

So You Think You Know Your Assurances?

2019 National LIHEAP Grantee Training Conference

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ADMINISTRATION FOR
CHILDREN & FAMILIES

Introduction

“Each State desiring to receive an allotment for any fiscal year under this title shall submit an application to the Secretary. Each such application shall contain assurances by the chief executive officer of the State that the State will meet the conditions enumerated in section (b).”

Section 2605(a)(1) of the LIHEAP Act, 42 U.S.C. § 8624(a)(1)

- Certification Requirement (Model Plan)
- Assurances versus other statutory requirements
- Grantee responsibility for interpreting the law [45 CFR 96.50(e)]

Session Objectives

After this training session, you will better understand:

- LIHEAP assurance requirements
- Your flexibility as a grantee in interpreting the assurances
- How to assess your programs' compliance with the assurances
- Where to find additional resources

Warm-Up: So You Think You Know Your Assurances?

Which assurances do you remember?

Analyzing the Assurances

**Breaking It Down
(Key-Takeaways)**

**Interpretation and
Implementation**

**Bringing it
Back Home**

- Identify key takeaways
- Highlight examples of grantee interpretations
- Pinpoint questions grantees can use to self-assess their implementation

Session Reminders

- **During this session, we will be addressing only the assurances, not other sections of the LIHEAP statute.**
- **We will be highlighting overarching take-aways for each assurance (versus a deep-dive).**
 - If you have specific questions about the way your program interprets an assurance, your OCS liaison will be happy to talk with you!
- **A handout with the assurances is available in the conference packet.**
- **Each slide is numbered. If you have questions about a specific slide, please note the number for Q/A at the end of the session.**

Assurance 1—Uses of Funds

Breaking It Down (Key-Takeaways)

Assurance 1: USES OF FUNDS

[Section 2605\(b\)\(1\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(1\)](#)

The funds grantees receive for LIHEAP must be used only for purposes explicitly authorized in the law. These include:

- heating and/or cooling assistance
- crisis assistance
- weatherization and energy-related home repair
- outreach to households with lowest income and highest home energy needs
- planning, development, and administration (including leveraging)

Assurance 1—Uses of Funds

Interpretation and Implementation

- Which program components will we administer?
- How will we allocate our funding?

	# of State/Territory Grantees*	Lowest % of Funds Allocated	Highest % of Funds Allocated
Heating	51 of 53	10%	78%
Cooling	26 of 53	0.1%	63%
Crisis	53 of 53	3%	42%
Weatherization	51 of 53	1.7%	15%

* Including America Samoa, Puerto Rico, and Washington DC

WHEN will we use our funds?

- *Example:* Winter versus year-round crisis

What will each program component include?

- *Example:* Equipment repair/replacement versus bill payment assistance only



Assurance 1—Uses of Funds

Bringing it
Back Home

How will we interpret and implement Assurance 1?
Example Focus Areas, Questions

Demand	<ul style="list-style-type: none">• Are we turning away households from one component (e.g., heating) in order to keep another (e.g. cooling)?
Need	<ul style="list-style-type: none">• Are we seeing an increase in households with high energy usage or inoperable equipment that may warrant more crisis or weatherization services?
Climate	<ul style="list-style-type: none">• Are more households requesting LIHEAP during months when the program hasn't typically been offered (e.g., summer)?
Resources	<ul style="list-style-type: none">• Do we have money left over at the end of each heating season that could fund cooling, summer crisis, or year-round crisis programs?

Assurance 2—Eligibility

Breaking It Down (Key-Takeaways)

Assurance 2: ELIGIBILITY

[Section 2605\(b\)\(2\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(2\)](#)

Grantees will only make LIHEAP payments to:

1. Households with a member receiving one or more of the following:
 - a. assistance under the State program funded under part A of title IV of the Social Security Act*
 - b. supplemental security income payments under title XVI of the Social Security Act*
 - c. food stamps under the Food Stamp Act of 1977*
 - d. 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*
2. Households with an income at or below the greater of 150 percent of the Federal Poverty Guidelines (FPG) or 60 percent of the state's median income (SMI).
 - *The eligibility limit cannot be set lower than 110% FPG.*
 - *Grantees can set additional eligibility criteria such as an assets test.*

Assurance 2—Eligibility

Interpretation and Implementation

How will we determine eligibility?

