

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND COMMUNITY RESOURCES

Home Energy Assistance Handbook

Proposed Readoption: N.J.A.C. 5:49

Authorized by: Charles A. Richman, Acting Commissioner,

Department of Community Affairs

Authority: N.J.S.A. 52:27D-3(e)

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2009-298

Submit written comments by December 4, 2009 to:

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CHARLES A. RICHMAN, Acting Commissioner

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 5:49, the Home Energy Assistance Handbook rules, are scheduled to expire on September 28, 2010. The Department has

reviewed this chapter and finds that that it continues to be necessary and appropriate for the purpose for which it was adopted and is therefore proposing that it be readopted without change.

The rules proposed for readoption implement the Home Energy Assistance (HEA) program, which is a Federal block grant program authorized by the Low Income Home Energy Assistance Act of 1981, Title XXVI of the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35. The purpose of the program is to assist low-income households in meeting the continuing costs of home heating and cooling.

Responsibility for administration of the program in New Jersey was transferred from the Department of Human Services to the Department of Community Affairs by Governor Jon S. Corzine, by letter to the United States Department of Health and Human Services dated August 31, 2006. Accordingly, this chapter, then codified as N.J.A.C. 10:89, was recodified as N.J.A.C. 5:49 by an administrative change, notice of which was published in the *New Jersey Register* at 40 *N.J.R.* 4316(a).

Emergency energy assistance is available to eligible individuals and families who are without heat, or in danger of being without heat, and who lack sufficient income to purchase the necessary fuel or service.

The chapter consists of five subchapters, as follows:

Subchapter 1 provides information concerning the purpose of the program. It also provides rules pertaining to requests for fair hearings and explains the principles of the “prudent person concept,” under which those who administer the program are expected to act when situations arise that are not specifically addressed by the rules.

Subchapter 2 sets forth both financial and non-financial eligibility requirements for the HEA program. Non-financial requirements address State residency, household definitions, alien status and whether the applicant is a striker. Financial eligibility requirements include income limits and determination of countable income.

Subchapter 3 describes the types of benefits available under the HEA program. It also provides payment schedules for different household and heating situations, as well as information concerning eligibility for cooling assistance and emergency assistance under the HEA program.

Subchapter 4 contains provisions regarding the application process for the HEA program, as well as verification and documentation procedures.

Subchapter 5 concerns the administration of the program. Requirements include the establishment of Home Energy Assistance Units, adequate notice of agency action and appeal rights, overpayment recovery procedures and outreach activities.

A 60-day comment period has been provided for this proposal and, therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, the proposal is not subject to the provisions of N.J.A.C.1:30-3.1 and 3.2 governing rulemaking calendars.

Social Impact

This rules proposed for readoption implement a Federal program intended to protect the health, safety and welfare of low-income people by helping them to avoid hardship due to inadequate heating or cooling. In FY 2009, the program provided assistance to approximately 285,000 households in New Jersey.

Economic Impact

Inasmuch as the HEA program is entirely Federally-funded, the program does not have any State budgetary impact. Federal funds received for this program in FY 2009 totaled \$ 185 million.

Federal Standards Statement

The standards contained in this chapter do not exceed those contained in 45 *CFR* Part 96, the Federal rules that implement the Low Income Home Energy Assistance Act of 1981.

Jobs Impact

The proposed readoption would not result in any creation or loss of jobs.

Agricultural Industry Impact

This proposed readoption would have no impact upon the agricultural industry.

Regulatory Flexibility Statement

These rules do not impose any reporting, recordkeeping or compliance requirements on “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 *et seq.* The rules govern implementation in New Jersey of a Federal program designed to assist low-income households in securing assistance in paying necessary heating and cooling costs.

Smart Growth Impact

This proposed readoption would not affect smart growth or implementation of the State Plan.

Smart Growth Development Impact

This proposal is intended to readopt rules concerning a Federal program to provide energy assistance to low-income households. It would be most unlikely to have

any impact upon housing production within planning areas one and two or within designated centers under the State Development and Redevelopment Plan.

Housing Affordability Impact

This proposal is intended to readopt rules concerning a Federal program to provide energy assistance to low-income households. It would be most unlikely to have any impact upon housing production costs or to affect affordability.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:49.