

## **N.J.A.C. 10:167D**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL***

### **Title 10, Chapter 167D -- Chapter Notes**

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#### **Statutory Authority**

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##### **CHAPTER AUTHORITY:**

N.J.S.A. 48:2-29.15 et seq., 48:2-29.30 et seq., 52:14C-1 et seq., and 52:14D-1 et seq.; and P.L. 2012, c. 17.

#### **History**

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##### **CHAPTER SOURCE AND EFFECTIVE DATE:**

R.2017 d.169, effective August 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

##### **CHAPTER HISTORICAL NOTE:**

Chapter 83A, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was originally codified in Title 10 as Chapter 69B, Lifeline Credit Program/Tenants Lifeline Assistance Program. Chapter 69B, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was adopted as R.1983 d.524, effective November 21, 1983. See: 15 N.J.R. 1227(a), 15 N.J.R. 1944(b).

Pursuant to Executive Order No. 66(1978), Chapter 69B was re-adopted as R.1988 d.575, effective November 21, 1988. See: 20 N.J.R. 2440(a), 20 N.J.R. 3153(a).

Pursuant to Executive Order No. 66(1978), Chapter 69B was re-adopted as R.1993 d.586, effective October 21, 1993. See: 25 N.J.R. 3701(a), 25 N.J.R. 5167(b).

Pursuant to Reorganization Plan No. 001-1996, Chapter 69B, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was recodified to N.J.A.C. 8:83A, effective November 3, 1997. As a part of the recodification, administrative changes were made to reflect Department of Health and Senior Services jurisdiction. See: 29 N.J.R. 4679(a).

Pursuant to Executive Order No. 66(1978), Chapter 83A, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was re-adopted as R.1998 d.494, effective September 11, 1998. See: 30 N.J.R. 1560(a), 30 N.J.R. 3645(b). Chapter 83A, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, expired on September 11, 2003.

Chapter 83A, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was adopted as new rules by R.2004 d.368, effective October 4, 2004. See: 36 N.J.R. 2410(a), 36 N.J.R. 4457(a).

Pursuant to Executive Order No. 1(2010), the chapter expiration date was extended from April 2, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule was readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Chapter 83A, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was readopted as R.2010 d.089, effective May 14, 2010. See: 41 N.J.R. 3880(a), 42 N.J.R. 1198(a).

Chapter 83A of Title 8, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was recodified as Chapter 167D of Title 10 by administrative change, effective June 16, 2014. As a part of the recodification, administrative changes were made throughout concerning cross-references, agency names and addresses, and the elimination of text rendered redundant or moot by the transfer of authority. See: 46 N.J.R. 1643(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 167D, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was scheduled to expire on May 14, 2017. See: 43 N.J.R. 1203(a).

Chapter 167D, Lifeline Credit Program/Tenants Lifeline Assistance Program Manual, was readopted as R.2017 d.169, effective August 18, 2017. As a part of R.2017 d.169, Subchapter 1, Lifeline Credit Program/Tenants Lifeline Assistance Program, was renamed Lifeline Credit Program/Tenants' Lifeline Assistance Program, effective September 18, 2017. See: Source and Effective Date. See, also, section annotations.

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## **N.J.A.C. 10:167D-1.1**

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### **§ 10:167D-1.1 Purpose and intent**

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**(a)**The intent of the Lifeline Credit Program is to provide a minimum supply of gas and electricity for heating, lighting, cooling, cooking, and other essential household usages, which have been determined to be necessities of life, to those residential utility customers whose level of income and age or disability status makes it difficult to meet the extraordinary and unprecedented energy costs which have been experienced in recent years.

**(b)**The intent of the Tenants' Lifeline Assistance Program is to afford assistance to residents who, by virtue of their level of income and age or disability status, would be eligible for the Lifeline Credit Program; but because their utility costs are included as part of the rental, they do not receive an individual utility bill, and are, therefore, ineligible for the Lifeline Credit Program, but who are nonetheless deserving of financial relief from burdensome energy costs.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

In (b), substituted "Tenants' " for "Tenants", deleted "of their living accommodations (" following "because", deleted ")" following "rental", and inserted a comma following the second occurrence of "are".

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## **N.J.A.C. 10:167D-1.2**

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### **§ 10:167D-1.2 Legal authority**

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The New Jersey State budget for fiscal year 2004 transferred the responsibility for funding the Lifeline Credit Program and the Tenants' Lifeline Assistance Programs' benefits to the Board of Public Utilities (BPU). Pursuant to a Memorandum of Understanding between the Department and BPU, the Department shall continue to administer the Lifeline Programs.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Rewrote the section.

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## **N.J.A.C. 10:167D-1.3**

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### **§ 10:167D-1.3 Definitions**

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The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Annual income" means all income from whatever source derived, actually received or anticipated.

"Applicant" means an individual who applies or reapplies for the Lifeline Credit Program or the Tenants' Lifeline Assistance Program either personally or through an authorized agent.

"Authorized agent" means a person who initiates the application for a person who is incompetent or incapable of filing the application on his or her behalf in order to receive benefits from the Lifeline Credit Program or the Tenants' Lifeline Assistance Program.

"Beneficiary" means an individual who has been found eligible for the Lifeline Credit Program or Tenants' Lifeline Assistance Program.

"Calendar year" means a year beginning January 1 and ending on December 31. It is the base period utilized to determine annual income and eligibility.

"Commissioner" means the Commissioner of the Department of Human Services.

"Department" means the Department of Human Services.

"Electric utility" means every New Jersey public utility which provides residential electric service, as defined in this section, and is regulated by and subject to the jurisdiction of the BPU. Additionally, any municipality or other governmental entity providing residential electric service, as defined in this section, within the State of New Jersey, shall be deemed an electric utility for the limited purposes of the Lifeline Programs.

