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**IDAPA 16
TITLE 04
CHAPTER 10**

16.04.10 - RULES GOVERNING THE COMMUNITY SERVICES BLOCK GRANT PROGRAM

000. LEGAL AUTHORITY.

Sections 56-202 and 56-203, Idaho Code, authorize the Idaho Department of Health and Welfare to enter into contracts with the federal government to carry out the purposes of the Community Services Block Grant Act, 42 USC 9901, et seq. (3-29-10)

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.04.10, "Rules Governing the Community Services Block Grant Program." (3-29-10)

02. Scope. These rules provide standards for the administration of the Community Services Block Grant Program, as authorized by the Community Services Block Grant Act, as amended under 42 USC 9901, et seq. (3-29-10)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter of rules. (3-30-01)

003. ADMINISTRATIVE APPEALS.

Administrative appeals are governed by the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (3-29-10)

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules. (3-29-10)

005. OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. (3-29-10)

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (3-29-10)

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (3-29-10)

04. Telephone. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (3-29-10)

05. Internet Website. The Department's internet website is found at <http://www.healthandwelfare.idaho.gov>. (3-29-10)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.

01. Confidential Records. Disclosure of any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (3-29-10)

02. Public Records. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (3-29-10)

007. -- 009. (RESERVED).

010. DEFINITIONS.

- 01. CSBG.** Community Services Block Grant. (3-29-10)
- 02. Community Action Agency.** A private, non-profit organization serving the low-income population in specified counties of the state with which the Idaho Department of Health and Welfare has contracted for the provision of CSBG services. (3-30-01)
- 03. Department.** The Idaho Department of Health and Welfare. (3-30-01)
- 04. Earned Income.** Cash or in-kind payment derived from employment or self-employment. Receipt of a service, benefit, or durable goods instead of wages is in-kind income. Earned income is gross earnings before deductions for taxes or any other purposes. (3-30-01)
- 05. Eligible Entity.** A private, non-profit organization which is a community action agency or a migrant or seasonal farm worker organization receiving CSBG funding before October 27, 1998, or designated by the Department as an eligible entity for an unserved area after October 27, 1998, and which is governed by a tripartite board, as defined in this rule. (3-29-10)
- 06. Federal Poverty Guidelines (FPG).** The poverty guidelines issued annually by the Department of Health and Human Services (HHS). The federal poverty guidelines are available on the U.S. Health and Human Services web site at <http://aspe.hhs.gov/poverty/index.shtml>. (3-29-10)
- 07. HHS.** The United States Department of Health and Human Services. (3-29-10)
- 08. Low-Income and Poor Participants.** Those persons receiving or eligible to receive CSBG services who live in households having an income at or below two hundred percent (200%) of the federal poverty guidelines. (3-29-10)
- 09. Tripartite Board.** A board, selected by an eligible entity, which participates in the development, planning, implementation, and evaluation of the community services block grant program, composed as follows: (3-30-01)
- a.** One-third (1/3) of the board members are elected public officials, currently holding office, or their representatives. Appointed public officials or their representatives will meet this requirement if the number of elected officials available and willing to serve is less than one-third (1/3) of the board membership. (3-30-01)
- b.** At least one-third (1/3) of the board members are representatives of low-income individuals and families, living in the neighborhoods they serve, chosen by democratic selection procedures. (3-30-01)
- c.** The remaining board members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served. (3-30-01)
- 10. Unearned Income.** Income received from sources other than employment or self-employment, such as Social Security, unemployment insurance, and workers' compensation. (3-30-01)

011. -- 126. (RESERVED).

127. INCOME ELIGIBILITY REQUIREMENTS.

Assistance under this program is limited to participant households with countable income at or below two hundred percent (200%) of the federal poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2). (3-29-10)

- 01. Countable Income.** All earned and unearned income is counted in determining eligibility, unless specifically excluded by rule. (3-30-01)

