

LIFE THREATENING CRISES

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STATUTORY REQUIREMENTS

- For all Crisis Assistance:
 - Set aside funds at least until March 15 for crisis intervention
 - Have crisis intake locations that are geographically accessible to all clients
 - Provide application intake assistance to infirm clients through submission of crisis application from home or transportation to intake sites
 - Grantees must provide assistance to resolve the crisis
 - Within 18 hours from the time a household is deemed eligible for life-threatening crises
 - Within 48 hours from the time a household is deemed eligible for other crisis situations

CONCEPT OF INTERVENTION

- The statute does NOT require grantees to pay the vendor during the crisis timeframe.
- However, grantees must take some steps to prevent/resolve the crisis within that timeframe. Possibilities include:
 - Calling the utility company and getting them to reconnect or delay shut-off based on a benefit pledge;
 - Provide loaner electric heaters or blankets or warm clothes for a household that has no heat; or
 - Arranging for temporary shelter.

CRISIS COMPONENT

- Two ways to manage crisis intake:
 - Crisis application that is separate from regular LIHEAP benefit
 - LIHEAP benefits tagged as “fast track” if client is in crisis situation
- A separate crisis component is not required as long as the statutory requirements are met.

DEFINITION OF CRISIS AND LIFE-THREATENING CRISIS

- The statute defines energy crises as “weather-related and supply shortage emergencies and other household energy-related emergencies.”
 - A grantee may further narrow and refine this definition, if desired.
- Grantees must set distinct definition for “life-threatening crisis”
- This is important because intake workers must know when the 18-hour rule is triggered versus the 48-hour rule. They also need to track when they provide the intervention.

APPLYING FOR CRISIS

- Grantees provide some form of intervention on an eligible application within 18 or 48 hours from when the client is deemed eligible.
- It would be clearly erroneous to take, for example, 30 days to determine crisis eligibility and then provide an intervention.
- The crisis timeframe requires grantees to make a decision and take action on the application.

CRISIS BENEFIT TYPES

- Grantees can provide a wide range of crisis relief benefits, including, but not limited to:
 - cash to meet the emergency
 - delivery of fuel
 - repair or replacement of heating or cooling equipment
 - purchase or loan of space heaters, oil tanks, blankets, sleeping bags or warm clothing
 - emergency lodging relating to loss of household heat or air conditioning
 - prevention of shutoffs
 - payment of reconnection or pressure testing charges
 - purchase or loan of window air conditioners or fans
 - assistance with vendors, budget counseling, and case management
 - other energy-related crisis assistance

IMPACT OF EXTREME WEATHER

- Consider the disproportionate impact of extreme temperatures for your area, especially on vulnerable populations
- Plan for and explain in your manuals what interventions will be available for such unexpected weather patterns:
 - Cooling centers
 - Heating centers
 - Medical community alerts and referrals
 - Home checks on homebound populations
- Establish coordination between local LIHEAP agencies and other social service and emergency response agencies

CRISIS AND UTILITIES

- Vendor agreements should include provisions addressing how the utility will respond in crisis situations.
- Agreements with delivered fuel vendors should include provisions on crisis fuel delivery during emergency weather events.

EXAMPLE: NEW YORK

- Type of Benefit: Crisis assistance
- Definition of regular crisis (48 hour rule):
 - At imminent risk of losing heating fuel or utility service, which means:
 - less than 10 days of deliverable fuel
 - less than $\frac{1}{4}$ tank of oil, kerosene, or propane, or
 - a notice of a termination or disconnection within 72 hours
 - If heating equipment needs to be repaired or replaced, it must be because the system is detrimental to the health and safety of the household and household assets are less than \$2,000 (\$3,000 if household has a member 60 years or older)
- Life-Threatening Crisis (18 hour rule)
 - Currently without heat or utility service to operate a heating source

EXAMPLE: ILLINOIS

- Crisis:
 - Disconnected or
 - Shut off notice for disconnection within 7 days
 - Available for heating, as well as cooling if cooling is a medical necessity
- Life-threatening crisis:
 - To prevent disconnection when the household has a documented life-threatening medical condition