"Gas utility" means every New Jersey public utility which provides residential gas service, as defined in this section, and is regulated by and subject to the jurisdiction of the BPU. Additionally, any municipality or other governmental entity providing residential gas service, as defined in this section, within the State of New Jersey, shall be deemed a gas utility for the limited purposes of the Lifeline Programs.

"Household" means all individuals who occupy one or more rooms which constitute separate and distinct living quarters.

"Lifeline Credit" means a benefit in the form of a credit in an amount established by law made to the utility accounts of an individual who has been determined to be eligible for the Lifeline Credit Program.

"Lifeline Programs" means the Lifeline Credit Program and/or Tenants' Lifeline Assistance Program.

"Previous year" means the calendar year preceding the year in which the person is applying or reapplying for the Lifeline Programs. For example, 2002 is the "previous year" when referring to an application which is dated between January 1, 2003, through December 31, 2003.

1.If a person who is required to submit a Federal, State or City Income Tax return applies for the Lifeline Programs at the beginning of a calendar year but has not yet filed an income tax return for the previous year, the year preceding the previous year is considered to be the last or "previous year" when completing the Lifeline Programs application.

"Resident" means a person legally domiciled within the State of New Jersey for a period of 30 days immediately preceding the date of application for inclusion in the Lifeline Programs. Mere seasonal or temporary residence within the State, of whatever duration, does not constitute domicile.

"Residential electric service" means electricity supplied by an electric utility, for domestic purposes, through an individual meter to a dwelling unit defined as residential by the individual tariff of the servicing utility.

"Residential gas service" means gas supplied by a gas utility, for domestic purposes, through an individual meter to a dwelling unit defined as residential by the individual tariff of the servicing utility.

"Residential utility customer" means that individual whose name appears on the servicing utility's records and is responsible for payment of the cost of the utilities.

"Special needs trust" means a trust containing the assets of a disabled individual that is established for the sole benefit of the individual by a parent, grandparent, legal guardian or court prior to the time the individual reaches the age of 65. See N.J.A.C. 10:167D-4.2(d) for provisions.

"Tenant" means an individual who is renting or leasing real property as his or her principal residence, which includes, but is not limited to, apartments, mobile home park sites, residential shareholders in nonprofit residential cooperatives or mutual housing corporations, owners of condominiums, or persons who are boarding.

"Tenants Assistance payment" means a benefit in the form of a check in an amount established by law which is issued to an individual who has been determined to be eligible for the Tenants' Lifeline Assistance Program.

"Termination of service" means the notification by the residential utility customer to the servicing utility that the residential utility service is to be discontinued.

"Unused balance" means any portion of the Lifeline Credit not applied against an eligible beneficiary's utility bill upon the termination of residential electric and/or gas service.

"Viatical settlement" means the sale or cashing in of a life insurance policy prior to the death of the insured, due to the fact that the insured has experienced a catastrophic, life-threatening or chronic illness or condition.

## History

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### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Rewrote the section.

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## **N.J.A.C. 10:167D-1.4**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 1. LIFELINE CREDIT PROGRAM/TENANTS' LIFELINE ASSISTANCE PROGRAM***

### **§ 10:167D-1.4 Lifeline Credit and Tenants Assistance payment**

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**(a)**The Lifeline Credit shall consist of a single amount established by law, which will be applied, on a yearly basis, to the electric and/or gas utility bills of an eligible residential customer. Only one credit per year is allowed per household, regardless of the number of eligible residential utility customers living in that household.

- 1.**If the eligible individual is the residential utility customer of only one utility, the total Lifeline Credit shall be applied to the individual's utility account.
- 2.**If the eligible individual is a residential electric utility customer and a residential gas utility customer, one-half of the total Lifeline Credit shall be applied to each one of the eligible individual's utility accounts.
- 3.**When an eligible residential utility customer terminates service, the unused balance of the Lifeline Credit shall be dispersed accordingly.
  - i.**Within 45 days of termination of service, the electric and/or gas utility shall apply the unused balance to the residential utility customer's account before any other credits or deposits are applied when determining the account balance due to or from the customer.
  - ii.**When a residential utility customer changes his or her principal residence from a residential unit in the service territory of an electric and/or gas utility to an eligible residential unit within the service territory of another electric and/or gas utility and maintains utility service in his or her own name, the unused balance shall be transferred as a credit to the new account of the residential utility customer.
  - iii.**In the event of the death of an eligible residential utility customer, the unused balance shall be transferred to a new account for the same residence if the new residential utility customer is a surviving member of the decedent's household and is eligible, in his or her own right, for Lifeline Credit benefits.
  - iv.**The electric and/or gas utility shall return within 60 days of termination of service, any unused balance that cannot be transferred as stated in (a)3i, ii and iii above, to the Treasurer, State of New Jersey.



**(b)**The Tenants Assistance payment shall consist of a single amount established by law, which on a yearly basis will be issued in the form of a check. Checks will be sent to eligible tenants who indirectly pay for utilities as part of their rental. Only one eligible tenant per household will be allowed to receive such assistance.

1. When an eligible beneficiary moves prior to the issuance of payment, the beneficiary must notify the Department. The beneficiary must request a change of address and submit proof of New Jersey residence and the Tenants Assistance payment will be forwarded to the beneficiary.

2. When an eligible beneficiary moves out of the State of New Jersey, dies or otherwise is determined ineligible, no benefit shall be granted.

3. When an eligible beneficiary has received Tenants Assistance payments and subsequently becomes ineligible, payments will be discontinued as soon as the Department becomes aware of the beneficiary's ineligibility.