- 02. Income Not Counted.** For eligibility purposes, the following types of income are not counted. (3-30-01)
- a.** Benefit payments from Medicare Insurance. (3-30-01)
 - b.** State cash assistance payments. (3-30-01)
 - c.** Child care subsidy payments. (3-30-01)
 - d.** Private loans made to the participant or the household. (3-30-01)
 - e.** Assets withdrawn from a personal bank account. (3-30-01)
 - f.** Sale of real property if reinvested within three (3) calendar months. (3-30-01)
 - g.** Lump sum payments from an IRA. (3-30-01)
 - h.** Income tax refunds. (3-30-01)
 - i.** Income from capital gains. (3-30-01)
 - j.** Infrequent, irregular or unpredictable income from gifts or lottery winnings of less than one hundred dollars (\$100). (3-30-01)
 - k.** Wages or allowances paid to a live-in attendant for care of a disabled person. (3-30-01)
 - l.** Interest posted to a bank account. (3-30-01)
 - m.** Monies for educational purposes from the federal Perkins/National Direct Student Loan program, college work-study programs, state student incentive grants, Supplemental Education Opportunity Grants, Pell, guaranteed student loans, and supplemental grants funded under Title IV, A-2. (3-29-10)
 - n.** Monies from the VA-GI Bill for Education. (3-30-01)
 - o.** Department of Health and Welfare adoption subsidies. (3-30-01)
 - p.** Compensation to volunteers under the Older Americans Act or Foster Grandparent Program, including Green Thumb and Vista volunteers, and the Title V Senior Employment Program. (3-30-01)
 - q.** Payments made by a third party, non-household member for the household, such as for child care, energy assistance, shelter, food and clothing assistance. (3-30-01)
 - r.** Value of food stamps or donated food. (3-30-01)
 - s.** Utility allowance. (3-30-01)
 - t.** Child support income. (3-29-10)

128. NONFINANCIAL ELIGIBILITY REQUIREMENTS.

An individual must be an Idaho resident at the time of application for CSBG services, but there is no durational requirement. Citizenship is not a condition of eligibility. (3-30-01)

129. SERVICE AREAS.

Idaho has seven (7) service areas for fund distribution purposes, as listed in Subsections 129.01 through 129.07 of this rule. (3-30-01)

- 01. Region I.** The counties of Benewah, Bonner, Boundary, Kootenai, and Shoshone. (3-30-01)

- 02. Region II.** The counties of Clearwater, Idaho, Latah, Lewis, and Nez Perce. (3-30-01)
- 03. Region III.** The counties of Adams, Boise, Canyon, Gem, Payette, Valley, and Washington. (3-30-01)
- 04. Region IV.** The counties of Ada, Elmore, and Owyhee. (3-30-01)
- 05. Region V.** The counties of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls. (3-30-01)
- 06. Region VI.** The counties of Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida, and Power. (3-30-01)
- 07. Region VII.** The counties of Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton. (3-30-01)
- 130. -- 149. (RESERVED).**
- 150. PROHIBITED ACTIVITIES.**
CSBG funds may not be used for the following activities: (3-30-01)
- 01. Construction.** Without a waiver from the Secretary of HHS, funds may not be used to purchase or improve land, or to purchase, construct, or permanently improve (other than low-cost residential weatherization or other energy-related home repairs) any building or other facility. (3-30-01)
- 02. Political Activities.** Funds may not be used for political purposes, sponsoring or conducting candidate meetings, voter registration activity or voter transportation, or other political activities. (3-30-01)
- 03. Lobbying.** Funds may not be used to influence the passage or defeat of legislation. (3-30-01)
- 151. -- 199. (RESERVED).**
- 200. FUNDING DISTRIBUTION.**
The seven (7) CSBG service areas will each receive base funding of six percent (6%) of Idaho's CSBG allocation. Seasonal and migrant farmworker organizations will receive funding which in total equals seven percent (7%) of Idaho's CSBG allocation. After deducting state administrative expenses and funds for statewide activities, the seven (7) service areas will receive the remaining funds, based on the ratio of Idaho's low-income population residing within each service area. (3-30-01)
- 201. CONTINUATION OF FUNDING.**
The Department will not terminate or reduce the funding of any eligible entity that received CSBG funding in the previous fiscal year below the proportional share of funding received, unless, after providing notice and an opportunity for a hearing, the Department determines that cause exists for such termination or reduction, subject to review by the Secretary of HHS. (3-30-01)
- 202. FUNDING TERMINATION OR REDUCTIONS.**
The term "cause" is defined in Subsections 202.01 and 202.02 of this rule. (3-30-01)
- 01. Funding Reduction.** With respect to a funding reduction, the term "cause" includes a statewide redistribution of funds to respond to the results of the most recent census or other appropriate data, the designation of a new eligible entity, or severe economic dislocation. Cause may also include the failure of an eligible entity to comply with the terms of an agreement or a State Plan, or to meet a State monitoring requirement. (3-30-01)
- 02. Termination.** With respect to funding termination, the term "cause" includes the failure of an eligible entity to comply with the terms of an agreement or a State Plan, or to meet a State monitoring requirement. (3-30-01)