- In FY 2018, 20 states (and one territory) indicated use of categorical eligibility in their Model Plan.

Who will be eligible?

- Income eligibility guidelines vary across grantees.
 - Among states, the lowest income eligibility threshold is 125% FPG.
 - Among tribes, the lowest income eligibility threshold is 150% FPG.
- There are some grantees who set different income eligibility guidelines for different components of their program.
 - One common example is Weatherization. Some states administer LIHEAP Weatherization funds using federal “DOE rules.” This means they can set the income eligibility threshold for weatherization services as high as 200% FPG.

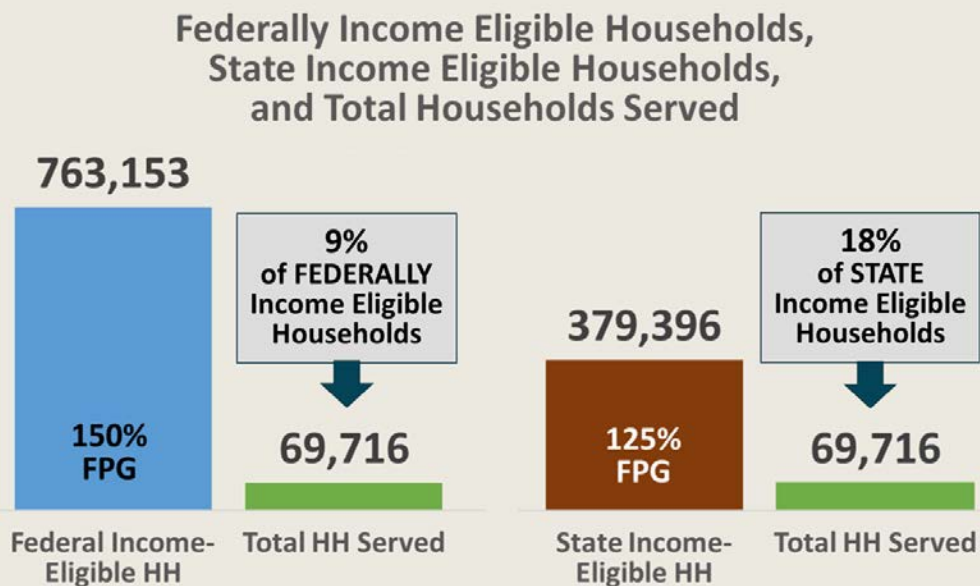
Assurance 2—Eligibility

Bringing it
Back Home

How will we interpret and implement Assurance 2?
Example Focus Areas, Questions

Eligible v. Assisted Households

- What percentage of the currently income eligible population are we reaching?
- Are we satisfied with this percentage?



Fewer HH or Higher Benefits?

- Is it more important for our state, territory, or tribe to serve the highest number of households (even if the benefit amount is low?)
- Is it more important for our state, territory, or tribe to provide households with a larger benefit (even if we serve fewer households?)

Assurance 3—Outreach

Breaking It Down (Key-Takeaways)

Assurance 3: **OUTREACH**

[Section 2605\(b\)\(3\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(3\)](#)

Grantees must conduct outreach activities designed to assure that eligible households know about LIHEAP and other similar energy programs.

- Outreach should be especially targeted toward “vulnerable” households, e.g., elderly, young child and/or disabled individuals.
- Outreach should also be targeted to those households with high home energy burdens (the lowest income and highest energy costs).

Assurance 3—Outreach

Interpretation and Implementation

- **How are we making sure that eligible households know about LIHEAP?**
- **How are we targeting our outreach to vulnerable households?**

Examples of LIHEAP Outreach:

- Newspaper announcements
- Fliers in senior/aging centers
- Fliers in food boxes or with Meals-on-Wheels deliveries
- Speeches by LIHEAP personnel at tribal meetings, church meetings, cultural center meetings, or other community meetings
- Social media (e.g., Facebook, Twitter)
- Fliers in social service offices
- Utility company bill inserts
- Mailings by the LIHEAP office, or as part of other social service program mailings
- LIHEAP “press kits” for community advocates who visit disabled or senior households who may be homebound.
- Fliers home with Head Start families