**(c)**A Special Utility Supplement has been established to assist Supplemental Security Income (SSI) beneficiaries who are not eligible for the Lifeline Programs. This yearly supplement amount, established by law in lieu of Lifeline Credit or Tenants Assistance payment, will be added to each monthly SSI check in amount equal to 1 /12 of the yearly supplement.

1. When an SSI beneficiary is no longer eligible for the SSI Program, any remaining balance of the Special Utility Supplement may be dispersed accordingly.

i. If the terminated SSI beneficiary is eligible for Lifeline Credit or Tenants Assistance payment, the remaining balance of the Special Utility Supplement shall be issued to the individual in the form of a check.

ii. If the terminated SSI beneficiary is not eligible for Lifeline Credit or Tenants Assistance payment, the remaining balance of the Special Utility Supplement shall be returned to the Treasurer, State of New Jersey.

## History

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### HISTORY:

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Section was "Lifeline Credit/Tenants Lifeline Assistance payment". Rewrote (b) and (c).

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## **N.J.A.C. 10:167D-2.1**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 2. ADMINISTRATIVE ORGANIZATION***

### **§ 10:167D-2.1 Department of Human Services**

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The Department of Human Services is the administrative unit of the State government designated to administer the Lifeline Programs. As provided in the "Lifeline Credit Program" and "Tenants' Lifeline Assistance Program" acts, this Department is authorized to promulgate policies, rules, regulations and procedures as may be deemed necessary to implement the provisions of these acts.

#### **History**

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##### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Substituted " 'Tenants' " for " 'Tenants'".

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## **N.J.A.C. 10:167D-2.2**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 2. ADMINISTRATIVE ORGANIZATION***

### **§ 10:167D-2.2 Lifeline Programs**

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Lifeline Programs are administered by the Department, which has the direct responsibility for processing applications and determining eligibility for either program, reimbursing utility companies for credits issued, recovering benefits improperly issued and authorizing the payment of benefits.

#### **History**

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##### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Deleted "for" preceding "authorizing" and "Lifeline" preceding the second occurrence of "benefits".

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## N.J.A.C. 10:167D-2.3

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### § 10:167D-2.3 Agency controls

(a) The Commissioner shall establish operating policies to expedite the processing of applications and to assure the maximum possible compliance with the standards set forth in this manual.

(b) The Department has the responsibility for reviewing a sample of beneficiaries' case records to assure that eligibility determinations are consistent with State law and regulations. A quality control review of sample cases selected on a random basis shall include:

1. An analysis of the beneficiary's case record, including the application, maintained by the Department;
2. A personal interview with the beneficiary or the beneficiary's representative(s) to review eligibility information and documentation; and
3. Verification of eligibility factors through collateral contacts.

(c) The Department is responsible for monitoring beneficiaries participating in the Lifeline Programs.

### History

#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

In (b)1, substituted "Department" for "Lifeline Programs".

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## **N.J.A.C. 10:167D-2.4**

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### **§ 10:167D-2.4 Responsibilities of the utility companies**

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- (a)** Each electric and gas utility shall inform each eligible residential utility customer of the Lifeline Credit Program when so directed by the Commissioner.
- (b)** Each electric and gas utility shall apply only one credit per utility account of an eligible residential utility customer.
- (c)** Each electric and gas utility shall recover any credits incorrectly made and return any such recoveries to the Treasurer, State of New Jersey, in accordance with the procedure set forth in N.J.A.C. 10:167D-5.1(f)1.
- (d)** Each electric and gas utility shall return to the Treasurer, State of New Jersey, any unused balances.
- (e)** Each electric and gas utility shall maintain records of all credits made to residential utility customers.
- (f)** Each electric and gas utility shall transfer the Lifeline Credit balance due a residential utility customer to a new utility account if the residential utility customer moves his or her principal place of residence within that utility's service territory.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

In (d), deleted "credit/" preceding "balances".

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End of Document

## **N.J.A.C. 10:167D-2.5**

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### **§ 10:167D-2.5 Confidentiality and disclosure of information**

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**(a)**All personally identifiable information regarding applicants or beneficiaries obtained or maintained under the Lifeline Programs shall be confidential and shall not be released without the written consent of the applicant or beneficiary or their authorized agent.

**(b)**Disclosure of information without the consent of the applicant, beneficiary or their authorized agent shall be limited to purposes directly connected with the administration of the Lifeline Programs pursuant to State law and regulations.

**(c)**The prohibition of (a) above against unauthorized disclosure shall not be construed to prevent:

- 1.**The release of statistical or summary data or information in which applicants or beneficiaries cannot be identified;
- 2.**The release to the Attorney General or other legal representative of this State of information or files relating to the claim of any applicant, beneficiary or their authorized agent challenging the Lifeline Programs' statute, regulations or a determination made pursuant thereto, or against whom an action or proceeding for the recovery of incorrectly or illegally applied or issued benefits has been instituted;
- 3.**The release of information to electric utilities, gas utilities, the Pharmaceutical Assistance to the Aged and Disabled Program, the Social Security Administration and the New Jersey Division of Family Development;
- 4.**The release of information or files to the State Treasurer or other governmental agency or to their duly authorized representatives, for an audit, review of expenditures or similar activity authorized by law;
- 5.**The release of information or files to any law enforcement authority of this State charged with the investigation or prosecution of violations of the criminal laws of this State;
- 6.**The release of information to the Department of Health and participating licensed veterinarians for the purpose of verifying eligibility for benefits under the Animal Population Control Program; or

7.The release of information on files for the purpose of determining eligibility for the Universal Service Fund (USF) program and the Low Income Home Energy Assistance Program (LIHEAP) or for the distribution of USF or LIHEAP benefits.

