income (if applicable),
- The month/timeframe for which information is being collected,
- A brief description of how basic needs (shelter, utilities, food) is being met,
- A statement certifying accuracy of information, and
- Client’s signature and the date signed.

Local agencies may require applicants and/or households claiming zero income to submit additional information. Staff should verify policies and procedures with their local agency. **If client has regular income with gaps during the eligibility period, the DHI may be used in place of statements from employers or proof of the following gross income.**

#### **Self-Employed Clients**

For clients who are Self-Employed, income should be based upon the adjusted gross income, or net income, remaining after the cost of doing business (gross income minus business expenses). Business expenses include all costs necessary to maintain the business.

Previous year’s losses or expenses are not allowed to be carried forward.

All self-employed applicants (including those landlords who own rental properties) should complete the self-employment form.

Additional supporting documentation may be required at the local level. Staff should verify policies and procedures with their local agency.

## SECTION TWO: INCOME

### This Section contains:

- ✓ [Income Definition and Determining Income Eligibility](#)
- ✓ [Income and Income Exclusion Chart](#)
- ✓ [Proof of Income](#)
- ✓ [What Is Not Income](#)
- ✓ [Private Disability Insurance and Gross Income](#)
- ✓ [Calculator for Social Security Retirement Benefits](#)

### **Income Definition and Determining Income Eligibility**

To be eligible for assistance, a household's total gross income must be within the income guidelines, per total number of household clients with SSN and ID verified, provided by OHCS for each program year (*See Section Five*).

Households must provide documentation of their gross income for the eligibility period determined by their local agency (see Section One on calculating income—either prior full calendar month or previous 30 days). DHI forms must be used for the adult clients of the household claiming zero or irregular income (local agencies may require additional information). **Because TANF is countable income for LIHEAP, proof of receipt of TANF may be included in place of a DHI/DOZI but the income must not be counted towards the total household income.**

### **Please Note:**

- **Income that exchanges hands within a household is not counted.**  
*Example: Bill lives with Mary and pays her cash for rent; the money he gives her would not be counted as income for Mary.*
- **If the name listed on the income documents differs from the legal name(s), the reason must be documented in the comment section. All income documents must have the client's name on them or be linked to a specific client in some form (SSN#, etc.).**

**Income and Income Exclusion Chart**

Income types	Definition	Considered Income?		Proof of Income
		Yes	No	
Adoption Assistance	Financial assistance and medical coverage granted to an adoptive family to offset the short-and long-term costs of adopting an eligible child	X		Official state and/or court documents
Alimony	An allowance paid to a person by that person’s spouse or former spouse for living expenses	X		Court documents, written statement from person paying support, DHI form
Annuities	A specified income payable at stated intervals for a fixed or a contingent period, often for the recipient’s life	X		Statement from investment firm or bank statement (as a last resort)
Cash Gifts - Irregular	Irregular cash gifts or payment on behalf of the household also includes loans and cash draw down on credit cards. (Gifts given for three consecutive months or more will be counted as income)		X	
Cash gifts - Regular	Must provide regular support for an individual or for the household, paid directly to the household. (Gifts given for three consecutive months or more will be counted as income)	X		Written statement from person providing support, DHI form
Child Tax Credit (CTC)	A tax credit for parents with dependent children		X	
Child Support	Money paid for the care of one’s minor child. Include Child Support income that is provided to minors	X		Court documents, written statement from person paying support, DHI form, Reliacard statement or bank statement (as a last resort)
Contract for Deed	A land contract is a contract between a seller and buyer of real property in which the seller provides financing to buy the property for an agreed-upon purchase price and the buyer repays the loan in installments	X		Contract documents, receipts



Income types	Definition	Considered Income?		Proof of Income
		Yes	No	
DHS Cash Assistance (SNAP in the form of cash assistance instead of food stamps)  <i>(See also Food Stamps)</i>	Cash assistance deposited directly into household bank account		X	
Disability Insurance (Private)	Income payable at stated intervals for a fixed or a contingent period	X		Official documentation such as an award letter or benefit verification letter (see addendum at the end of Section Two for additional information)
Dividends	A sum of money paid to shareholders of a corporation out of earnings	X		Letter from corporation listing amount or a bank statement
Earned Income	Wages, Salaries, Commissions, Bonuses, Profit Sharing, Tips, Vacation Pay, Overtime Pay, Severance Pay, Sick Leave	X		Wage Stubs or statement from employer
Earned Income Credit (EIC)  [See also Child Tax Credit (CTC)]	A tax credit for low-income households		X	
Employers paid fringe benefits	Health Insurance, retirement, etc.		X	
Energy Grants	Money received under last year's LIHEAP, OEAP or from private utility energy assistance programs		X	
Federal Disaster Payments	Payments made by federal agencies under a presidential declaration of disaster		X	
Food Stamps (See SNAP)  <i>(See also DHS Cash Assistance)</i>	Assistance given under a federal program to eligible persons for food at designated grocery stores or markets		X	

Income types	Definition	Considered Income?		Proof of Income
		Yes	No	
Foster Care	Payments made to foster families. Types of foster care include Family Foster Care, Special Rate Foster Care, Family Shelter Care, Relative Foster Care, Independent Living Program	X		Official state and/or court documents
Foster Grandparents Program	A program for limited income people ages 60 and older to serve as a role model, mentor, and friend for a small stipend		X	
GI Bill	Any of various Congressional bills enacted to provide funds for college educational cost, which may include tuition, fees, books, and housing costs		X	
Home Ownership Voucher Program	Section 8 home ownership program		X	
ICP – Independent Choices Program	The Independent Choices Program (ICP) provides Medicaid recipients with monthly cash payments and to manage or self-direct their own care instead of receiving care services managed by the state. These monies are not to be considered income for the Medicaid recipient, but are considered wages for the person the Medicaid recipient is paying for their care		X	
Income Earned by household members still enrolled in high school	Income Earned by household members eighteen (18) and over, who are enrolled in high school		X	
Income Earned by minors	Income Earned by household members under the age of eighteen (18)		X	
Income Exchanged within the same household	Income received by one household member and paid to another within the same household		X	
Income Not Counted by Law- Domestic Volunteer Service Act	Title I: Volunteers in Service To America (VISTA), AmeriCorps, University for Action (UYA), Urban Crime Prevention Program		X	

Income types	Definition	Considered Income?		Proof of Income
		Yes	No	
Income Not Counted by Law- Domestic Volunteer Service Act	Title II: Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Older Americans Service Program (Senior Health Aides, Senior Companions)		X	
Income Not Counted by Law- Domestic Volunteer Service Act	Title III: Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE)		X	
Income Not Counted by Law- Title V of the Older Americans Act	Experience Works, Senior Health Aides, Senior Companions, Volunteer Respite care		X	
Income Not Counted by Law – Title I of the Workforce Investment Act of 1998 (WIA)	Supportive services to WIA participants. Services include transportation, health care, childcare, handicapped assistance, meals, temporary shelter, counseling, etc.		X	
Indian Per Capita Judgment Payments	Payments made to any tribe or group whose trust relationship with the Federal Government has been terminated and for which Legislation in effect before October 12, 1973, authorized the disposition of its judgment funds		X	
Informal income	Income resulting from occasional sources such as yard work, childcare, collecting bottles/cans, donating blood and/or plasma, etc.	X		Receipts, DHI
Inheritance	Property, monetary passing at owner’s death to the heir(s) on a regular basis (not counted if one-time, lump sum payment)	X		Letter, Statement from lawyer, Bank Statement
In-kind Income	Food or rent received in lieu of wages		X	
Interest	The sum of money paid to one for the use of their money	X		Bank statement (only if amount is over \$200, and is withdrawn)