Assurance 3—Outreach

Bringing it
Back Home

How will we interpret and implement Assurance 3?
Example Focus Areas, Questions

Targeting	<ul style="list-style-type: none">• Do we know who is eligible for LIHEAP (<i>e.g. demographics</i>)?• Do we know where these eligible households are (<i>e.g., geographically</i>)?
Gaps	<ul style="list-style-type: none">• Who is applying for LIHEAP services?• How does this line up with who is eligible?
Methods	<ul style="list-style-type: none">• Are we using the right tools to reach who we need to?• Are we actively conducting outreach throughout the year, or just at the beginning of the heating or cooling season?
Goals	<ul style="list-style-type: none">• Do we have clear outreach goals in our state, tribe, or territory?• If subgrantees deliver outreach, are they aware of these goals?

Assurance 4—Coordination of Services

Breaking It Down (Key-Takeaways)

Assurance 4: Coordination of Services

[Section 2605\(b\)\(4\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(4\)](#)

Grantees must coordinate their LIHEAP program with similar and related programs administered by the Federal Government and State, in particular:

- ✓ U.S. Dept. of Energy's Weatherization Assistance Program (WAP)
- ✓ Community Services Block Grant (CSBG) Program
- ✓ Supplemental Security Insurance (SSI) Program
- ✓ Social Services Block Grant (SSBG) Program
- ✓ Temporary Assistance for Needy Families (TANF) Program

Assurance 4—Coordination of Services

Interpretation and Implementation

- How are we ensuring that LIHEAP households know about services available from similar programs?
- How are we ensuring that other programs are aware of LIHEAP and can make referrals?
- How are we preventing duplication or overlap in services between agencies/programs?

Examples of LIHEAP coordination with other services:

- Meetings between administrators of various state or tribal low-income programs to discuss issues of mutual concern.
- Shared application process (or automated referral) between LIHEAP and WAP, as well as LIHEAP and other fuel assistance programs.
- Combined outreach efforts.
- Referrals of clients to other state or tribal low-income programs or from other programs to LIHEAP.
- Joint intake procedures alongside other low-income programs (TANF, SNAP, etc).
- Sharing records when not prohibited by law.

Assurance 4—Coordination of Services

Bringing it
Back Home

How will we interpret and implement Assurance 4?
Example Focus Areas, Questions

Shared Clients	<ul style="list-style-type: none">• Are we working with other programs (at the state and local level) to make it easier for our shared clients to access LIHEAP?• Are there hard-to-reach populations that other agencies work with regularly? Are we partnering to conduct outreach?
Avoiding Duplication	<ul style="list-style-type: none">• What steps are we taking to coordinate services among all LIHEAP providers to avoid duplication of effort and/or benefits?
Subgrantee Coordination	<ul style="list-style-type: none">• Do we expect our subgrantees to be fulfilling the LIHEAP requirement for coordination of services?• If so, are they aware of this expectation? How are we learning of their coordination efforts and/or outcomes?

Assurance 5—Benefits

Breaking It Down (Key-Takeaways)

Assurance 5: Benefits

[Section 2605\(b\)\(5\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(5\)](#)

- Grantees will provide benefits in a timely manner.
- Grantees will assure 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.
- Grantees may not determine benefits differently for households who are categorically eligible and households that are income eligible.
 - ✓ Categorical eligibility means that the household is eligible and that you can move to the benefit determination.

Assurance 5—Benefits

Interpretation and Implementation

How are we assuring that households are served in a timely manner?

- Many grantees track the application date, the date of intake, and the date a payment is sent to the vendor. This way, they can regularly check and follow-up on households that have sat in any particular “aging status” for too long.
- Some grantees set target timelines between each particular client or vendor transaction (e.g., maximum number of hours or days). These timelines can then be used to conduct desk reviews or monitor local offices, identify process challenges, and offer T/TA where needed.

How are we targeting higher benefits to those with higher energy burden (high energy costs/lowest income?)

- Most grantees use their benefit matrix to assure that higher benefits are targeted to households with high energy burdens.

