

DRAFT
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

ABBREVIATED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2010-2011

GRANTEE State of Maine, Maine State Housing Authority (MaineHousing)

EIN: 010312916

ADDRESS 353 Water Street,

Augusta, Maine 04330

NAME OF LIHEAP COORDINATOR Jo-Ann L. Choate, National Energy Policy
Advisor

EMAIL: jchoate@mainehousing.org

TELEPHONE: (207) 624-5708 **FAX:** (207) 624-5780

LAST DETAILED MODEL PLAN FILED: FY 2009

PLEASE CHECK ONE: **TRIBE** **STATE** **INSULAR AREA**

Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, D.C. 20447

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01
OMB Approval No. 0970-0075
Expiration Date: 10/31/200_

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which a grantee is not required to use the detailed model plan. Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

GRANTEE State of Maine

FFY 2009-2010

Assurances

The State of Maine, Maine State Housing Authority (MaineHousing) agrees to:

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that--

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendored payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking

appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year and not transferred pursuant to section 2604(f) for use under another block grant; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining costs (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15)* beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

*** This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Territories with annual allotments of \$200,000 or less and Indian tribes/tribal organizations are not subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.**

Signature: _____

Title: Director

Date: _____

*** Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**** If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

***** HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

Modified LIHEAP FY 2010 Application

Please list all changes made from your most recent detailed plan.

<u>Page</u>	<u>Subject</u>	<u>Modification</u>
10	Eligibility	All Subgrantees may pilot mail-out applications for households that were served in the prior program year.
13	Outreach	People's Regional Opportunity Program and Kennebec Valley Community Action Program will provide LIHEAP services in Lincoln County, Sagadahoc County, and the towns of Freeport, Brunswick, Harpswell, and Pownal in Cumberland County.
21	Agency designation	People's Regional Opportunity Program and Kennebec Valley Community Action Program will provide LIHEAP services in Lincoln County, Sagadahoc County, and the towns of Freeport, Brunswick, Harpswell, and Pownal in Cumberland County. State Department of Health and Human Services added as a Sub-grantee.
23	Energy Suppliers	MaineHousing will make direct payments to recipients who do not have a designated vendor in their area or who pay rent with heat included.

Please specify whether you are using calendar year 2010-2011 poverty level **or** FY 2010- median income estimates in determining eligibility:

2010-2011 poverty level 170% -228 %

OR

FY 2005 median income 60% to 75%

MaineHousing intends to maintain the income levels (up to 75% of state median) approved in 2010; otherwise we will adjust to the limits as required by law.

Please describe how you obtained public participation in the development of your 2007 plan. (For States, please also provide information on your public hearings.):

Public Hearing will be held on May 18, 2010

Date carryover and reallocation report will be submitted not later than: August 1, 2010

Eligibility, page 10:

All Subgrantees may pilot mail-out applications this year for all households that were served last year. New applicants, previously denied applicants who re-apply this year, and applicants whose location/address has changed are not eligible to apply by mail. MaineHousing may choose to accept applications from DHHS for previously served applicants whose only income is Social Security.

Outreach and Subgrantee designation, pages 13 and 21:

In 2008 MaineHousing's contract with Mid-Maine Community Action, the Sub-grantee for LIHEAP benefits in Lincoln and Sagadahoc Counties and four bordering towns in Cumberland County, was terminated as a result of their inability to resolve program compliance issues in a timely manner. MaineHousing contracted with the following agencies for 2009-2010.

- Kennebec Valley Community Action Agency provided services to Lincoln and Sagadahoc Counties.
- Peoples Regional Opportunity Program provided services to the four border towns in Cumberland County: Freeport, Brunswick, Harpswell, and Pownal.

MaineHousing has decided to extend this designation for one more year.

MaineHousing will work with the two Sub-grantees and communities to insure that outreach and services are provided to all eligible applicants.

MaineHousing is designating the Maine State Department of Health and Human Services (State DHHS) as a new Sub-grantee. This is the result of a benefit streamlining initiative MaineHousing and State DHHS are undertaking with the Community Action Agencies (LIHEAP Sub-grantees) and low-income advocates. LIHEAP is the initial program to be streamlined and LIHEAP applicants will see the following benefits:

- 1. Social Security Income will be verified through an interface between MaineHousing's LIHEAP system (ECOS) and State DHHS' benefits system (ACES) as of the beginning of the 2010-2011 program year.**
- 2. Most LIHEAP clients receive other services through State DHHS. State DHHS will offer to pre-populate a LIHEAP application for each client with income and administrative information already on record and provide this pre-application electronically to the appropriate LIHEAP sub-grantee. When the client applies for LIHEAP, they will not have to repeat or verify any information already on record elsewhere in State government. This will greatly simplify the application process for LIHEAP clients and will be available for the 2011-2012 program year.**

Energy Suppliers, page 23:

MaineHousing proposes to change the language in the 2009 State Plan to be consistent with the Maine State Housing Authority Home Energy Assistance Program Rule (Chapter 24). The Rule will be amended in 2011, and the State Plan will follow the policy decision made at that time.

MaineHousing may issue a direct check to LIHEAP recipients who do not have a designated vendor in their area or who pay rent with heat included. MaineHousing and Sub-grantees will encourage recipients to apply their benefits to their electric utility if their benefit cannot be used for their primary heating source and the eligible household is responsible for their electric utility bill. LIHEAP benefits cannot be counted to determine or to decrease an eligible applicant's LIAP benefit. Benefits will be determined based on the primary heating source.

No other major changes are anticipated for the 2010-2011 Low Income Home Energy Assistance Program.

ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- * [Lobbying certification](#), which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. **(Tribes and tribal organizations are EXEMPT)**
- * [Debarment and suspension certification](#), which must be filed by all grantees.
- * [Drug-free workplace requirement certification](#), which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here: _____
- * One of the new requirements included in the 1994 reauthorization of the statute is that grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

All Tribes and those territories with allotments of less than \$200,000 need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.

- * Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallotment report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106.

June 23, 2009 Public Hearing Comments