## History

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### **HISTORY:**

Amended by R.2010 d.089, effective June 21, 2010.

See: 41 N.J.R. 3880(a), 42 N.J.R. 1198(a).

In (c)7, inserted "and the Low Income Home Energy Assistance Program (LIHEAP)" and "or LIHEAP".

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

In (a), substituted "the Lifeline Programs" for "these programs"; in (b), substituted "Lifeline Programs" for "program"; in (c)2, substituted "Lifeline Programs' " for "program's"; in (c)3, substituted "Family Development" for "Public Welfare for the Special Utility Supplement"; and in (c)6, inserted "of Health".

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## **N.J.A.C. 10:167D-3.1**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 3. APPLICATION PROCESS***

### **§ 10:167D-3.1 General provisions**

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The application process includes all activity relating to a request for an eligibility determination. The application process begins with the receipt by the Department of an eligibility application and continues in effect until there is an official disposition of the request by the Department.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Substituted the first occurrence of "an" for "Lifeline" and "The application process" for "It", and deleted "eligibility" preceding the second occurrence of "request".

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## **N.J.A.C. 10:167D-3.2**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 3. APPLICATION PROCESS***

### **§ 10:167D-3.2 Authorized agent**

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**(a)**In those instances where the applicant is incompetent or incapable of filing an eligibility application on his or her own behalf, the Department shall recognize any of the following persons listed in order of priority, as an authorized agent for the purpose of initiating such application:

1. Power of attorney;
2. A close relative by blood or marriage; such as parent, spouse, son, daughter, brother or sister;
3. A representative payee designated by the Social Security Administration;
4. A staff member of a public or private social service agency, of which the person is a client, who has been designated by the client to so act;
5. A friend.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Substituted the first occurrence of "an" for "a Lifeline".

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## **N.J.A.C. 10:167D-3.3**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 3. APPLICATION PROCESS***

### **§ 10:167D-3.3 Responsibilities in the application and renewal process**

**(a)** Pursuant to statutory authority, N.J.S.A. 48:2-29.31, the Department shall establish procedures on the application process consistent with law and supervise the operation with the policy and procedures so established.

**(b)** The Department, through a Memorandum of Understanding with BPU, has responsibility in the application process to:

1. Explain the purposes and eligibility requirements of the Lifeline Programs and indicate the applicant's rights and responsibilities under their provisions;
2. Process applications;
3. Certify to the Treasurer, State of New Jersey, the names of eligible tenants;
4. Notify the utility companies of eligible applicants and the amount of credit to be applied to their accounts; and
5. Maintain eligibility applications and supporting documents for audit purposes.

**(c)** The applicant has the responsibility to:

1. Complete the eligibility application form truthfully, legibly, and accurately.
  - i. All application questions must be fully answered, including providing a monthly rental amount or the amount of the lease if the applicant is applying for the Tenants' Lifeline Assistance Program;
  - ii. All necessary documentation of eligibility must be submitted to the Department;
  - iii. Read the certification and authorization and sign or mark the application; and
  - iv. Obtain the signature or mark of the spouse, if married, and the signature of the preparer, if applicable, on the application;
2. Upon request by the Department, provide documentation or assist the Department in obtaining documentation that supports his or her statements.

i. Upon request by the Department, the applicant shall supply a copy of the rental or lease agreement, the Tenant Verification form, which is incorporated herein by reference as N.J.A.C. 10:167D-4 Appendix, or a document that contains all the information and signatures required by the Tenant Verification form;

3. Agree to a review by the Department. Eligibility may be terminated and benefits recovered if the beneficiary refuses to cooperate with a quality control review; and

4. Upon request by the Department, reapply for the Lifeline Programs on the forms mailed by the Department in order to renew eligibility.

(d) The beneficiary has the responsibility to notify the Department whenever one of the following occurs:

1. He or she moves out of the State of New Jersey;

2. His or her or their annual income increases to an amount which exceeds the eligibility limit;

3. His or her marital status changes;

4. He or she moves anywhere within the State of New Jersey; or

5. He or she is determined to be ineligible for continued Social Security Disability benefits.

(e) The beneficiary has the responsibility to repay the State of New Jersey, upon request, for the cost of benefits incorrectly paid on his or her behalf.

## History

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### HISTORY:

Amended by R.2010 d.089, effective June 21, 2010.

See: 41 N.J.R. 3880(a), 42 N.J.R. 1198(a).

In (b)5, inserted "or electronically store" and "or electronic records".

Amended by R.2011 d.249, effective October 3, 2011.

See: 43 N.J.R. 718(a), 43 N.J.R. 2597(a).

Rewrote (c)1i; in the introductory paragraph of (c)2, substituted a period for "; and" at the end; and added (c)2i.

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Section was "Responsibilities in the application process". Rewrote (a) through (c).

---

End of Document

## N.J.A.C. 10:167D-4.1

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

*New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY*

### § 10:167D-4.1 Eligibility requirements

---

**(a)**To be eligible for the Lifeline Credit Program, an individual shall be a resident and the residential utility customer each year or the spouse of a residential utility customer and satisfy one of the following criteria:

1. Be a Pharmaceutical Assistance to the Aged and Disabled (PAAD) program beneficiary or determined to be eligible for PAAD benefits; or
2. Meet the residency, income, and age or disability requirements of the PAAD program but apply for Lifeline Credit Program only.

**(b)**When an individual is not a residential utility customer but is a tenant, as defined in N.J.A.C. 10:167D-1.3, who has the cost of utilities included in his or her monthly rental and the individual meets the eligibility requirements as outlined in (a)1 and 2 above, the individual is eligible to receive benefits from the Tenants' Lifeline Assistance Program.