Assurance 5—Benefits

Bringing it
Back Home

How will we interpret and implement Assurance 5?
Example Focus Areas, Questions

Timely Benefits	<ul style="list-style-type: none">• Do we have the tools in place to monitor the time it takes between a household submitting an application and approval of benefit? Between approval of benefit and payment to vendor?• Do we have clear expectations about how much time should (or shouldn't) elapse between each client/vendor transaction?
Benefit Determination	<ul style="list-style-type: none">• If all or part of our benefit matrix is based on income, how are we making sure that we using the same information/processes to determine benefits between categorically eligible households and income eligible households?
Targeting	<ul style="list-style-type: none">• Does our benefit matrix give higher benefits to those with lower incomes and higher energy costs? How do we know it is working?

Assurance 6—Designation of Local Agencies

Breaking It Down (Key-Takeaways)

Assurance 6:

[Section 2605\(b\)\(6\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(6\)](#)

Grantees that wish to sub-contract the administration of LIHEAP to other organizations must give “special consideration” to those agencies who received Federal funds under any low-income energy assistance program or weatherization program in the past (*prior to the enactment of LIHEAP Act*).

- **Before giving “special consideration,” the grantee must determine that the agency involved meets program and fiscal requirements established by the State.**

Assurance 6—Designation of Local Agencies

Interpretation and Implementation

How do we define “special consideration?”

"Special consideration" is not defined in the law or the regulations. It is up to the grantee to decide how to interpret this phrase. Examples might include awarding priority or preference points, extending deadlines, or expediting portions of the subgrantee contracting/selection process for agencies noted in Assurance 6.

Bringing it Back Home

How will we interpret and implement Assurance 6?

Example Focus Areas, Questions

Contract Processes

- Does our current subgrantee contracting/selection process allow us to demonstrate that special consideration was given to agencies noted in Assurance 6?
- Does our current subgrantee contracting/selection process give too much “special consideration” to particular agencies? Too little?

Assurance 7—Vendor Payments

Breaking It Down (Key-Takeaways)

Assurance 7: Vendor Payments

[Section 2605\(b\)\(7\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(7\)](#)

Grantees who choose to pay home energy suppliers directly must establish procedures to –

- Make sure the household knows how much assistance the vendor received as payment for the household's fuel (each household must receive Notice of Action)
- Make sure that the vendor reduces the household's bill by the amount of its LIHEAP benefit and does not overcharge the household.
- Make sure that the vendor does not treat LIHEAP households adversely or discriminate against LIHEAP households.

The grantee must also ensure that the option to provide vendor payments remains with the state (in consultation with local subgrantees)—and may be contingent on vendors providing special protections, pricing, or services for LIHEAP households.

Assurance 7—Vendor Payments

Interpretation and Implementation

How am I assuring that LIHEAP benefits are applied to the bill and that households are not treated adversely?

- Vendor agreements are the most common way to protect the client—assuring that the benefit is applied correctly and that the client is not treated adversely as a result of receiving LIHEAP. Additionally, agreements lay out how the vendor will refund monies to the appropriate agency.

How am I using vendor payments to leverage additional protections for clients?

- Some states have used vendor agreements to negotiate additional protections for clients. For example, in some states, when a utility accepts a LIHEAP benefit, they agree to maintain energy service to the household for a minimum time period (e.g., 30-60 days). In other cases, grantees have used vendor payments to leverage discounted fuel pricing for LIHEAP households.

Assurance 7—Vendor Payments

Bringing it
Back Home

How will we interpret and implement Assurance 7?
Example Focus Areas, Questions

Vendor Agreements	<ul style="list-style-type: none">• If I do not have a vendor agreement in place, how am I assuring the LIHEAP protections noted under this assurance?• Are there other LIHEAP grantees with whom I could partner to develop and/or negotiate vendor agreements?
Vendor Monitoring	<ul style="list-style-type: none">• How am I making sure that vendors are applying benefits correctly and not treating LIHEAP clients adversely?• Do households have a designated number or person to contact if their benefit is not applied correctly or in a timely manner? If they feel they are being treated adversely by the vendor?
Additional Protections	<ul style="list-style-type: none">• How could I utilize my vendor agreement to negotiate more protections or services for LIHEAP households (e.g., payment plans, discounted rates, arrearage reduction, waived deposit or late fees, waived reconnection fees)?

