

ALABAMA DEPARTMENT OF HUMAN RESOURCES ECONOMIC ASSISTANCE DIVISION
ADMINISTRATIVE CODECHAPTER 660-2-6
HEA/SMA CERTIFICATIONS BY THE DEPARTMENT OF HUMAN RESOURCES

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660-2-6-.01 Definitions Of Pertinent Terms.

The following terms are pertinent to the understanding of the sections below:

(1) "Based on need" shall be defined in terms of whether HEA and/or SMA was provided to or on behalf of an ADC, SUP or SSI applicant/recipient.

(2) "Private, nonprofit organization" shall mean a religious, charitable, educational or other organization such as described in § 501(c) of the Internal Revenue Code of 1954, although actual tax exempt certification is not necessary for the purpose stated below.

(3) "Support and Maintenance Assistance (SMA)" means any assistance related to food, clothing or shelter.

(4) "Rate-of-return Entity" refers to any entity whose revenues are primarily received from the entity's charges to the public for goods and services, and such charges are based on rates established and regulated by a state or federal governmental body.

(5) "Home Energy Assistance (HEA)" means any assistance related to home energy, excluding food and clothing.

Author:

Statutory Authority: Code of Ala. 1975, § 38-2-6; P.L. 97-377, § 128, 96 Stat. 1914, effective December 18, 1982 through September 30, 1983; P.L. 97-424, § 545, 96 Stat. 2198, effective February 1, 1983 to June 30, 1985; P.L. 98-21, § 404, 97 Stat. 140, effective May 1, 1983 to September 30, 1984; 42 U.S.C., § 602, 1382 (a).

History: Emergency adoption effective February 22, 1984. Permanent adoption effective May 10, 1984. Repealer effective March 11, 1988. P.L. 100-203, § 9101, 101 Stat. 1330-299, effective October 1, 1987. Emergency readoption effective April 22, 1988. Permanent readoption effective July 14, 1988.

660-2-6-.02 Purpose And Duties And Responsibilities Of The Department.

(1) In that certain home energy assistance (HEA) and support and maintenance assistance (SMA) provided to ADC, SUP and SSI applicants/recipients by private sector entities may be excluded as income and resources in the determination of eligibility and benefit level, the Department shall certify that such assistance is based on need and is provided as below:

(a) Aid is provided either in cash or in-kind by a supplier of home heating gas or oil, a municipal entity providing home energy, or rate-of-return entity regardless of amount.

(b) Aid is provided by a private nonprofit organization but only if such assistance is in-kind. Assistance provided in cash will be considered income unless otherwise excludable under Rule Nos. 660-2-4-.20 and 660-2-4-.22.

(2) In the event that a household composed of ADC, SUP and/or SSI applicants/recipients receives such aid as described above, that aid shall be equally apportioned among the persons for whom the aid was intended. Only that share thus attributable to the ADC (or SUP) applicants/recipients shall be considered available to the ADC (or SUP) unit.

(3) Chapter 660-1-5 of the Administrative Code is not applicable to private sector entities denied certification under the provisions of this section. ADC and SUP applicants/recipients are so entitled to the extent that they are aggrieved by application of the income and resource disregards of Rule Nos. 660-2-4-.20 and 660-2-4-.22.

Author:

Statutory Authority: P.L. 97-377, § 128, 96 Stat. 1914, effective December 18, 1982 through September 30, 1983; P.L. 97-424, § 545, 96 Stat. 2198, effective February 1, 1983 to June 30, 1985; P.L. 98-21, § 404, 97 Stat. 140, effective May 1, 1983 to September 30, 1984; P.L. 98-369, effective October 1, 1984 to September 30, 1987; 42 U.S.C., §§ 602, 1382 (a); Code of Ala. 1975, § 38-2-6.

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