**(c)**To be eligible for the Lifeline Programs, an individual shall comply with the application requirements of N.J.A.C. 10:167D-3.

### History

---

#### HISTORY:

Amended by R.2011 d.249, effective October 3, 2011.

See: 43 N.J.R. 718(a), 43 N.J.R. 2597(a).

Added (c).

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

In (a)1, inserted "(PAAD) program"; rewrote (a)2 and (c); and in (b), substituted "the Tenants' " for "The Tenants".

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End of Document

## **N.J.A.C. 10:167D-4.2**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY***

### **§ 10:167D-4.2 Income standards**

---

**(a)**Any single permanent resident of New Jersey who is 65 years of age or older or who is between 18 and 65 and is receiving Social Security Title II disability benefits must have an annual income of less than \$ 27,951 to be eligible for the Lifeline Programs.

**(b)**Any married permanent resident of New Jersey who is 65 years of age or older or who is between 18 and 65 and is receiving Social Security Title II disability benefits, and his or her spouse, must have a combined annual income of less than \$ 34,268 to be eligible for the Lifeline Programs.

1.An applicant and spouse shall be considered separated when each maintains a separate residence and the applicant does not have access to or receive support from the spouse's income.

i.Any support payment received by the applicant, for the sole benefit of the applicant, shall be considered as income for eligibility purposes.

2.An applicant and spouse shall be considered separated when the spouse has been institutionalized in a long-term care facility, either skilled or intermediate, or in a State or county psychiatric hospital at least 30 consecutive days prior to application.

**(c)**All income, from whatever source derived, is considered when determining eligibility for the Lifeline Programs.

1.All income, taxable and nontaxable, is to be included. Examples of possible sources of income, which shall be gross amounts unless otherwise noted, are as follows:

i.Social Security benefits paid to or on behalf of the applicant;

ii.Veterans benefits;

iii.Disability benefits, whether public or private;

iv.Salaries;

v.Wages;

vi.Bonuses;



- vii.**Commissions;
- viii.**Fees;
- ix.**Dividends;
- x.**Interest taxable and nontaxable;
- xi.**Capital gains;
- xii.**Royalties;
- xiii.**Bequests and Death benefits;
- xiv.**Support payments;
- xv.**Unemployment benefits;
- xvi.**Pensions and Black Lung Benefits;
- xvii.**Annuities, whether contributory, noncontributory, qualified or nonqualified;
- xviii.**Retirement benefits including distribution from Individual Retirement Arrangements (IRAs), such as Traditional, Simple, Roth, or Educational, and benefit payments from foreign countries;
- xix.**Net business income;
- xx.**Fair market value of prizes and awards;
- xxi.**Gambling and lottery winnings; and
- xxii.**Net rental income after expenses.

**2.**Sources of income which are excluded in considering eligibility for the Lifeline Programs are as follows:

- i.**Benefit amounts received under the Lifeline Programs;
- ii.**Benefits received under New Jersey Homestead Rebates;
- iii.**Proceeds from spouse's life insurance;
- iv.**Capital gains of up to \$ 250,000 for a single person or up to \$ 500,000 for a married couple on the sale of a main home which is also excluded from income taxation by IRS and the New Jersey Division of Taxation;
- v.**Stipends from the Volunteers in Service to America (VISTA), Foster Grandparents programs, Workforce 55+ program and programs under Title V of the Older Americans Act of 1965;
- vi.**Agent Orange payments;
- vii.**Rewards involving health care fraud or abuse which apply to N.J.A.C. 10:49-13.4;
- viii.**Holocaust reparations;
- ix.**Proceeds from viatical settlements;

**x.** Proceeds received by the beneficiary of a special needs trust as described in N.J.A.C. 10:167D-4.2(d);

**xi.** Rollovers from one tax deferred financial instrument, such as pension, annuity, IRA, insurance contract or other retirement benefits, to another tax deferred financial instrument;

**xii.** 1035 Tax Free Exchanges of a policy or contract handled between two insurance companies; and

**xiii.** An insurance policyholder's original contributions if demutualization of the policy occurs and, in that case, only the earnings on the policy would be counted.

**(d)** To be considered a special needs trust to be excluded as income for determining eligibility for the Lifeline Programs, the trust shall include the following provisions:

**1.** The trust shall specifically state that the trust is for the sole benefit of the trust beneficiary;

**2.** The trust shall specifically state that its purpose is to permit the use of trust assets to supplement, and not to supplant, impair or diminish, any benefits or assistance of any Federal, State or other governmental entity for which the beneficiary may otherwise be eligible or which the beneficiary may be receiving;

**3.** The trust shall specifically state the age of the trust beneficiary, that the trust beneficiary is disabled within the definition of 42 U.S.C. § 1382c(a)(3), and whether the trust beneficiary is competent at the time the trust is established;

**4.** The trust shall specifically identify, in an attached schedule, the source of the initial trust property and all assets of the trust;

**5.** If the trust makes provisions which are intended to limit invasion by creditors or to insulate the trust from liens or encumbrances, the trust shall state that such provisions are not intended to limit the State's right to reimbursement or to recoup incorrectly paid benefits;

**6.** The special needs trust shall state that it is established by a parent, grandparent, or legal guardian of the trust beneficiary or by a court;

**7.** The trust shall specifically state that it is irrevocable. Neither the grantor, the trustee(s), nor the beneficiary shall have any right or power, whether alone or in conjunction with others, in whatever capacity, to alter, amend, revoke, or terminate the trust or any of its terms or to designate the persons who shall possess or enjoy the trust estate during his or her lifetime;

**8.** The trustee shall be specifically identified by name and address. The trust shall state that the original trust beneficiary cannot be the trustee. The trust shall make provisions for naming a successor trustee in the event that any trustee is unable or unwilling to serve;