Assurance 8—Equitable Treatment

Breaking It Down (Key-Takeaways)

Assurance 8: Equitable Treatment

[Section 2605\(b\)\(8\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(8\)](#)

- Grantees may not limit eligibility to only those households who are “categorically eligible” for LIHEAP (as discussed in Assurance 2). Grantees must offer households the option of income eligibility as well.
- Owners and renters must be treated equitably. This includes:
 - ✓ Households that own or are buying their home
 - ✓ Households that rent their home and pay separately for energy costs
 - ✓ Households who rent their home and energy costs are included in the rent

Assurance 8—Equitable Treatment

Interpretation and Implementation

How do our policies and procedures differ between homeowners and renters?

- Most grantees treat homeowners and renters who are responsible for paying their own energy costs equally, using the same eligibility and benefit determination procedures.
- “Heat in rent” households have an energy burden that is realized in the form of higher rent payments. In the absence of an energy bill, grantees may use proxy (estimated) energy costs or a percentage of rent to determine a benefit amount.
- When heat is included in rent, grantees may pay the household directly or may pay the landlord. Many grantees may require a copy of the lease or a letter signed by the landlord. This may require the landlord to do one or more of the following:
 - Identify the main heating fuel type used in the home/unit
 - Estimate the portion of the rent payment used for energy costs
 - Guarantee that the LIHEAP benefit will be applied to the client’s energy costs
 - Guarantee that the LIHEAP household will not be evicted for a set period of time
 - Reduce the household’s next rent payment by the amount of the benefit

Assurance 8—Equitable Treatment

Bringing it
Back Home

How will we interpret and implement Assurance 8?

Example Focus Areas, Questions

Access	<ul style="list-style-type: none">• If we automatically enroll households into LIHEAP when they apply for or receive other social service benefits—how are we making sure that households not participating in these programs can just as easily apply?
Household Burden	<ul style="list-style-type: none">• Are we placing a disproportionately high level of burden on non-categorically eligible households or renters in order to apply for and receive services (asking them for unnecessary documentation that categorically eligible households or homeowners are not required to produce?)
Renter Policies, Procedures	<ul style="list-style-type: none">• Do we know what percentage of LIHEAP eligible households in our state, tribe, or territory are renters? Have we taken this into consideration when designing our eligibility and benefit determination policies for renters?
Household Protections	<ul style="list-style-type: none">• If we pay benefits to heat-in-rent households, how are we assuring protections for the household (e.g., landlord applies benefit to rent)?

Assurance 9 – Administrative Costs

Breaking It Down (Key-Takeaways)

Assurance 9: ADMINISTRATIVE COSTS

[Section 2605\(b\)\(9\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(9\)](#)

- States may not spend more than 10% of their annual allocation on program administration.
- Tribes may spend 20% of the first \$20,000 of their grant on administrative funds and 10% of any funds above \$20,000. A tribe that receives \$100,000 in LIHEAP may spend \$12,000 on administrative costs ($20\% * \$20,000$) + ($10\% * \$80,000$)
- The administrative funds cap extends to all federal dollars. Grantees may not use other federal funds for administrative costs if the total spent will exceed the 10% administrative cap. They may use state, tribe, or non-governmental funds for administrative costs above the cap.

Assurance 9 – Administrative Costs

Interpretation and Implementation

How do we define administrative costs?

- The LIHEAP statute does not define administrative costs. Grantees must develop their own definitions of have their own definition of administrative and program costs.
 - Common administrative costs include: salaries for administrative staff, budgeting, monitoring, personnel, and IT maintenance.
 - Common program costs include: providing benefits, salaries for program staff (for direct client services), case management, outreach, IT development costs.

Grantees must have clear documentation of their allowable administrative and program costs definitions.

Assurance 9 – Administrative Costs

Bringing it
Back Home

How will we interpret and implement Assurance 9?
Example Focus Areas, Questions

Documentation	<ul style="list-style-type: none">• Do I know where to find a clear explanation of allowable program and administrative costs in my state, tribe, or territory?• When was the last time these cost definitions were reviewed?• If I use subgrantees to administer LIHEAP, do they know where to find clear allowable cost definitions?
Flexibility	<ul style="list-style-type: none">• Are there areas where our program has skimped because we didn't realize our flexibility in defining program versus administrative costs?• Have I reviewed other grantee cost definitions to see how they categorize particular expenses that I'm unclear about?