203. DESIGNATION AND REDESIGNATION OF ELIGIBLE ENTITIES IN UNSERVED AREAS.

01. Qualified Organization in or near Area. The following organizations may apply for and be designated as eligible entities to provide services in any geographic area which stops being served by an eligible entity. (3-30-01)

a. An eligible entity or other private, nonprofit organization in the unserved area, capable of providing a broad range of services designed to eliminate poverty and foster self-sufficiency, and that meets the requirements of this program. (3-30-01)

b. A private, nonprofit eligible entity located adjacent to or near the unserved area that is already providing related services in the unserved area. If designated, such entity would have to add additional board members to ensure adequate representation of the unserved area. (3-30-01)

02. Special Consideration. An organization with demonstrated effectiveness in meeting the goals and purposes of this program will receive the designation. Eligible entities providing related services in the unserved area, consistent with the needs identified by a community-needs assessment, may be given priority. (3-30-01)

03. No Qualified Organization in or near Area. A political subdivision of the State may serve as an eligible entity for the area if no qualified private, nonprofit organization is available. The entity must administer the program through a tripartite board, as defined in Section 010 of these rules, or through another approved mechanism to assure decision making and participation by low-income individuals in the development, planning, implementation, and evaluation of this program. (3-29-10)

204. -- 299. (RESERVED).

300. APPLICATION PROCESS.

Applications must be received by the Department of Health and Welfare, Division of Welfare, P.O. Box 83720, 450 W. State Street, Boise, ID 83720-0036, no later than 5 p.m., ninety (90) days before the beginning of the federal fiscal year. Projects must be designed and funded to operate for one (1) twelve-month period. (3-29-10)

301. -- 374. (RESERVED).

375. APPLICATION.

An original and one (1) copy of an application must be submitted to the Department's Division of Welfare and must include the following items: (3-29-10)

01. Face Sheet. CSBG Application Face Sheet, describing general information about the entity and the application. (3-30-01)

02. Budget. A budget for the period of the grant, on forms provided by the Department. (3-30-01)

03. Causes of Poverty. The results of the most recent community-needs assessment. (3-30-01)

04. Service Plan. A description of how the agency will carry out the program. (3-30-01)

05. Work Program. Services to be performed and estimated number of participants. (3-30-01)

06. Client Characteristics Report. Demographic data on participants. (3-30-01)

07. Outcome Measures. How the entity will determine the success of services. (3-30-01)

08. Assurances and Certifications. Pledge by the entity to meet program requirements. (3-30-01)

376. -- 399. (RESERVED).

400. AUDIT.

Projects funded by CSBG are subject to an annual audit of a scope and depth defined by the Department. The Department may join with other interested parties to obtain a single audit of the eligible entity. (3-29-10)

401. -- 599. (RESERVED).

600. CORRECTIVE ACTION, TERMINATION, OR REDUCTION OF FUNDING.

01. Determination. If an eligible entity fails to comply with the terms of an agreement, or the State Plan, to provide services or to meet appropriate standards, goals, and other requirements, including performance objectives, the Department must inform the entity of the deficiency to be corrected and may take one (1) or more of the following steps. (3-29-10)

a. Require the entity to correct the deficiency. (3-30-01)

b. Offer training and technical assistance, if appropriate, to help correct the deficiency, and submit a report to HHS describing the training and technical assistance offered, or stating the reasons why it was not offered. (3-30-01)

c. If feasible, allow the entity sixty (60) days to develop and implement a quality improvement plan to correct the deficiency within a reasonable period of time. (3-30-01)

d. After providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the designation of or reduce the funding of the eligible entity unless the entity corrects the deficiency. (3-30-01)

02. Review. The Secretary of HHS may review any decision to terminate the designation or reduce the funding of an eligible entity. (3-30-01)

601. -- 699. (RESERVED).

700. COMMUNITY FOOD AND NUTRITION PROGRAM.

Funds may be used to coordinate private and public food assistance resources, where such coordination is inadequate, to better serve low-income populations, to assist low-income communities to identify potential sponsors of child nutrition programs and initiate such programs in underserved or unserved areas, and to develop innovative approaches to meet the nutrition needs of low-income individuals. (3-29-10)

701. -- 999. (RESERVED).

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