**9.** The trust shall specifically state that the trustee shall fully comply with all State laws, including the Prudent Investor Act, N.J.S.A. 3B:20-11.1 et seq. The trust shall provide that the trustee cannot take any actions not authorized by, or without regard to, State

laws. If the trust gives the trustee authorization or power not provided for in the Prudent Investor Act, an accompanying letter shall provide an explanation for each such authorization or power;

**10.**The trust shall specifically state that the trustee shall be compensated only as provided by law in accordance with N.J.S.A. 3B:18-2 et seq. If the trust identifies a guardian, the trust shall specifically identify him or her by name. A guardian shall be compensated only as provided by law;

**11.**The trust shall specify that a formal or informal accounting of all expenditures made by the trust shall be submitted to the appropriate eligibility determination agency on an annual basis;

**12.**The State shall be given advance notice of any expenditure in excess of \$ 5,000, and of any amount which would substantially deplete the principal of the trust. Notice shall be given to the Office of State Health Insurance for the Aged & Disabled, Division of Aging Services, PO Box 715, Trenton, NJ 08625-0715, or any successor agency, 45 days prior to the expenditures; and

**13.**New Jersey rules and laws do not permit a trust to create a will for an incompetent or a minor. The money creating the trust, any additions and interest accumulated, cannot be left to other parties, but shall pass by intestacy. The trust shall not create other trusts within it.

**(e)**Upon request by the Department, the applicant must be able to document the amounts reported on the eligibility application, and will be required to submit photocopies of his or her Federal, State and city income tax return and other acceptable evidence.

**(f)**Eligibility for the Lifeline Programs is conferred based upon annual income for the current calendar year, which is estimated at the time of application. Previous year income information is used as a gauge and supplements estimates of current income to determine current eligibility. However, if previous income exceeds the standard, but current year income is expected to fall within legal limits, an initial applicant may estimate current year income for the purpose of establishing eligibility.

**(g)**Since eligibility is based upon actual annual income, if the actual annual income for the current calendar year exceeds the income standard, the person will become ineligible for the entire calendar year.

**(h)**The Department shall take necessary action to recover the full amount of payments made on behalf of beneficiaries during an ineligible period, when appropriate.

**(i)**Beneficiaries are required to notify the Department immediately if their current year income exceeds the established income standard.

**(j)**The income eligibility limits shall increase annually on January 1 by the amount of the maximum Social Security benefit cost-of-living adjustment for that year for single and married persons, respectively, in accordance with 42 U.S.C. § 415(i)(2)(D), incorporated herein by reference. The Commissioner shall publish the new income limits annually in the New Jersey Register.

## History

**HISTORY:**

Administrative correction.

See: 36 N.J.R. 5683(a).

Administrative change.

See: 37 N.J.R. 5001(a).

Administrative change.

See: 38 N.J.R. 5362(a).

Administrative change.

See: 40 N.J.R. 182(a), 6966(a).

Administrative change.

See: 43 N.J.R. 3365(a).

Administrative change.

See: 45 N.J.R. 33(a).

Administrative change.

See: 46 N.J.R. 78(a).

Administrative change.

See: 47 N.J.R. 485(a).

Administrative change.

See: 49 N.J.R. 104(a).

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Rewrote the section.

Administrative change (operative January 1, 2018).

See: 49 N.J.R. 4010(a).

Administrative change (operative January 1, 2019).

See: 51 N.J.R. 89(b).

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## N.J.A.C. 10:167D-4.3

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

*New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY*

### § 10:167D-4.3 Residency requirement

(a) Only residents of this State shall be eligible for the Lifeline Programs.

(b) The applicant must be able to substantiate residence upon request by the Department, and is required to submit copies of two documents showing evidence of current residence at the time of application. The following are examples of proof of residence:

1. Motor vehicle records, such as a valid driver's license;
2. Landlord's records and rent receipts;
3. Public utility records and receipts, such as an electric bill;
4. Personal property assessment records;
5. Records of professional people or businesses, such as doctors and department stores;
6. Post office records;
7. Records of social agencies, public or private; and
8. Employment records.

(c) Determination as to continued New Jersey residence of a person absent from this State shall be based upon contact with the applicant by a representative of the Department.

(d) In determining the continued New Jersey residence of an absentee, the issue is whether the individual intends to return to New Jersey or remain indefinitely in the other jurisdiction. If a beneficiary leaves New Jersey with the intent to establish a principal residence elsewhere, the beneficiary becomes ineligible for benefits and must immediately notify the Department of the change of address.

### History

#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Rewrote (a), (b)1, (b)3, and (b)5; and in (d), deleted "Lifetime" preceding the first occurrence of "beneficiary", and substituted "Department" for "Lifeline Program".

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## **N.J.A.C. 10:167D-4.4**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY***

### **§ 10:167D-4.4 Age**

---

**(a)**The applicant who is 65 years of age or older must be able to document his or her age upon request of the Department. The applicant must submit a copy of one of the following acceptable proofs of age:

1. Birth certificate;
2. Baptismal certificate;
3. Bris certificate;
4. Social Security records verifying age, which can be obtained from the local Social Security office; or
5. Railroad Retirement letter, which can be obtained from the Railroad Retirement Board.

**(b)**If the applicant cannot supply a copy of one of the proofs of age listed in (a)1 through 6 above, the applicant must submit copies of any two of the following acceptable proofs of age:

1. Insurance policy;
2. Driver's license;
3. School record;
4. State or Federal census record;
5. Bible or other family record;
6. Church record of Baptism for age five or after;
7. Confirmation certificate;
8. Marriage record;
9. Employment record;
10. Union record;
11. Military record;

- 12.Voting record;
- 13.Delayed birth certificate;
- 14.Applicant's child's birth certificate;
- 15.Physician's or midwife's record of applicant's birth;
- 16.Immigration record;
- 17.Naturalization record;
- 18.Passport.