Assurance 10—Program, Fiscal Monitoring, Audits

Breaking It Down (Key-Takeaways)

Assurance 10: Monitoring, Audits

[Section 2605\(b\)\(10\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(10\)](#)

The grantee will establish procedures necessary to assure to the proper disbursement of and accounting for Federal LIHEAP funds. More specifically:

- Fiscal control and fund accounting
- Monitoring of the program
- Compliance with the Single Audit Act (31 USC Ch. 75)

Assurance 10—Program, Fiscal Monitoring, Audits

Interpretation and Implementation

How are we assuring the proper disbursement and accounting for Federal LIHEAP funds?

- **Grantees must obligate and expend funds in accordance with their own laws and procedures. Furthermore, Grantees' fund accounting procedures should allow ready reporting and tracing of funds to proper expenditures.**
- **Monitoring of the program should include procedures to check eligibility determination and calculating benefit payments.**
 - On-site subgrantee/local agency monitoring visits generally include reviewing both a random and/or targeted sample of files.
 - Most grantees conduct program monitoring of subgrantees **at least** once every three years (many monitor subgrantees annually). In some cases, desk reviews are used to both supplement and prioritize on-site visits.
- **Financial monitoring should be conducted to prevent waste, fraud and abuse.**
 - Most grantees conduct subgrantee fiscal monitoring on a yearly basis. Additionally, many grantees have a process for systematically reviewing subgrantees' single audit reports each year.

Assurance 10—Program, Fiscal Monitoring, Audits

Bringing it
Back Home

How will we interpret and implement Assurance 10?

Example Focus Areas, Questions

Desk Reviews, Risk Assessments	<ul style="list-style-type: none">• Are we conducting risk assessments or desk reviews to prioritize or supplement our local agency/subgrantee monitoring?• If we have subgrantees, is there a systematic process for receiving, reviewing, and responding to their single audit reports in we office?
Tools	<ul style="list-style-type: none">• What processes and tools are in place to conduct local agency/subgrantee site visits? When was the last time these tools were updated?
Collaboration	<ul style="list-style-type: none">• How are the fiscal and program monitoring staff working together in my state/tribe/territory to identify risk, share concerns, or flag training and technical assistance needs?

Assurance 11—Cooperation with Investigations

Breaking It Down (Key-Takeaways)

Assurance 11: Cooperation with Investigations [Section 2605\(b\)\(11\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(11\)](#)

Grantees must permit and cooperate with Federal investigations undertaken in accordance with Section 2608 of LIHEAP Act (42 U.S. Code § 8624).

This includes:

- Follow-up on *“complaints of a substantial or serious nature that a State has failed to use funds in accordance with the LIHEAP Law or the assurances provided by the State...”*
- Compliance Reviews

Assurance 11—Cooperation with Investigations

Interpretation and Implementation

How will we quickly cooperate with Federal LIHEAP Investigation requests?

Grantees must be prepared to make requested files or other paperwork available to federal officials who are conducting an investigation for the LIHEAP program. This includes documentation that may be housed at local subgrantee agencies. Many grantees include language that mirrors Assurance 11 into subgrantee agreements.

Bringing it Back Home

How will we interpret and implement Assurance 11? *Example Focus Areas, Questions*

Subgrantee Agreements, Contracts

- If we use subgrantees, does the subgrantee agreement/contract include language regarding timely cooperation with state and federal LIHEAP investigations?
- Does our subgrantee agreement and/or policy manual set clear archiving rules to assure that documentation is readily available?

Assurance 12—Timely, Meaningful Public Participation

Breaking It Down (Key-Takeaways)

Assurance 12: PUBLIC PARTICIPATION

[Section 2605\(b\)\(12\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(12\)](#)

Grantees must provide for timely and meaningful public participation in the development of the LIHEAP model plan.

Assurance 12—Timely, Meaningful Public Participation

Interpretation and Implementation

- **How am I assuring that members of the public, especially those eligible for LIHEAP, have input in how we will spend LIHEAP funds?**
- Many grantees begin working on their model plan in the late winter or early spring. This allows them to make the Model Plan available for the public with plenty of time for review and comment.
- Some grantees engage local agencies and/or major stakeholders in helping to consider new policy and develop revisions to the previous year's Model Plan.