STATE EXAMPLE 1

- All crises must be treated as life-threatening and responded to within 18 hours of application.
- A life-threatening situation is being within one week of loss of primary heating fuel (deliverable fuels only). Oil and kerosene tanks must be the lesser of 70 gallons of fuel or $\frac{1}{4}$ full.
- Household must have exhausted regular heating benefit.
- State has a winter moratorium on electricity and natural gas disconnections

STATE EXAMPLE 2

- Life-threatening crisis:
 - natural disaster
 - Extreme inclement weather determined by National Weather Service
 - Income loss within 30 days due to layoff
 - Persons on life-support
 - Unexpected death or medical expense
- Crisis:
 - Any other cause that is not life-threatening such as employment, education or income management related.

STATE EXAMPLE 2 REVISED

- Life-threatening crisis provides relief of a loss of heating or cooling service, or deliverable fuel tank is empty due to:
 - natural disaster
 - Extreme inclement weather determined by National Weather Service
 - Income loss within 30 days due to layoff
 - Persons on life-support
 - Unexpected death or medical expense
- Crisis provides assistance when there is a shut-off notice scheduled for within one week or deliverable fuel tank is at or less than $\frac{1}{4}$ full due to reduction of household income because of a documented:
 - Loss of employment
 - Education expenses or
 - Other budgetary constraints.

TIPS FOR DEFINING CRISIS

- Clearly explain the utility service and deliverable fuel conditions, such as whether the service must already be shut-off or whether a disconnection is pending and within what timeframe
- Explain what conditions or criteria must be documented, such as certain medical conditions and income constraints.
- Avoid using the terms “crisis” and “life-threatening” in your definitions of “crisis” and “life-threatening”.
- Narrow the scope of the definition to restrict eligibility
- Consider distinguishing crisis conditions based on heating or cooling needs, such winter versus summer programs

FEDERAL STATUTORY REFERENCE

Section 2604(c) of the LIHEAP statute [42 U.S.C. § 8623] requires:

- Of the funds available to each State under subsection (a), a reasonable amount based on data from prior years shall be reserved until March 15 of each program year by each State for energy crisis intervention. The program for which funds are reserved by this subsection shall be administered by public or nonprofit entities which have experience in administering energy crisis programs under the Low-Income Energy Assistance Act of 1980 or under this Act, experience in assisting low-income individuals in the area to be served, the capacity to undertake a timely and effective energy crisis intervention program, and the ability to carry out the program in local communities. The program for which funds are reserved under this subsection shall—

SECTION 2604(C) OF THE LIHEAP STATUTE

- (1) not later than 48 hours after a household applies for energy crisis benefits, provide some form of assistance that will resolve the energy crisis if such household is eligible to receive such benefits;
- (2) not later than 18 hours after a household applies for crisis benefits, provide some form of assistance that will resolve the energy crisis if such household is eligible to receive such benefits and is in a life-threatening situation.
- (3) require each entity that administers such program--
 - (A) to accept applications for energy crisis benefits at sites that are geographically accessible to all households in the area to be served by such entity; and
 - (B) to provide to low-income individuals who are physically infirm the means--
 - (i) to submit applications for energy crisis benefits without leaving their residences; or
 - (ii) to travel to the sites at which such applications are accepted by such entity.

SUMMARY

- Statute requires every LIHEAP grantee to:
 - provide crisis assistance, regardless of whether it is a separate component or application
 - establish two separate definitions: “crisis” and “life-threatening crisis”
 - track determination and intervention response timeframes (18 hours for life-threatening and 48 hours for regular crisis”
 - reserve sufficient crisis funding through March 15

ADDITIONAL RESOURCES ON CRISIS BENEFITS

- State grantee crisis definitions –
<http://liheap.ncat.org/tables/FY2014/Crisis.pdf>
- LIHEAP Statute section on crisis –
<http://liheap.ncat.org/pubs/liheapstatute.htm#2604> section 2604(c)
- Tribal LIHEAP Manual on crisis –
<http://liheap.ncat.org/Tribes/policy.doc>, “Establishing an Energy Crisis Intervention Program”