Income types	Definition	Considered Income?		Proof of Income
		Yes	No	
Job-related expenses for non-self-employed applicants	Business expenses comparable to self-employment, such as a salesperson, truck driver, cab driver, or mechanic		X	
Job related Reimbursements	Job related expenses such as mileage, meals, uniforms, medical expenses, etc.		X	
Lump Sum – Non-recurring	Income considered of a nature not likely to occur or happen again (i.e., lump sum insurance payments, workers compensation settlements, lottery winnings, sale of property, house, or car, etc.)		X	
Lump Sum-Recurring	Income received annually from the same source (i.e., wages, trust funds, etc.) Use OPUS income frequency “one time”	X		See definition of type of income received
Military Pay	Benefits paid to a person who is serving in a military force	X		Official document(s) stating amount (i.e., leave and earnings statement)
Pensions	Assistance, paid at regular intervals to a person or to the person’s surviving dependents in consideration of past services, age, merit, poverty, injury, or loss sustained, etc.	X		Statement from source, bank statement as a last resort, only if supported with client statement/documentation about any deductions (1099R is a good back-up for bank statement)
Rebates & Refunds	Income Tax rebates and refunds		X	
Rental Income	Income received from rental properties	X		Receipts, DHI, Self-Employment form)
Retirement	A monthly payment made to someone who is retired from work	X		Statement from source, bank statement- as a last resort only and must include written justification

Income types	Definition	Considered Income?		Proof of Income
		Yes	No	
Reverse Mortgage	A mortgage in which a homeowner, usually an elderly or retired person, borrows money in the form of annual payments which are charged against the equity of the home		X	
Royalties	A compensation or portion of the proceeds paid to an owner of a right, as a patent, oil, or mineral right, for the use of it or an agreed portion of the income from a work paid to its author, composer, etc.	X		Statement from source, bank statement.
Self-Employment Income	Income from a business, less business expenses	X		Agency-developed self-employment form and any supporting documentation that local agency may require.
Senior Companion Program	A program which offers an opportunity for volunteers aged 60 and over to provide companionship and support to homebound adults, most of whom are also seniors		X	
SNAP  (Formerly Food Stamps)	Supplemental Nutrition Assistance Program.		X	
Social Security Disability Insurance (SSDI)	Social Security pays benefits to people who can't work because they have a medical condition that's expected to last at least one year or result in death. Federal law requires this very strict definition of disability. While some programs give money to people with partial disability or short-term disability, Social Security does not. Certain family members of disabled workers can also receive money from Social Security. NOTE: Deductions CAN be taken from SSDI.	X		Official documentation for the current year such as the benefit verification letter or from Social Security Administration (SSA) For more information about benefit verification, see <a href="#">My Social Security</a> or use this <a href="#">link</a> .
Social Security retirement benefits (SS)	The Social Security Retirement Insurance Benefits are a federally funded program administered by the U.S. Social Security Administration (SSA). These are benefits that apply to individuals who have earned	X		Official documentation for the current year such as the benefit verification letter from Social Security Administration (SSA)

Income types	Definition	Considered Income?		Proof of Income
		Yes	No	
	enough Social Security credits and are at least age 62.			For more information about benefit verification, see <b>My Social Security</b> or use this <a href="#">link</a> .
Supplemental Security Income (SSI)	Supplemental Security Income (SSI) is a federal income supplement program funded by general tax revenues (not Social Security taxes): <ul style="list-style-type: none"> <li>It is designed to help aged, blind, and disabled people, who have little or no income; and</li> <li>It provides cash to meet basic needs for food, clothing, and shelter.</li> </ul> (Note: no deductions are taken from SSI)	X		Official documentation for the current year such as the benefit verification letter from Social Security Administration (SSA) or a current bank statement. For more information about benefit verification, see <b>My Social Security</b> or use this <a href="#">link</a> .
Strike Benefits	Benefit from Union Action	X		Copy of check, statement from Union
Student Aid <i>(See also Work Study.)</i>	The full amount of all financial assistance paid directly to the student or to the educational institution. This includes scholarships, grants, or loans, or GI Bill funds		X	
Temporary Assistance for Needy Families (TANF)	A program which provides assistance payments to needy families so that children may be cared for in their own homes or in the home of relatives.		X	<i>Note: Do not remove a TANF entry already in OPUS; mark the "do not count" box</i>
Third Party Payments	Payment that goes directly to landlord, utility bill, etc. on behalf of the household		X	
Tribal General Assistance (Tribal TANF)	A program that provides assistance payments to tribal families		X	<i>Note: Do not remove a Tribal TANF entry already in OPUS; mark the "do not count" box</i>
Tribal per capita payments	Tribal profits paid to a tribal member directly	X		Statement from tribe regarding payment amounts
Trust Fund	Money, securities, property, etc. held in trust and received on a regular basis (not counted if one-time, lump sum payment)	X		Letter, statement from lawyer, bank statement

Income types	Definition	Considered Income?		Proof of Income
		Yes	No	
Unemployment Insurance	An allowance of money, usually weekly, to an unemployed worker by a state or federal agency	X		Printout or statement from the employment office. (Ensure that gross weekly benefit amount is used)
Utility Allowance	An allowance of money, usually monthly, used to subsidize a person's utility costs.		X	
Veterans Benefits	Benefits paid directly to a person who has served in a military force or a surviving family member	X		Benefit award letter, correspondence from the VA office, benefit payment check, bank statement
Women, Infant, and children (WIC) Program	Women, Infants, and children (supplemental food program)		X	
Workers Compensation	Compensation for time lost due to a work-related illness or injury	X		Check stubs, statement from Workers Compensation, bank statement (as a last resort)
Work Study <i>(See Student Aid)</i>	The Work-Study program helps to provide graduates and undergraduates with part-time employment during the school year by paying a portion of the student's salary	X		Pay stubs

**Proof of Income**

Count **all** income for **all** household clients. The following items are acceptable as proof (*verification*) of income. If other items are submitted, please check with your supervisor for approval.

All income that comes to the head of household or adult household member in the name of a minor household member must be counted as income, in OPUS under either the adult or minor.

- **Adoption Assistance** – Official state and/or court documents.
- **Alimony** – Court order stating amount of support paid or received, written statement from person paying support, or if client is receiving support as part of an informal agreement and obtaining documentation creates a hardship on the client, a Declaration of Household Income (DHI) Form **must be** completed and signed.
- **Annuities** – Statement from the investment firm listing amount and frequency or bank statement (as a last resort).
- **Cash Gifts: Regular** – Written statement from person providing support, (DHI) form, and/or other local agency form (s). Gifts given for three consecutive months or more will be counted as income.
- **Child Support** – Court order stating amount of support paid or received, documentation from the Department of Child Support, bank statement (as a last resort), Reliacard statement, written statement from person paying support; or if the client receiving support as part of an informal agreement and obtaining documentation creates a hardship on the client, a (DHI) and/or other local agency form(s) **must be** completed and signed.
- **Contract for Deed** – Contract documents, receipts.
- **Disability Insurance (private)** – see “Private Disability Insurance and Gross Income” at the end of Section Two
- **Dividends** – Letter from corporation listing amount, bank statement.
- **Declaration of Household Income (DHI) and/or other local agency form(s)** – **Must be** completed and signed.
- **Earned Income** – Wages, Salaries, Commissions, Bonuses, Profit Sharing, Tips, Vacation Pay, Overtime Pay, Severance Pay, Sick Leave – Wage stubs or statement from employer specifying gross wages for one of the following time periods; one (1) month, three (3) months or twelve (12) months. (Wages earned through an employer.) ***Local agencies will establish additional policies or documentation requirements to ensure accuracy and consistency.***
- **Foster Care** – Official state and/or court documents.
- **Informal Income** – Receipts, Declaration of Household Income (DHI).
- **Inheritance**- Letter, statement from lawyer, bank statement.