Other ways that grantees assure “timely and meaningful” public participation:

- Presenting the plan to existing stakeholder groups (e.g., advisory committees)
- Holding “listening sessions” or hearings in geographically accessible locations
- Allowing alternative forms of feedback (e.g., email, public webinars, online forums)
- Community meetings in under-served locations
- Asking advocates or “gatekeepers” to sponsor meetings in hard-to-reach areas

Assurance 12—Timely, Meaningful Public Participation

Bringing it
Back Home

How will we interpret and implement Assurance 12?

Example Focus Areas, Questions

Engaging	<ul style="list-style-type: none">• Who normally provides feedback regarding our LIHEAP Model Plan?• Who isn't providing feedback that should be?
Strategy	<ul style="list-style-type: none">• What is our plan for reaching people that normally wouldn't engage in decision making?• What is our plan for getting feedback from those hard-to-reach households (including LIHEAP eligible HH who aren't applying?)
Coordination	<ul style="list-style-type: none">• How can we coordinate with other programs or agencies to facilitate timely and meaningful participation in development of our plan?
Process	<ul style="list-style-type: none">• Do we have a process for timely and meaningful participation when major/substantial updates are made to the Model Plan mid-year?

Assurance 13—Fair Hearings

Breaking It Down (Key-Takeaways)

Assurance 13: FAIR HEARINGS

[Section 2605\(b\)\(13\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(13\)](#)

Grantees must provide an opportunity for a fair administrative hearing to individuals whose application for LIHEAP assistance

- are denied, or
- are not acted upon with reasonable promptness

Assurance 13—Fair Hearings

Interpretation and Implementation

- **How am I making sure that households know about their right to a fair hearing?**

Most grantees require all local offices (including subgrantees) to assure all clients are informed of their rights to a fair hearing. This includes:

- Signs everywhere (lobby, intake desk, bathrooms, bulletin boards)
- Flier or notice in the application packet
- Text included in online application materials
- Language on the client application (normally included near the signature line)
- Statement made during in-person intake
- Language in the client notice of action
- Language in the denial letter

Wherever possible, notification of fair-hearing rights should include clear instructions for households if they wish to initiate the fair hearing process.

Assurance 13—Fair Hearings

Bringing it
Back Home

How will we interpret and implement Assurance 13?

Example Focus Areas, Questions

Process	<ul style="list-style-type: none">• Are we clear about what steps would be taken in our state, tribe, or territory if someone requests a fair hearing? Do these steps differ between applications that were denied v. applications not acted upon in a timely manner?• Do I know what part I must play (as a LIHEAP director) in the fair hearing process? Appeals?
Documentation	<ul style="list-style-type: none">• Do we require local agencies/subgrantees to maintain specific records via fair hearings? Are they required to submit paperwork or otherwise inform us when a fair hearing is initiated (including outcomes)?
Monitoring	<ul style="list-style-type: none">• While monitoring local offices or subgrantee agencies, do we physically look around the office (waiting area, intake area, etc) for Fair Hearing Notices? Do we check client documentation to be sure that the Fair Hearing Notice is clear and conspicuous?• Do we ask to see records of fair hearing requests and outcomes?

Assurance 14 – Data Collection and Reporting

Breaking It Down (Key-Takeaways)

Assurance 14: REPORTING

[Section 2605\(b\)\(14\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(14\)](#)

Cooperate with the Secretary with respect to data collecting and reporting under section 2610 of the LIHEAP Act (42 U.S. Code § 8624).

This includes:

- information concerning home energy consumption
- the amount, cost and type of fuels used for households eligible for LIHEAP assistance
- the type of fuel used by various income groups;
- the number and income levels of households assisted with LIHEAP
- the number of households which received LIHEAP and include one or more individuals who are 60 years or older or disabled or include young children; and
- the impact of each State's program on recipient and eligible households

Assurance 14—Data Collection and Reporting

Interpretation and Implementation

How will we cooperate with Federal LIHEAP Reporting Requirements in a timely manner?

In order to comply with federal reporting requirements, grantees must have a fiscal accounting system, as well as a means to track data for households assisted with LIHEAP. For those grantees with subgrantees, it will be necessary to utilize a central database or have a method in place to collect household level data from all local agencies for compilation at the state, territory, or tribal level.

Bringing it Back Home

How will we interpret and implement Assurance 14? *Example Focus Areas, Questions*

Collecting and Reporting Data

- What does our state, tribe, or territory need to improve our data collection and reporting processes?
- If we do not have adequate data (IT) systems, are there ways we can leverage other existing LIHEAP systems (in part or in whole) for use in our tribe, state, or territory?