## History

---

### HISTORY:

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

In the introductory paragraph of (a), deleted "Lifeline" following the first occurrence of "The"; rewrote (a)4; in (a)5, substituted ", which" for "(", and substituted a period for "); or"; deleted (a)6; and in (b)6, substituted "for age" for "(age", and deleted ")" following "after".

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## **N.J.A.C. 10:167D-4.5**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY***

### **§ 10:167D-4.5 Citizenship**

---

A person shall not be required to be a citizen of the United States in order to be eligible for the Lifeline Programs.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Rewrote the section.

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## N.J.A.C. 10:167D-4.6

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

*New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY*

### § 10:167D-4.6 Disability

---

(a)The applicant who is between 18 and 65 years of age and is receiving Social Security Title II disability benefits must be able to document his or her Social Security disability determination upon request of the Department. The applicant must submit a copy of one of the following documents:

- 1.Social Security Award Certification issued by the Social Security Administration within the last six months of application; or
- 2.A document issued by the Social Security Administration, which establishes Medicare eligibility and is dated within six months of the date of the application.

### History

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#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Rewrote the section.

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## N.J.A.C. 10:167D-4.7

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY***

### **§ 10:167D-4.7 Utility information**

---

**(a)**A residential utility customer shall submit documentation of his or her utility account(s) to the Department before a Lifeline Credit will be applied to his or her account.

1.A residential utility customer shall submit a copy of his or her most recent electric and/or gas bill or statement. The utility statement must be made out in the applicant's or spouse's name.

**(b)**When an applicant is a tenant and the utility costs are included in the monthly rental, the applicant shall submit the name and address of his or her landlord, the amount paid in rent per month or the amount of the lease and, upon request, a copy of the rental or lease agreement or the verification of tenancy required by N.J.A.C. 10:167D-3.3(c)2i.

### **History**

---

#### **HISTORY:**

Amended by R.2011 d.249, effective October 3, 2011.

See: 43 N.J.R. 718(a), 43 N.J.R. 2597(a).

Rewrote (b).

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

In (b), substituted "rental or" for "rental/".

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## **N.J.A.C. 10:167D-4.8**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY***

### **§ 10:167D-4.8 Eligibility applications**

---

**(a)**The Department shall mail a Lifeline Programs application to all Medical Assistance to the Aged, Medicaid Only beneficiaries and New Jersey Care Special Medicaid Program beneficiaries, except for those residing in nursing facilities, who are eligible each year. There shall be only one application for those beneficiaries who apply for both PAAD and the Lifeline Programs.

**(b)**When an individual meets the residency, income, age, or disability requirements of the PAAD program and is not an SSI beneficiary and wishes to apply for the Lifeline Programs only, the individual shall complete the required application and return it to the Department.

**(c)**When necessary, the Department shall mail preprinted forms to those beneficiaries who met the qualifications for the Lifeline Programs only in the previous year and received benefits.

**(d)**When the Department receives the completed application form, the Department will determine whether the beneficiary is eligible for the Lifeline Programs and authorize credit or payment accordingly.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Section was "Lifeline eligibility". Rewrote the section.

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## **N.J.A.C. 10:167D-4.9**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY***

### **§ 10:167D-4.9 Social Security Account Number**

---

**(a)**Each applicant must include his or her Social Security Account Number (SSAN) on the application form. The SSAN, a unique and verifiable number, is utilized to differentiate between persons with the same name. Married persons must also indicate the SSAN of their spouse.

**(b)**In the event that the applicant does not have a SSAN, a unique identifying number will be assigned by the Department. This number will be used to uniquely identify the beneficiary.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

In (a), deleted "for the Lifeline benefit" following "applicant"; and in (b), deleted "Lifeline" preceding "beneficiary".

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## **N.J.A.C. 10:167D-4.10**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY***

### **§ 10:167D-4.10 Certification**

---

The applicant must certify that all answers to the questions and items on the application form are true and accurate to the best of his or her knowledge. This certification shall be dated, signed or marked by the applicant and spouse, if married, and the preparer of the form, if other than the applicant, before the application can be processed.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Rewrote the section.

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## **N.J.A.C. 10:167D-4.11**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY***

### **§ 10:167D-4.11 Authorization**

---

(a) By signing or marking the certification and authorization statement on the application form, the applicant authorizes:

1. The Department to verify any information on the form by contacting the Social Security Administration, the Internal Revenue Service, the New Jersey Division of Taxation, employers and others as the need arises; and
2. Visitation and review by representatives of the Department.

### **History**

---

#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

In the introductory paragraph of (a), substituted "signing or" for "signing/".

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## **N.J.A.C. 10:167D-4.12**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY***

### **§ 10:167D-4.12 Eligibility period**

---

A Lifeline Credit shall be applied to the account(s) of a residential utility customer and remain on the account until it is used or the account is terminated. See N.J.A.C. 10:167D-1.4.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Deleted parentheses surrounding the second sentence.

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## **N.J.A.C. 10:167D-4.13**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY***

### **§ 10:167D-4.13 Appeal process**

---

**(a)**When the Department determines that an applicant is ineligible for benefits, the applicant has the right to appeal the decision by submitting a written request for a fair hearing to the Lifeline Credit Program, Department of Human Services, PO Box 722, Trenton, NJ 08625-0722, within 30 calendar days from the date of mailing of the notice of ineligibility. The document must clearly state the valid basis for such a request.