- **Interest** – Bank statement(s). Only to be counted if over \$200.00 per year and is withdrawn.
- **Lump Sum Recurring**- See definition of type of income received for proof required if it is income received annually from the same source (e.g., wages, trust fund, etc.) Use OPUS income frequency “one time”
- **Military Pay** – Official document(s) stating amount (e.g., leave and earnings statement, bank statement). When a household member is deployed, that person remains a household member. The deployed person’s gross income is counted as household income.
- **Pensions** – Statement from source, bank statement as last resort with documentation.
- **Rental Income** –Receipts, DHI, or self-employment form.
- **Retirement** – Statement from source or bank statement as a last resort with written justification.
- **Royalties** – Statement from source, bank statement.
- **Self-Employment Income** – Agency developed self-employment form and any supporting documentation that local agency may require.
- **Social Security Disability Insurance (SSDI)/Social Security Retirement (SS)/Supplemental Security Income (SSI)** - Official documentation for the current year such as the benefit verification letter from Social Security Administration (SSA) or a current bank statement (for SSI only). For more information about benefit verification, see My Social Security or use this link. Note that deductions CAN be taken from SSDI/SS but not generally from SSI. (Follow [this link](#) to an Excel version of the calculator and refer to the addendum at the end of this section for policies around using the calculator.)
- **Strike Benefits** – Copy of check, statement from Union.
- **Tribal per capita payments** – Statement from tribe regarding payment amounts.
- **Trust Fund**- Letter, statement from lawyer, bank statement.
- **Unemployment** – Printout or statement from the employment office; ensure that gross weekly benefits amount is used to calculate income.
- **Veterans Benefits** – Benefit award letter, correspondence from the VA office, benefit payment check, bank statement.
- **Workers Compensation** – Benefit Statement, check stub or bank statement (as a last resort).
- **Work Study** – Pay stubs.

#### What Is Not Income

- **Cash Gifts: Irregular** – Irregular cash gifts or payment on behalf of the household, includes loans and cash draw down on credit cards. Gifts given for three consecutive months or more will be counted as income.
- **Child Tax Credit (CTC)** – A tax credit for parents with dependent children.

- **DHS cash assistance** – SNAP in the form of cash instead of food stamps.
- **Earned Income Credit (EIC)** – A tax credit for low-income households.
- **Employers paid fringe benefits** – Health insurance, retirement, etc.
- **Energy Grant(s)** – Money received under last year’s Low-Income Energy Assistance Program (LIHEAP), Oregon Energy Assistance Program (OEAP), or from private utility energy assistance programs.
- **Federal Disaster Payments** - Payments made by federal agencies under a residential declaration of disaster including, but not limited to, individual family grants from the Federal Emergency Management Agency (FEMA).
- **Food Stamps (SNAP)** –See SNAP on page 2.13.
- **Foster Grandparents Program** – A program for limited income people ages 60 and older to serve as extended family members.
- **GI Bill-** Any of various Congressional bills, enacted to provide funds for college educational cost, which may include tuition, fees, books, and housing costs.
- **Home Ownership Voucher Program** – Section 8 Program. Payments may be cash payments or payments made on behalf of the household.
- **Income Earned by household members still enrolled in high school** – Income earned by household members eighteen (18) and over who are enrolled in high school.
- **Income Earned by minors** – Income earned by household members under the age of eighteen (18).
- **Income Not Counted by Law** – Income paid within the following programs:

**Domestic Volunteer Service Act of 1973 (P.L. 93113)**

**Title I:** Volunteers in Service to America (VISTA), AmeriCorps, University Year for Action (UYA), Urban Crime Prevention Program.

**Title II:** Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Older Americans Community Service Program (Senior Health Aides, Senior Companions).

**Title III:** Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE).

**Title V of the Older American Act:** Experience Works, Senior Health Aides, Senior Companions, Volunteer respite care providers.

**Title I of the Workforce Investment Act of 1998 (WIA):** Supportive services to participants. Supportive services include assistance that enables people to participate in the program, e.g., transportation, health care, childcare, handicapped assistance, meals, temporary shelter, counseling, and other reasonable expenses or participation in the program. Exclude all WIA-supported income received by dependent household members who are 18 years old or younger or attending school K-12.

- **Indian Per Capita Judgment Payments** – Payments made to any tribe or group whose trust relationship with the Federal Government has been terminated and for which Legislation in effect before October 12, 1973, authorized the disposition of its judgment funds.
- **In-kind Income** – Food or rent received in lieu of wages.
- **Job Related Expenses for Non-Self-Employed Applicants** – Business expenses comparable to self-employment, such as a salesperson, truck driver, cab driver, or mechanic.
- **Job Related Reimbursements** – Job related expenses such as mileage, meals, uniforms, medical expenses, etc.
- **Lump Sum: Non-recurring** – Income considered of a nature not likely to occur or happen again (i.e., lump sum insurance settlements, workers compensation settlements, lottery winnings, sale of property, house or car, etc.).
- **Rebates and Refunds** – Income tax refunds, Property tax refunds, renters’ refunds, security deposits of utilities and rentals.
- **Reverse Mortgage** – A mortgage in which a homeowner, usually an elderly or retired person, borrows money in the form of annual payments which are charged against the equity of the home.
- **Senior Companion Program** – A program which offers an opportunity for volunteers aged 60 and over to provide companionship and support to homebound adults, most of whom are also seniors.
- **SNAP** – Supplemental Nutrition Assistance Program – Formerly known as Food Stamps. Assistance given under a federal entitlement program to eligible persons for food at designated grocery stores or markets.
- **Student Aid** (see Work Study) – The full amount of all financial assistance paid directly to the student or to the educational institution. This includes scholarships, grants, or loans.
- **Temporary Assistance for Needy Families (TANF) & Tribal TANF** – A program which provides assistance to needy families so that children may be cared for in their own homes or in the home of relatives.
- **WIC** – Benefits from the Women, Infant, and Children (WIC) Nutrition Program, Child Nutrition Act.

**Private Disability Insurance and Gross Income**

In some insurance documents the maximum amount the client can receive may be referred to as the “gross amount” or “gross benefit” or “total benefit.” There may also be a deduction for a Social Security amount referred to as an “offset” or “deduction” and then an “adjusted net” or “net benefit amount.”

In these specific cases, the only way to get the correct gross income amount may be to use what’s often referred to as the “net” amount by some insurance companies. However, clear documentation is essential in determining accurate income for the household. It is also important to note that the amount of the “offset” or “deduction” in the insurance documents must match the amount in the SSA benefit verification letter.

The examples below were taken from actual client files:

***Example A***

Client A receives a gross monthly benefit of private disability insurance for \$1,166.39, less an *offset* or *deduction* of Social Security (SS) in the amount of \$847.00 resulting in a **net monthly benefit of \$319.39**. Client A also presents a benefit verification letter from the Social Security Administration showing a benefit of \$847.00.

In this example and under the current policy, we would use the gross amount for the private disability insurance of \$1,166.39 and add the SS income of \$847.00 for a total gross income amount of \$2,013.39.

However, the maximum the client will ever receive from both sources is \$1,166.39. This is the amount that should be used to determine income eligibility.

***Example B***

The disability insurance benefit for Client B with dependent is determined as follows:

\$1,786.15	Gross Monthly Benefit
- \$825.00	Deduction for Social Security Disability
- \$414.00	Deduction for Dependent Social Security Disability
<u>+ \$162.18</u>	<u>Cost of Living Adjustment (COLA)</u>
<b>= \$709.33</b>	<b>Monthly Benefit Paid</b>

In this example and under the current policy, we would add the gross amount of \$1,786.15 and the \$162.18 COLA for a total of \$1,948.33. Because we also have Social Security benefit verification letters, we would add the Social Security benefits of \$825.00 and \$414.00 for a total gross income from both sources of \$3,187.33.

However, the maximum the client will ever receive from both sources is \$1,948.33 (\$1,786.15 + \$162.18). This is the amount that should be used to determine income eligibility.