Assurance 15 – Outreach and Intake

Breaking It Down (Key-Takeaways)

Assurance 15: OUTREACH AND INTAKE

[Section 2605\(b\)\(15\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(15\)](#)

This assurance requires you to provide LIHEAP outreach and intake services through agencies beyond just the welfare agencies that administer the Temporary Assistance for Needy Families (TANF) Program. This can include, but is not limited to:

- community action agencies
- area agencies on aging
- not-for-profit neighborhood-based organizations

This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.

Assurance 15 – Outreach and Intake

Interpretation and Implementation

How am I assuring adequate outreach and crisis assistance through locally accessible agencies?

Generally, grantees assure adequate outreach and crisis in their state, tribe, or territory by using subgrantees (e.g., local organizations, Community Action Agencies) to conduct some or all of their LIHEAP outreach and intake.

Bringing it Back Home

How will we interpret and implement Assurance 15? *Example Focus Areas, Questions*

Access

- Are there underserved areas of our state or territory that could benefit from the addition of a local or satellite office?
- Do we ensure that households that might feel stigmatized by going to a TANF intake agency to apply for LIHEAP have other intake options?

Assurance 16 – Services to Reduce Need

Breaking It Down (Key-Takeaways)

Assurance 16:

[Section 2605\(b\)\(16\) of LIHEAP Act, 42 U.S.C. § 8624\(b\)\(16\)](#)

- Grantees may use up to 5 percent of LIHEAP funds, **at their option**, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance.

This includes:

- ✓ needs assessments
 - ✓ counseling
 - ✓ assistance with energy vendors
- Grantees must report 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.

Assurance 16 – Services to Reduce Need

Interpretation and Implementation

- **Will I use 5% of my funds for the purposes identified in Assurance 16? How?**

Grantees use Assurance 16 funds for a wide variety of activities:

- **Needs Assessment and Referral** – Reviewing the client's case record and identifying the most appropriate referrals
- **Financial Counseling** – Working with the client to improve financial management skills and proactively manage energy bills
- **Energy Education** – Furnishing information about how to reduce energy usage and obtain energy efficiency services
- **Case Management** – Working with clients on a customized energy education and/or budget management plan over an extended time period
- **Vendor Advocacy** – Helping the client to communicate effectively with the vendor to maintain service

Assurance 16 – Services to Reduce Need

Bringing it
Back Home

How will we interpret and implement Assurance 16?

Example Focus Areas, Questions

Fit	<ul style="list-style-type: none">How could we use Assurance 16 funding to maximize existing resources or address gaps in service? (e.g., energy advocacy, energy education, payment planning)
Allocation	<ul style="list-style-type: none">If we use subgrantees, how will we award these funds to local agencies?
Reporting	<ul style="list-style-type: none">How will local agencies (and we as a state, tribe, or territory) reporting outcomes associated with this funding?
Examples	<ul style="list-style-type: none">How are other states using these funds? https://liheapch.acf.hhs.gov/delivery/sufficiency.htm

Winner, Winner

How many did you know?

Available Resources

- [LIHEAP Clearinghouse](#): The LIHEAP Clearinghouse contains LIHEAP State Plans, Manuals, contracts, and other administrative documents. Additionally, the Clearinghouse provides an extensive list of publications related to all areas covered in this training session. Grantees are encouraged to call Clearinghouse staff if they need assistance finding resources.
- [OCS Website](#): The OCS website provides resources for LIHEAP grantees including information memoranda, Dear Colleague notices, and training materials.
- [LIHEAP Virtual Library](#): The LIHEAP Virtual Library was designed by grantees to help their peers walk through all aspects of LIHEAP program administration.
- [LIHEAP Performance Management Website](#): The LIHEAP Performance Management website includes a data warehouse with basic and advanced reporting tools. Additionally, the website contains a wealth of grantee resources related to LIHEAP data, required reporting, and Performance Management.
- [The Grantee Resource Guide](#): Provides an overview of various LIHEAP elements. Much of the material in this presentation came from the Grantee Resource Guide.

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Thanks!

**Please take a moment to fill
out your session evaluation.**