**(b)**The Department will forward the hearing request to the Office of Administrative Law, which will schedule the hearing and notify all parties of the date, time and location, pursuant to the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

**(c)**The petitioner will have the burden of demonstrating that the Department's determination deviates from the requirements and standards of the regulations and statute.

**(d)**When the petitioner requests a fair hearing, they shall clearly indicate the existence of a disputed question of fact or law arising from the requirements and standards of the rules and statutes of the Lifeline Programs. If the petitioner fails to establish a contested case, the Department shall deny the hearing request.

### **History**

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#### **HISTORY:**

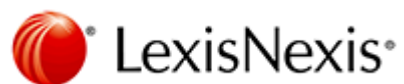
Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Rewrote the section.

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## **N.J.A.C. 10:167D-4, Appx.**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 4. ELIGIBILITY***

## **APPENDIX**

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New Jersey Department of Human Services  
 Pharmaceutical Assistance to the Aged and Disabled (PAAD), Lifeline and Special Benefits Programs  
 PO Box 715  
 Trenton, NJ 08625-0715

**TENANT VERIFICATION**

Please print the landlord and the tenant(s) names and monthly amount of rent clearly.

This form must be signed by both the Landlord and the Tenant(s).

Landlord's Name: \_\_\_\_\_

Landlord's Address: \_\_\_\_\_

Tenant's (Applicant's) Name: \_\_\_\_\_

Co-Tenant's Name (if applicable): \_\_\_\_\_

Property Address: \_\_\_\_\_

The above-named Tenant(s) pay(s) rent to the above-named Landlord. The monthly amount of rent is \$\_\_\_\_\_.

Please verify the utility arrangement (check as appropriate):

The cost of electric

<input type="checkbox"/> is <i>included</i> in the rent payment.	<input type="checkbox"/> is <i>NOT included</i> in the rent payment; tenant responsible for own electric bill.	<input type="checkbox"/> is <i>NOT included</i> in the rent payment; tenant pays a separate charge for electric.
--	--	--

The cost of natural gas

<input type="checkbox"/> is <i>included</i> in the rent payment OR natural gas is not used.	<input type="checkbox"/> is <i>NOT included</i> in the rent payment; tenant responsible for own natural gas bill.	<input type="checkbox"/> is <i>NOT included</i> in the rent payment; tenant pays a separate charge for natural gas.
---	---	---

Is rent subsidized? (subsidized housing, section 8, etc)  YES  NO

By signing this form, I certify that the information stated above is true and correct to the best of my knowledge.

Landlord's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Tenant's (Applicant's) signature: \_\_\_\_\_ Date: \_\_\_\_\_

Co-tenant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Social Security number: \_\_\_\_\_

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## History

### HISTORY:

New Rule, R.2011 d.249, effective October 3, 2011.

See: 43 N.J.R. 718(a), 43 N.J.R. 2597(a).

N.J.A.C. 10:167D-4, Appx.

Repeal and New Rule, R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

Appendix was "Tenant Verification".

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End of Document

## **N.J.A.C. 10:167D-5.1**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167D. LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL > SUBCHAPTER 5. RECOVERIES***

### **§ 10:167D-5.1 Benefits incorrectly paid**

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**(a)**The Department shall take all necessary action to recover the Tenants Assistance payments incorrectly or illegally made or the Lifeline Credit incorrectly or illegally applied, on behalf of an electric and/or gas utility customer, from the residential utility customer and any party or parties whose action or inaction resulted in the incorrect payment or from their respective estates, as the case may be. The action shall include, but is not limited to:

1. Requesting the Attorney General to commence civil actions;
2. Reducing subsequent benefits from the Lifeline Programs to which the beneficiary may be entitled;
3. Reducing New Jersey State income tax refunds to which the beneficiary may be entitled; and
4. Reducing New Jersey Homestead Rebates to which the beneficiary may be entitled.

**(b)**The term "incorrect credit" includes, but is not limited to, credit given to an electric and/or gas residential utility customer who is no longer eligible, or has been incorrectly determined to be eligible to receive credit.

**(c)**The term "illegal credit" includes, but is not limited to, credits made as a result of any false statement or representation by the applicant, or by the deliberate concealment of a material fact by the applicant.

**(d)**The term "incorrect payment" includes, but is not limited to, payments made to a beneficiary who is no longer eligible, or who has been incorrectly determined to be eligible to receive payment.

**(e)**The term "illegal payment" includes, but is not limited to, payments made as a result of any false statement or representation by the applicant, or by the deliberate concealment of a material fact by the applicant.

**(f)**For the purposes of carrying out the provisions of this section, no public utility, as defined herein, shall be held liable for any Lifeline Credit either improperly or illegally obtained by a

beneficiary once that beneficiary has been identified by the appropriate State instrumentality and made known to the utility as an eligible beneficiary.

1. When a public utility becomes aware that a Lifeline Credit has been improperly credited to the account of an ineligible customer or that an eligible residential utility customer has been credited in an amount in excess of the statutory limit, the utility shall immediately advise the Department. The Department will investigate the incident and advise the public utility of the appropriate action to take.

(g) All applicants and beneficiaries shall have the right to a hearing, through the Office of Administrative Law, to contest denials, eligibility determinations or recoveries.

## History

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### HISTORY:

Amended by R.2017 d.169, effective September 18, 2017.

See: 49 N.J.R. 1304(a), 49 N.J.R. 3220(a).

In the introductory paragraph of (a), deleted "Lifeline" following "Tenants"; in (a)2, deleted "Lifeline" following "subsequent", and inserted "from the Lifeline Programs"; in (a)3, deleted "/or" from the end; and in the introductory paragraph of (f), deleted "Lifeline" preceding "beneficiary" throughout, and deleted a comma following the first occurrence of "beneficiary".

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