**Calculator for Social Security Retirement Benefits**

- This calculator is for use only in the months of December through January after Cost-of-Living Adjustment (COLA) has been released (generally in October):

## Intake Manual

- An applicant does not have a current Benefit Verification Letter AND
  - It would be an unreasonable hardship to obtain a current Benefit Verification Letter AND
  - [My Social Security](#) is not an option AND
  - The automated SSA telephone system 800-772-1213 is also not an option.
- The COLA takes effect on January 1 for both Social Security Retirement and SSI recipients. If the applicant's current benefit amount (January 1 through December 31) is known and the amount of the COLA is known, the previous calendar year monthly benefit amount can be estimated.
- Benefit Verification Letters are generally released in January but are also now available electronically in December.
- The calculator may not be used in two consecutive years for any client.
- If the calculator is used, a copy of the calculator must be printed and included in the client file in addition to whichever benefit verification letter was provided by the client. In OPUS, the income verification drop-down box must show that the calculator was used and must also include a brief description as to why it was necessary.
- Use of this calculator is optional. However, if an agency decides to use it, the calculator must be used consistently for all clients in similar circumstances.

*Intakes during October through November that are missing the Benefit Verification Letter:*

Ideally, the letter from the previous *program* year application would be available/accessible from the client file, which would provide the award for the current calendar year. A copy of this letter should be used along with notation of the COLA increase (i.e., attaching the calculator).

*Intakes during December through January that are missing the Benefit Verification Letter:*

Clients may likely provide a letter for the upcoming calendar year rather than one for the current calendar year. First, verify the availability/accessibility of the letter from the previous *program* year application from the client file. If that letter is not available, the calculator may be used with the *new* letter.

An example of the Social Security calculator follows:



## Social Security Income Calculation Worksheet

Social Security Retirement & Supplemental Security Income (SSI) recipients received a cost of living increase of 2.8% for Calendar Year 2019. The standard 2019 Medicare Part B Premium is \$135.50 for 2019. For 2020 the COLA is 1.6% and the Part B Premium is \$144.60.

### Social Security Retirement

To calculate 2019 (prior year) Social Security income amount *from a 2020 benefit verification letter*:

1	ENTER the Social Security benefit amount for 2020, minus the medicare premium.	a.		
2	If the 2020 benefit verification letter shows something other than the standard Medicare Part B amount and/or other deductions are shown, put the total amount in b. The standard Medicare Part B premium for 2020 is \$144.60. The 2019 premium was \$135.50.	b.		
3	CALCULATION: Adds lines a and b (Results in estimated 2020 gross benefit).	c.	\$	-
4	Cost of living adjustment (COLA) factor <COLA % increase/100>=1=factor entered>	d.	1.016	1.6%
5	Divide line d by line c. The result is the <b>estimated</b> monthly <b>gross</b> 2019 income.	e.	\$	-

*A bank statement may not be used because it will not show other deductions.*

*← This could be zero.*

*Estimated monthly gross is what we'd need to use for reporting (as well as income eligibility).*

This estimated gross income calculator may only be used in December and January when:

- An applicant does not have a current Benefit Verification Letter AND
- It would be an unreasonable hardship to obtain a current Benefit Verification Letter AND
- [My Social Security](https://www.ssa.gov/myaccount/) (https://www.ssa.gov/myaccount/) is not an option AND
- The automated SSA telephone system **800-772-1213** is also not an option.

To calculate 2020 Social Security income amount *from a 2019 benefit verification letter*:

1	ENTER the Social Security benefit amount for 2019, minus the medicare premium.	a.		
2	The standard 2019 Medicare Part B premium is \$135.50. If 2019 benefit verification letter shows something other than the standard Medicare Part B amount and/or other deductions are shown, put the total amount in b.	b.		
	The standard 2020 Medicare Part B premium is \$144.60.			
3	CALCULATION: Adds lines a and b (Results in estimated 2019 gross benefit).	c.	\$	-
4	2020 Cost of Living Adjustment (COLA) factor <COLA % increase/100>=1=factor entered>	d.	1.016	1.6%
5	This is the estimated monthly gross <b>2020</b> income.	e.	\$	-

*A bank statement may not be used because it will not show other deductions.*

*Part B is not mandatory so this could be zero.*

*Estimated monthly gross is what we will use for income eligibility, reporting, and determining energy burden.*

This estimated gross income calculator may only be used in December and January when:

- An applicant does not have a current Benefit Verification Letter AND
- It would be an unreasonable hardship to obtain a current Benefit Verification Letter AND
- [My Social Security](https://www.ssa.gov/myaccount/) (https://www.ssa.gov/myaccount/) is not an option AND
- The automated SSA telephone system **800-772-1213** is also not an option.

The current year calculator worksheet is posted on the [OHCS website](#).

## SECTION THREE: PAYMENT TYPES

### This Section contains:

- ✓ [Eligible Costs](#)
- ✓ [Ineligible Costs](#)
- ✓ [Determining Payment Amounts](#)
- ✓ [Multifamily Properties/Parks with Master Meters](#)
- ✓ [Payment Types](#)

### Eligible Costs

The purpose of the LIHWA Program is to **PAY OFF ALL** arrearages of drinking water and/or sewage disposal services costs. Eligible costs are those related to water and/or sewage disposal services. For a continuously updated list of eligible and ineligible costs, please see the [LIHWA website](#). Examples of these include, but are not limited to, the following:

- Water base, use, and volume charges
- Sewer base, use, and volume charges
- Stormwater base, use, and volume charges
- Disconnection and reconnection fees
- Late and delinquent account fees
- Residential backflow prevention fees
- Administration fees specific for water, sewer, and stormwater
- Utility user tax
- Regional and local service fees related to water, sewer, and stormwater (i.e., Portland Harbor Superfund, water boards, bonds, etc.)
- Same day service and after-hours fees

**Ineligible Costs**

Ineligible costs are those incurred for other services or unrelated costs as well as those incurred due to client manipulation (i.e., tampering). Examples of these include, but are not limited to, the following:

- Franchise fees
- Streetlight fees
- City operations fees
- Fees and charges related to meter tampering or damaged meters (due to household causes)
- Charges, fees, or bonds for electricity, heat, garbage, or other services
- Charges, fees, or bonds for city staffing services (i.e., police, fire, etc.)
- Irrigation fees or charges
- Road construction or maintenance fees
- Returned check fee

Those ineligible costs related to infrastructure—those costs necessary to repair or replace water and sewer pipes or mechanics—may be covered with CSBG or another allowable fund. In some cases, these repairs must be made prior to applying a LIHWA payment to ensure continuity of service. However, LIHWA funds shall not be used to cover these costs.

**Determining Payment Amounts**

Once a household is determined income eligible, agencies must determine the total account balance(s) for drinking water and/or sewage disposal services **at time of intake or data entry** (whichever is later) to determine type and amount of the LIHWA payment. *When households have separate water and sewer vendors, OHCS highly recommends processing a split payment for both services at one intake whenever possible.*

**Example:** A client has water service from Vendor A and sewer service from Vendor B. Agencies are recommended to execute vendor agreements with both Vendor A and Vendor B prior to committing those payments. The single LIHWA payment would then be split between Vendor A and Vendor B, based on arrearages and current charges.

Agencies may elect to apply a **stabilizing credit** to LIHWA payments, *if applied consistently to all eligible households in their service area. This payment is in an amount as determined by local agency policy and is on top of the arrearages and current balance. (Floor payments shall be used when the account balance plus stabilizing credit is less than \$300).* For split payments, each vendor shall receive a **full** stabilizing credit.



Calculations for the total LIHWA payment may be inclusive of only eligible costs. Clients will be responsible for any remaining ineligible costs. Utilities may require account payment in full to avert disconnections or reconnect client accounts. **Agencies must develop internal policies regarding client advocacy to ensure continuity of services.**

#### **Multifamily Properties/Parks with Master Meters**

As LIHWA payments cannot be in the form of direct client payments, the local agency must obtain a signed Landlord Authorization Form and verify arrearages at the utility prior to qualifying individual household units at a multifamily property/park with master meters. If arrearages are present, the agency may award LIHWA payments upon total arrearages based on the proportionate share of eligible household units to total property/park units. For OHCS affordable housing portfolio properties, those eligible units may cover 100% of the arrearages. Agencies may convene outreach in the same manner as LIHEAP for obtaining eligibility determination and applications. The following examples provide a variety of scenarios with master meters:

15-unit multifamily property has \$3,750 in arrearages. There are 3 units who applied and are qualified. Each unit's LIHWA payment is committed for \$250 ( $\$3,750 / 15$ ), which pays of those units' portion of arrearages.

