

## **The 16 Assurances**

The LIHEAP statute includes the 16 Assurances, conditions for grantees to administer the program. States must comply with Assurances 1 – 15, and Assurance 16 if they choose to allocate funds for the purpose of that Assurance. Territories with grants less than \$200,000/year and all tribes are exempt from Assurance 15. Grantees are required to certify the assurances as part of their Model Plan.

### **ASSURANCE 1 – USE OF FUNDS LIHEAP Statute 2605(b)(1)**

The State agrees to 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 [Assurance 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;

### **ASSURANCE 2 – ELIGIBILITY LIHEAP Statute 2605(b)(2)**

The State agrees to 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.

### **ASSURANCE 3 – OUTREACH LIHEAP Statute 2605(b)(3)**

The State agrees to 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;

**ASSURANCE 4 – COORDINATION**  
**LIHEAP Statute 2605(b)(4)**

The State agrees to 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;

**ASSURANCE 5 – VARYING BENEFITS**  
**LIHEAP Statute 2605(b)(5)**

The State agrees to 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 [Assurance 2];

**ASSURANCE 6 – LOCAL AGENCIES**  
**LIHEAP Statute 2605(b)(6)**

The State agrees to, 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;

**ASSURANCE 7 – VENDOR PAYMENTS**  
**LIHEAP Statute 2605(b)(7)**

The State agrees to, 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)

## **ASSURANCE 7 – VENDOR PAYMENTS (CONTINUED)**

- (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 vendor 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;

## **ASSURANCE 8 – RENTERS LIHEAP Statute 2605(b)(8)**

The State agrees to 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;

## **ASSURANCE 9 – ADMINISTRATIVE COSTS LIHEAP Statute 2605(b)(9)**

The State agrees to 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
- (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 cost (except for the costs of the activities described in paragraph (16);

## **ASSURANCE 10 – MONITORING, FISCAL CONTROL, ACCOUNTING, AUDITS LIHEAP Statute 2605(b)(10)**

The State agrees to 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");

## **ASSURANCE 11 – COOPERATE WITH FEDERAL INVESTIGATIONS LIHEAP Statute 2605(b)(11)**

The State agrees to permit and cooperate with Federal investigations undertaken in accordance with section 2608;

**ASSURANCE 12 – PUBLIC PARTICIPATION**  
**LIHEAP Statute 2605(b)(12)**

The State agrees to provide for timely and meaningful public participation in the development of the plan described in subsection (c);

**ASSURANCE 13 – FAIR ADMINISTRATIVE HEARING**  
**LIHEAP Statute 2605(b)(13)**

The State agrees to 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

**ASSURANCE 14 – COOPERATE WITH DATA COLLECTION AND REPORTING**  
**LIHEAP Statute 2605(b)(14)**

The State agrees to cooperate with the Secretary with respect to data collecting and reporting under section 2610.

**ASSURANCE 15 – PREFERENCE IN SUBGRANTEE FOR OUTREACH AND INTAKE**  
**LIHEAP Statute 2605(b)(15)**

The State agrees to, \* 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.

\* Assurance 15 does not apply to Tribes, or to territories whose annual LIHEAP allotments are \$200,000 or less.

**ASSURANCE 16 – REDUCE HOME ENERGY NEED**  
**LIHEAP Statute 2605(b)(16)**

The State agrees to 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.

\*Assurance 16 is not required for grantees that do not allocate funds under this Assurance.