55-unit multifamily property has \$0 in arrearages. This property is ***not eligible*** for LIHWA.

30-unit OHCS affordable housing property has \$3,600 in arrearages. There are 8 units who applied and are qualified. Each unit's LIHWA payment is committed for \$450 ( $\$3,600 / 8$ ), which pays off all arrearages in full.

The following examples provide some unusual circumstances **without** master meters:

Two independent dwellings with separate meters on a single property (i.e., main house and rental house) has two accounts that are both in the name of the primary dwelling (owner's) household name. The secondary dwelling (renter) household may apply with a landlord authorization form for any arrearages.

A manufactured/mobile home park, that is supplied by city water, has dedicated meters for each rental space. As the park obtains water/sewer services from an eligible LIHWA vendor but also has the ability to affect continuity of services, the park is a third-party vendor.

It is at the local discretion at the agency to assure payment effects are passed forward to the eligible households. OHCS cannot enforce actions by the landlords. Therefore, agencies are encouraged to advocate for the clients and work with the landlords whenever possible.

**Payment Types**

The following are the different types of payments for the LIHWA Program and their definitions:

- **Standard Payment** – The Standard Payment has a floor (minimum) of \$300 and a ceiling (maximum) of \$1,000, determined by the individual households' eligible arrearages, current charges, and (if applicable) stabilizing credit. Households who receive a Standard Payment are not required to have a past due or shut-off notice. (Households who received the previous floor payment of \$100 between January 5, 2023, through March 6, 2023, (the income validity period of 60 days prior to the effectiveness of these changes) may receive a payment increase of \$200 to meet the new floor payment. Agencies may use the same voucher numbers to associate those payments).
- **Crisis Payment** – The Crisis Payment has a floor (minimum) of \$1 and a ceiling (maximum) of \$5,000. This payment is in addition to a Standard Payment, is based on current actual need, and is in response to an eligible current crisis (See Section Four on Crisis Services). Households must have received a Standard Payment prior to receiving a Crisis Payment.

***Households may only receive a single Crisis Payment from either LIHWA-CAA or LIHWA-ARPA, unless authorized by the State LIHWA Coordinator.***

- **Combo Payment** – A Combo Payment is issued as a Standard and a Crisis Payment at the same intake appointment. The amount may not exceed the ceiling of the combined payments, or \$6,000, without requesting an override from the State LIHWA Coordinator.

**Households who have previously received a Standard LIHWA Payment may be eligible for a second Standard LIHWA Payment. If a household reapplies and is deemed eligible again, the household may receive a Standard LIHWA Payment from the funding stream not previously used (LIHWA-CAA or LIHWA-ARPA). If a household is receiving its second Standard LIHWA Payment, the total payment may not exceed the ceiling of \$1,000 (unless authorized by the State LIHWA Coordinator).**

## SECTION FOUR: CRISIS PAYMENTS

### This Section contains:

- ✓ [Crisis Payments](#)
- ✓ [Life Threatening Crisis](#)

### Crisis Payments

A crisis exists when a household faces a sudden or unexpected event beyond their control resulting in the inability to pay drinking water and/or sewage disposal services costs.

A crisis may be caused by or defined as:

- Excessive arrearages and current water and/or sewage disposal services charges
- Interruption of drinking water and/or sewage disposal services
- Medical conditions - high costs or essential equipment
- Sudden loss of job, public benefits, or other income
- Malfunction of water/sewer infrastructure or appliances
- Domestic violence
- Other circumstances that may pose a potential health and/or safety threat.

Circumstances which do not necessarily (but may) qualify as a crisis include:

- Chronic non-payment of water/sewer costs
- Unexplained or excessively high water/sewer costs
- Other situations which are not sudden, unexpected, or beyond the control of the household

While a household must have exhausted a Standard Payment prior to receiving a Crisis Payment, an agency may provide both simultaneously (*See Combo Payment page 3.4*).

***As with Standard Payments, coordinators are encouraged to contact the State LIHWA Coordinator if they feel extreme circumstances warrant an exception to the maximum benefit guidelines.***

All Crisis and Combo Payments must be approved by the local coordinator, or their designee, with a description of the situation written in the Comments Section of the Authorization form and in OPUS. *Crisis and Combo Payments over the maximum benefit guidelines must also be authorized by the State LIHWA Coordinator.*

### Life-Threatening Crisis

A life-threatening crisis exists when a household member(s) health and/or well-being would likely be endangered by the interruption of drinking water and/or sewage disposal services. Generally, this would require an active medical certificate but may be deemed a life-threatening crisis by the local service provider if extreme circumstances are present.

In addition to the above, the household must either be disconnected or at imminent risk of disconnection (within 5 days of application) to be considered as having a life-threatening crisis.

Life-threatening crisis situations must be addressed within 18 (if already disconnected) to 48 (at risk of disconnection) hours of application. These timeframes must be documented to ensure compliance with the federal requirement and must include comments outlining how the situation was addressed.

Agencies are authorized to provide any of the following forms of assistance, or a combination thereof which best resolves a given emergency:

- **Bill Payment Assistance**—Direct Client Vendor payments to eligible households to assist in making their household drinking water and sewage disposal services bill commitments.
- **Other Equipment Repair/Replacement**—Even though these costs ARE NOT TO BE included in the LIHWA payment, agencies may use other internal funds (i.e., CSBG) to make these repairs. Such repairs include repair or replacement of inoperative, non-functional, or unsafe household appliances/equipment necessary to alleviate water/sewer crises.
- **Other Emergency Services**—Other services including, but not limited to, information, referral, coordination of benefits, advocacy, case management, and/or other goods and services necessary to relieve immediate threat to health and safety.

*These are minimum requirements; individual agencies may have additional requirements. Staff should verify crisis-related policies and procedures with their local coordinator.*

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## SECTION FIVE: ELIGIBILITY GUIDELINES

**This Section contains:**

- ✓ [Eligibility Income Guidelines](#)

**Eligibility Income Guidelines**

60% of State Median Income by Household Size  
For Use in Federal Fiscal Year 2024

Estimated State Median by Household Size-Source HHS

Household Unit Size	Annual Gross Income*	Monthly Gross Income*
1	\$33,427	\$2,785.58
2	\$43,712	\$3,642.67
3	\$53,997	\$4,499.75
4	\$64,282	\$5,356.83
5	\$74,567	\$6,213.92
6	\$84,852	\$7,071.00
7	\$86,781	\$7,231.75
8	\$88,709	\$7,392.42
9	\$90,638	\$7,553.17
10	\$92,566	\$7,713.83
11	\$94,494	\$7,874.50
12	\$96,426	\$8,035.25
Each Additional Member	\$1,929	\$160.75

\* Gross income means all household income before any deductions

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## SECTION SIX: AGENCY NETWORK INFORMATION

This Section contains:

- ✓ [Oregon Contacts for Community Action Agencies](#)
- ✓ [Energy Assistance Referral Listing by County](#)

### Oregon Contacts for Community Action Agencies

These links below provide the low-income water and energy assistance resources in partnership with OHCS:

[OHCS LIHWA Program Website](#)

[OHCS Energy Assistance and Weatherization Programs Website](#) (including Service Providers' Resources page)

[Community Action Partnership of Oregon](#) (including the Oregon Energy Coordinators & Affiliates page)

### **Community-based organizations that provide water and energy assistance programs in Oregon include:**

ACCESS	Access
CAO	Community Action Organization in Washington County
CAPECO	Community Action Program of East Central Oregon
CAT	Community Action Team, Inc.
CCNO	Community Connection of NE Oregon
CCSSD	Clackamas County Social Services Division
CinA	Community In Action
CSC	Community Services Consortium
KLCAS	Klamath-Lake Community Action Services
LCHSD	Lane County Human Services Division
MCCAC	Mid-Columbia Community Action Council
MULTCO	Multnomah County Department of County Human Services
MWVCAA	Mid-Willamette Valley Community Action Agency
NI	NeighborImpact
ORCCA	Oregon Coast Community Action Agency
UCAN	United Community Action Network
YCAP	Yamhill Community Action Partnership



**LIHWA Program – Local Provider Listing by County**

AGENCY	COUNTIES	CONTACT(S)	PHONE	EMAIL
ACCESS	Jackson	Rose Reeser	541-618-4018	<a href="mailto:rreeser@accesshelps.org">rreeser@accesshelps.org</a>
CAO	Washington	1) Melissa Stewart 2) Todd Speight	1) 503-693-3244 2) 503-693-3247	<a href="mailto:mstewart@caowash.org">mstewart@caowash.org</a> <a href="mailto:tspeight@caowash.org">tspeight@caowash.org</a>
CAPECO	Gilliam, Morrow, Umatilla, Wheeler	Sheri Gutierrez	541-289-7755 Ext. 208	<a href="mailto:sgutierrez@capeco-works.org">sgutierrez@capeco-works.org</a>
CAT	Clatsop, Columbia, Tillamook	Katie May	503-366-6546	<a href="mailto:kmay@cat-team.org">kmay@cat-team.org</a>
CCNO	Baker, Grant, Union, Wallowa	Rebekah Martin	541-963-3186	<a href="mailto:rebekah@ccno.org">rebekah@ccno.org</a>
CCSSD	Clackamas	↵ Linda Fisher	1) 503-650-5749	↵ <a href="mailto:jindafis@clackamas.us">jindafis@clackamas.us</a>
CinA	Harney, Malheur	1) Kris Hurd 2) Balbina Torres	1) 541-889-1060 Ext. 107 2) 541-889-9555	1) <a href="mailto:kris@cina.team">kris@cina.team</a> 2) <a href="mailto:balbina@cina.team">balbina@cina.team</a>
CSC	Benton, Lincoln, Linn	Connie Johnson	541-704-7647	<a href="mailto:cjohnson@communityservices.us">cjohnson@communityservices.us</a>
KLCAS	Klamath, Lake	Nicole Sergi	541-882-3500	<a href="mailto:nicolec@klcas.org">nicolec@klcas.org</a>
LCHSD	Lane	Stephanie Talbott	541-682-7473	<a href="mailto:Stephanie.talbott@lanecountyor.gov">Stephanie.talbott@lanecountyor.gov</a>

Field Code Changed

MCCAC	Hood River, Sherman, Wasco	Kasey Buckles	541-298-5131 Ext. 214	<a href="mailto:kbuckles@mccac.com">kbuckles@mccac.com</a>
MULTCO	Multnomah	Courtney Keating	503-988-7478	<a href="mailto:Courtney.n.keating@multco.us">Courtney.n.keating@multco.us</a>
MWVCAA	Marion, Polk	Traia Campbell	503-585-8491 Ext. 3001	<a href="mailto:Traia.campbell@mwvcaa.org">Traia.campbell@mwvcaa.org</a>
NI	Crook, Deschutes, Jefferson	Lori Sharton	541-323-6573	<a href="mailto:loris@neighborimpact.org">loris@neighborimpact.org</a>
ORCCA	Coos, Curry	<a href="#">1) Lisa Pierce</a> <a href="#">2) Jaima Gamma</a>	<a href="#">1) 541-435-7755</a> <a href="#">2) 541-435-7080</a> <a href="#">Ext. 265</a>	<a href="mailto:lpierce@orcca.us">1) lpierce@orcca.us</a> <a href="mailto:jgamma@orcca.us">2) jgamma@orcca.us</a>
UCAN	Douglas, Josephine	Jessica Hlavinka	541-672-3421 Ext. 3931	<a href="mailto:Jessica.hlavinka@ucancap.org">Jessica.hlavinka@ucancap.org</a>
YCAP	Yamhill	Brittany Hanson	503-984-3182	<a href="mailto:brittanyh@yamhillcap.org">brittanyh@yamhillcap.org</a>

Field Code Changed



## SECTION SEVEN: ACRONYMS AND DEFINITIONS

### This Section contains:

- ✓ [Acronyms](#)
- ✓ [Definitions](#)
- ✓ [Energy Burden Table](#)

### Acronyms

Acronyms are a fact of life for many service programs, so we begin with some of the most used abbreviations that you will find throughout this manual. In addition, others have been added that are commonly used in the water and energy assistance field.

<b>ACF</b>	Administration for Children and Family
<b>C/A</b>	Companion/Attendants/Caregiver
<b>CAA</b>	Community Action Agency
<b>CAF</b>	Children, Adults and Families – DHS-State
<b>CAPO</b>	Community Action Partnership of Oregon
<b>CR</b>	Crisis Payment
<b>CSBG</b>	Community Services Block Grant
<b>DHI</b>	Declaration of Household Income
<b>DHS</b>	Department of Human Services
<b>EIC</b>	Earned Income Credit
<b>FS</b>	Food Stamps
<b>FWS</b>	Federal Work Study
<b>HES</b>	Household Energy Supplier
<b>HHS</b>	Department of Health and Human Services
<b>LIHEAP</b>	Low-Income Home Energy Assistance Program
<b>LIHWA</b>	Low-Income Household Water Assistance Program
<b>MGA</b>	Master Grant Agreement
<b>NOA</b>	Notice of Action
<b>OHCS</b>	Oregon Housing and Community Services
<b>SNAP</b>	Supplemental Nutritional Assistance Program
<b>SS</b>	Social Security
<b>SSA</b>	Social Security Administration
<b>SSR</b>	Social Security Retirement
<b>SSD</b>	Social Security Disability
<b>SSI</b>	Supplemental Security Income

<b>SSN/SYSID</b>	Social Security Number/OPUS System ID
<b>TANF</b>	Temporary Assistance for Needy Families
<b>UI</b>	Unemployment Insurance
<b>WAP</b>	Weatherization Assistance Program
<b>WC</b>	Workers Compensation
<b>WIC</b>	Women, Infant, Children
<b>WX</b>	Weatherization

**Definitions**

**Authorization Form** – The official term for a LIHWA Program application. This document is used to ensure the required information is collected to deem a household eligible for the LIHWA Program and complete the required data entry into OPUS.

**Caregiver/Personal Care Attendant** – An attendant is a person who works during the day and/or lives at the residence. Both types of attendants may be paid for by any of the following: applicant, relatives, State, or company providing home assistance payments. An attendant (regardless of who pays) is an independent employee.

**Combo Payment** – A combined Standard and Crisis Payment provided on behalf of an eligible household at the same intake, not to exceed \$6000. *Contact the State LIHWA Coordinator if they feel extreme circumstances warrant an exception to the maximum benefit guidelines.*

**Completed Application** – An application is completed when responses to all application questions have been verified, appropriate documentation has been provided, and both the applicant and intake worker have signed the application or OPUS Water Intake Report.

**Completed File** – An original, completed application with all supporting documentation for a single payment from a single funding source, including original signatures or those signatures as authorized.

**Commitment Date** – The date a utility or fuel vendor has been notified of an agency commitment.

**Crisis Payment** – The LIHWA payment provided (above and beyond the Standard Payment) to help low-income households resolve crisis situations, including, but not limited to, loss of household water and/or sewage disposal services and other situations as described in the manual. The Crisis Payment for the LIHWA Program is between the floor of \$100 and ceiling of \$5000, household must have exhausted a Standard Payment prior to receiving a Crisis Payment.

**Declaration of Household Income Form (DHI)** – A form required for household members claiming no income or irregular/personal income.

**Denied Application** – An application is denied when it has been completed and signed but the applicant fails to meet program eligibility requirements.

**Disabled** – Persons who are unable to engage in any substantial paid activity by reason of any medically determinable physical or mental impairment.

**Eligible** – Households whose verified income is in accordance with the LIHWA Program income eligibility requirements and are partially or fully responsible for their household drinking water and/or sewage disposal services costs.

**Employed** – Having employment and receives wages or a salary on a regular basis.

**Energy Type** – The type of energy or fuel supply that is the major or primary portion of a household's heating or cooling source.

**Gross Income** – Total household income from all sources **before** any deductions.

**Household** – Any individual or group of individuals, who are living together as one economic unit, for whom residential drinking water and/or sewage disposal services are customarily provided in common or who make

undesigned payments for these services in the form of rent and share a common account.

**Indian Per Capita Judgment Payments** – Payments made to any tribe or group whose trust relationship with the Federal Government has been terminated and for which Legislation in effect before October 12, 1973, authorized the disposition of its judgment funds.

**Intake Date** – This is the date the application is received and or completed by the local agency pending available funding (as determined by the local agency).

**Life-Threatening** – Conditions where there is likelihood of death.

**LIHWA Payment** – A payment made under the LIHWA Program on behalf of an eligible household to a service provider (vendor).

**Net Income** – Total household income from all sources **after** all deductions.

**Notice of Action** – A notice sent to a client and/or vendor that informs of any change or adjustment to the client's application after it was submitted.

**OPUS** – The web-based data collection system used by energy assistance providers to **process** client data and calculate LIHWA payments.

**Outreach** – Any water or energy assistance, education, or public information efforts that do not require an in-office visit (i.e., water or energy assistance or education taking place at temporary or seasonal facilities, in-home efforts, mailings, advertising, and interpretive/translation services).

**Payment Receipt** – An OPUS-generated report that provides important information to an applicant who receives a LIHWA payment.

**Payment Type** – The category of LIHWA assistance, including Regular, Crisis, or Combo.

**Personal Income** – Irregular income from occasional sources such as yard work, childcare, collecting cans/bottles, and donating blood.

**Program Year (PY)** – Program year for LIHWA refers to the funding period beginning on October 1<sup>st</sup> and ending on September 30<sup>th</sup> of the following year.

**Roomer/Boarder** – A roomer/boarder is a person who rents a room from the building owner. A roomer/boarder does not have a separate site address from other occupants of the building—however, a roomer/boarder does not share in providing, or being provided for, the necessities of life (e.g., food, living costs) with other residents of the structure.

**Standard Payment** – The Standard Payment for the LIHWA Program is between the floor of \$300 and ceiling of \$1000 for an eligible household, based on the individual household's situation.

**Tribal per Capita Payments** – Tribal profits paid by a tribe directly to enrolled tribal members.

**Vendor** – A company who provides drinking water or sewage disposal services continuously via pipes.

**Voided Application** – An application that has been determined to be in error or withdrawn after it has been signed by an intake worker.

**Water and/or Sewer Costs Included in Rent** – Water and/or sewer costs are included as an undifferentiated part of the household’s rent payment.



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AMEND: 813-203-0010

RULE SUMMARY: Establishes the administration of the program.

CHANGES TO RULE:

813-203-0010

Administration

(1) As funds become available, OHCS may contract with subgrantees to provide eligible program services (see OAR 813-203-0030) in service areas in such manner to provide holistic coverage statewide without duplication or overlap of services. In a service area where a Community Action Agency (CAA) exists, OHCS may give preference to the CAA in service provision rights.¶

(2) OHCS will allocate available LIHWA funds to all subgrantees through a formula established by OHCS prior to the allocation process. OHCS reserves the right to modify such formula at any time in its sole discretion.¶

(3) A subgrantee may establish subrecipients that meet the requirements of ORS 458.505(4) to provide eligible program services in the subgrantee's service area.¶

(4) Subgrantees shall, at a minimum, identify potential eligible households, collect and screen applications, verify household eligibility, and contract with and monitor local utilities to determine that the eligible households are receiving their awarded program services. Whenever appropriate, subgrantees may assist eligible households in accessing other services designed to stabilize housing.¶

(5) Subgrantee representatives must attend and participate in LIHWA-related training made available or conducted by OHCS.¶

(6) Of those available funds, a designated portion of LIHWA funds is reserved for subgrantees and their subrecipients to use for administrative costs. Subgrantees and their subrecipients may expend up to a determined amount as authorized by OHCS and outlined in the funding agreement.

Statutory/Other Authority: US Public Law 116-260, ORS 456.555, US Public Law 117-2

Statutes/Other Implemented: US Public Law 116-260, US Public Law 117-2, ORS 458.505

AMEND: 813-203-0020

RULE SUMMARY: Establishes the program eligibility guidelines.

CHANGES TO RULE:

813-203-0020

Household Eligibility

(1) PA's funds become available, program services must be available to households that are determined to be eligible in compliance with the program manual. Baseline eligibility requirements include, but are not limited to:¶

(a) Meeting income thresholds for LIHWA;¶

(b) Receiving services from an eligible public drinking water or water treatment utility; and¶

(c) Having a demonstrated water burden.¶

(2) The period of time relevant to the determination of a household's eligibility must be no more than the past 12 months and not less than the 30 days immediately preceding the date of application by the household for program services.¶

(3) An eligible household must receive assistance from the subgrantee in the service area in which the household's dwelling is located.¶

(4) Households living in an institution is not eligible to receive program services. Institutions may include, but are not limited to, hospitals, licensed domiciliary care facilities, intermediate care facilities, skilled nursing facilities or homes, alcohol and drug rehabilitation centers or treatment programs, dormitories, fraternities, sororities, and temporary protective facilities such as domestic violence shelters and homeless shelters.

Statutory/Other Authority: US Public Law 116-260, ORS 456.555, US Public Law 117-2

Statutes/Other Implemented: US Public Law 116-260, US Public Law 117-2, ORS 458.505

AMEND: 813-203-0040

RULE SUMMARY: Establishes the use of funds for this program.

CHANGES TO RULE:

813-203-0040

Use of Funds

(1) Use of LIHWA funds must be in compliance with LIHWA program requirements for eligible households.¶¶

(2) To the extent of available funding and as it becomes available, program services include providing the following for eligible households:¶¶

(a) Water assistance payments; and¶¶

(b) Crisis assistance.

Statutory/Other Authority: US Public Law 116-260, ORS 456.555, US Public Law 117-2

Statutes/Other Implemented: US Public Law 116-260, US Public Law 117-2, ORS 458.505

AMEND: 813-203-0050

RULE SUMMARY: Establishes the vendor agreement and purpose between the administrators and utilities.

CHANGES TO RULE:

813-203-0050

Coordination with Public Drinking Water or Water Treatment Utilities

(1) ~~When funds become available, subgrantees~~ must execute a contract with a public drinking water or water treatment utility in order for the public drinking water or water treatment utility to receive a water assistance payment under the LIHWA Program.¶

(2) Subgrantees must use a contract template provided or approved by OHCS in fulfillment of its obligation under subsection (1) above.

Statutory/Other Authority: US Public Law 116-260, ORS 456.555, US Public Law 117-2

Statutes/Other Implemented: US Public Law 116-260, US Public Law 117-2, ORS 458.505

AMEND: 813-203-0060

RULE SUMMARY: Establishes the program funding agreement between the state and subgrantees.

CHANGES TO RULE:

813-203-0060

Application for Funding; Funding Agreement

(1) Prior to providing any LIHWA program services using OHCS fundings, as they become available, subgrantees must submit biennially an application for funding to OHCS. A funding agreement must be approved by OHCS in writing before being operative.¶

(2) Applications for funding must meet all requirements of form and content as established by OHCS. At a minimum, an application must include a subgrantee's proposed activities for eligible households, anticipated expenditures, and any other information as OHCS may require specific to LIHWA program fundings. Subgrantees must adhere to OHCS requirements and deadlines for submitting an application. An application is subject to approval, with or without modifications, or disapproval by OHCS.¶

(3) In cases where a subgrantee cannot meet the requirements listed in subsection (2) above, OHCS, in its sole discretion, may request other eligible organizations to submit an application for funding with respect to that service area.¶

(4) OHCS will evaluate all applications for funding for LIHWA program sufficiency requirements. Sufficiency is based on the quantity, thoroughness and quality of performance that is satisfactory to OHCS. This includes, but is not limited to, providing relevant information necessary for OHCS to assess the subgrantee's compliance with all LIHWA program requirements and any other standards, goals, and requirements established by OHCS.

Statutory/Other Authority: US Public Law 116-260, ORS 456.555, US Public Law 117-2

Statutes/Other Implemented: US Public Law 116-260, US Public Law 117-2, ORS 458.505



AMEND: 813-203-0070

RULE SUMMARY: Establishes the recordkeeping and monitoring requirements for the program.

CHANGES TO RULE:

813-203-0070

Recordkeeping and Compliance Monitoring

(1) Subgrantees and their subrecipients must maintain accurate financial records satisfactory to OHCS and consistent with LIHWA program requirements, which document the receipt and disbursement of all LIHWA funds by OHCS. Subgrantees must have an accounting system in place satisfactory to OHCS, and implement the ~~water~~ assistance database, OPUS, for data and fiscal entry.¶¶

(2) Subgrantees and their subrecipients must maintain other LIHWA records satisfactory to OHCS and consistent with LIHWA program requirements, which include, but are not limited to, documentation of household eligibility, receipt of allowable program services, termination of services and the basis for same, housing status, administrative actions, contracts with subrecipients, review of subrecipient performance, action taken with respect to deficiency notices, and any administrative review proceedings. Such records must be satisfactory to OHCS in substance and format.¶¶

(3) Subgrantees must provide OHCS with all required reports, data, and financial statements by submission deadlines and satisfactory to OHCS in form and substance as identified in the LIHWA program requirements and as requested by OHCS.¶¶

(4) To ensure proper compliance and monitoring of LIHWA, subgrantees and their subrecipients must:¶¶

(a) Furnish representatives of OHCS, the Oregon Secretary of State's Office, the original funder (including the state or federal government), and their duly authorized representatives access to and permit copying of all electronic and hardcopy books, accounts, documents, and records and allow reasonable access to the project and other property pertaining to the LIHWA Program, at any such representative's request.¶¶

(b) Cooperate fully in any inspections or other monitoring actions taken by OHCS, the Oregon Secretary of State's Office, the original funder (including the state or federal government), and their duly authorized representatives.¶¶

(c) Retain and keep accessible all LIHWA records and data according to LIHWA program requirements and as requested by OHCS.¶¶

(5) OHCS will conduct reviews, audits, and other compliance monitoring as it deems appropriate with respect to each subgrantee and its subrecipients to verify compliance with the LIHWA program requirements. Subgrantees and their subrecipients must cooperate fully with OHCS in its compliance monitoring activities.¶¶

(6) Subgrantees must require by contract and monitor their subrecipients' compliance with all LIHWA program requirements including, but not limited to, recordkeeping and retention of records and OHCS compliance monitoring and enforcement.

Statutory/Other Authority: US Public Law 116-260, ORS 456.555, US Public Law 117-2

Statutes/Other Implemented: US Public Law 116-260, US Public Law 117-2, ORS 458.505

AMEND: 813-203-0080

RULE SUMMARY: Establishes remedies between the state and subgrantees.

CHANGES TO RULE:

813-203-0080

Remedies

- (1) OHCS reserves the right to identify deficiencies in the performance of any subgrantee or their subrecipients discovered during compliance monitoring activities and take remedial action upon such subgrantees, including, but not limited to, terminating its funding agreement with a subgrantee and requiring repayment of LIHWA program funding.¶
- (2) To remedy any identified deficiencies, OHCS:¶
  - (a) Must issue a deficiency notice notifying a subgrantee of deficiencies identified through the monitoring process and provide documentation for the basis of such determination and the specific deficiency or deficiencies that must be corrected;¶
  - (b) Must require the subgrantee to correct any deficiencies in a manner and time frame satisfactory to OHCS;¶
  - (c) May offer training and technical assistance related to such deficiencies to the subgrantee; and¶
  - (d) May, at its discretion, offer the subgrantee assistance in the development of a corrective action plan. If a corrective action plan is allowed, OHCS must review the plan and issue a decision of approval or disapproval to the subgrantee.¶
- (3) OHCS must provide adequate notice to a subgrantee of remedial action that will terminate or reduce a subgrantee's eligibility for LIHWA program funding. OHCS must provide the subgrantee an initial opportunity to appeal to the director of the Housing Stabilization Division of OHCS, whose decision may be deferred to the Executive Director of OHCS.¶
- (4) For appeals unable to be resolved internally, OHCS adopts the procedures detailed in ORS Chapter 183 for contested cases.¶
- (5) Issuance of a deficiency notice will not constitute a waiver of other remedies available to OHCS or preclude OHCS from exercising such other remedies available to it under the LIHWA program requirements, at law or otherwise.

Statutory/Other Authority: US Public Law 116-260, ORS 456.555, US Public Law 117-2

Statutes/Other Implemented: US Public Law 116-260, US Public Law 117-2, ORS 458.505

AMEND: 813-203-0090

RULE SUMMARY: Establishes protections for the clients with the subgrantee.

CHANGES TO RULE:

813-203-0090

Challenge of Subgrantee Action

(1) Any household aggrieved by a subgrantee administering or providing LIHWA program services may challenge the subgrantee's action by entering the subgrantee's administrative review process (see OAR 813-203-0100). Any household who received either an unsatisfactory determination or refusal of a review by the subgrantee may submit a written request to OHCS within 30 days of receiving the notice of review determination or refusal by the subgrantee to provide such administrative review.¶

(2) OHCS may accept or deny a request to conduct a subgrantee administrative review, in whole or in part, at its sole discretion. An OHCS review will be in the manner determined appropriate by OHCS and may include, but is not limited to, review of provided information.¶

(3) If OHCS accepts the review request, the requesting household, the subgrantee, and any relevant subrecipients will produce all information required by OHCS, including requested affidavits or testimony.¶

(4) Upon accepting the review request, OHCS may make a determination on such review request and require such remedial action as OHCS determines, in its sole discretion, to be appropriate.¶

(5) OHCS adopts the procedures detailed in ORS Chapter 183 for contested cases.

Statutory/Other Authority: US Public Law 116-260, ORS 456.555, US Public Law 117-2

Statutes/Other Implemented: US Public Law 116-260, US Public Law 117-2, ORS 458.505

AMEND: 813-203-0100

RULE SUMMARY: Establishes the administrative review process.

CHANGES TO RULE:

813-203-0100

Administrative Review by Subgrantee

(1) Subgrantees must establish in writing a process satisfactory to OHCS that enables all potentially eligible households, having received LIHWA program services or not, to contest a determination by the subgrantee or its subrecipients that either denies, limits, terminates, or modifies program services.¶¶

(2) An aggrieved household may request an administrative review or fair hearing of a subgrantee's or its subrecipients' contested action (as described in subsection (1) above). The subgrantee must allow a minimum of 30 days, from the time of contested action or the aggrieved household's discovery of such action, for which an aggrieved household may request a review or hearing. The ultimate determination of an aggrieved household's discovery period is reserved to OHCS, in its sole discretion.¶¶

(3) A household remaining aggrieved after such review or hearing of a contested action may request administrative review of the subgrantee by OHCS (see OAR 813-203-0090).¶¶

(4) The subgrantee must inform OHCS in writing of any request by an aggrieved party for administrative review or fair hearing within 10 days of receiving such request.¶¶

(5) The subgrantee must inform OHCS and the aggrieved party in writing of any final administrative review determination made by the subgrantee, and the basis for same, within 10 days of such final determination.

Statutory/Other Authority: US Public Law 116-260, ORS 456.555, US Public Law 117-2

Statutes/Other Implemented: US Public Law 116-260, US Public Law 117-2, ORS 458.505