



2023 Annual Conference

All Hands on Deck!

Navigating a Sustainable Future

June 13 - 15, 2023

Pre-Conference June 12

Sheraton San Diego Hotel & Marina

2023 Annual Conference
All Hands on Deck!
Navigating a Sustainable Future



LIHEAP 102

June 13th, 2023

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NATIONAL ENERGY & UTILITY AFFORDABILITY COALITION

Introduction, Session Objectives

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After this session, participants will better understand:

- How LIHEAP assurances govern grantee decisions with respect to categorical eligibility, benefit determination, and coordination of services.
- Key options and questions to consider when adopting categorical eligibility, joint applications, and/or information sharing within the LIHEAP program.
- How states represented by our three panelists use these approaches in their programs, and whether they perceive them to be effective.

Presenter:
Tracy Smetana

Topics

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- **LIHEAP Assurances – Program Design Options and Requirements**

Melissa Torgerson, VERVE

- **Categorical Eligibility – What are the options? What do our panelists do and why?**

Melissa and Panelists

- **Coordination of Services- What are the options? What do our panelists do and why?**

Melissa and Panelists

Presenter:
Tracy Smetana

LIHEAP Assurances & Definitions

Refresher on Federal Statute (Assurances)

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- Every September, states/tribes/territories who wish to receive LIHEAP funding must submit a model plan. The model plan (LIHEAP application) lays out how each grantee will use LIHEAP funds in accordance with the law.

“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)

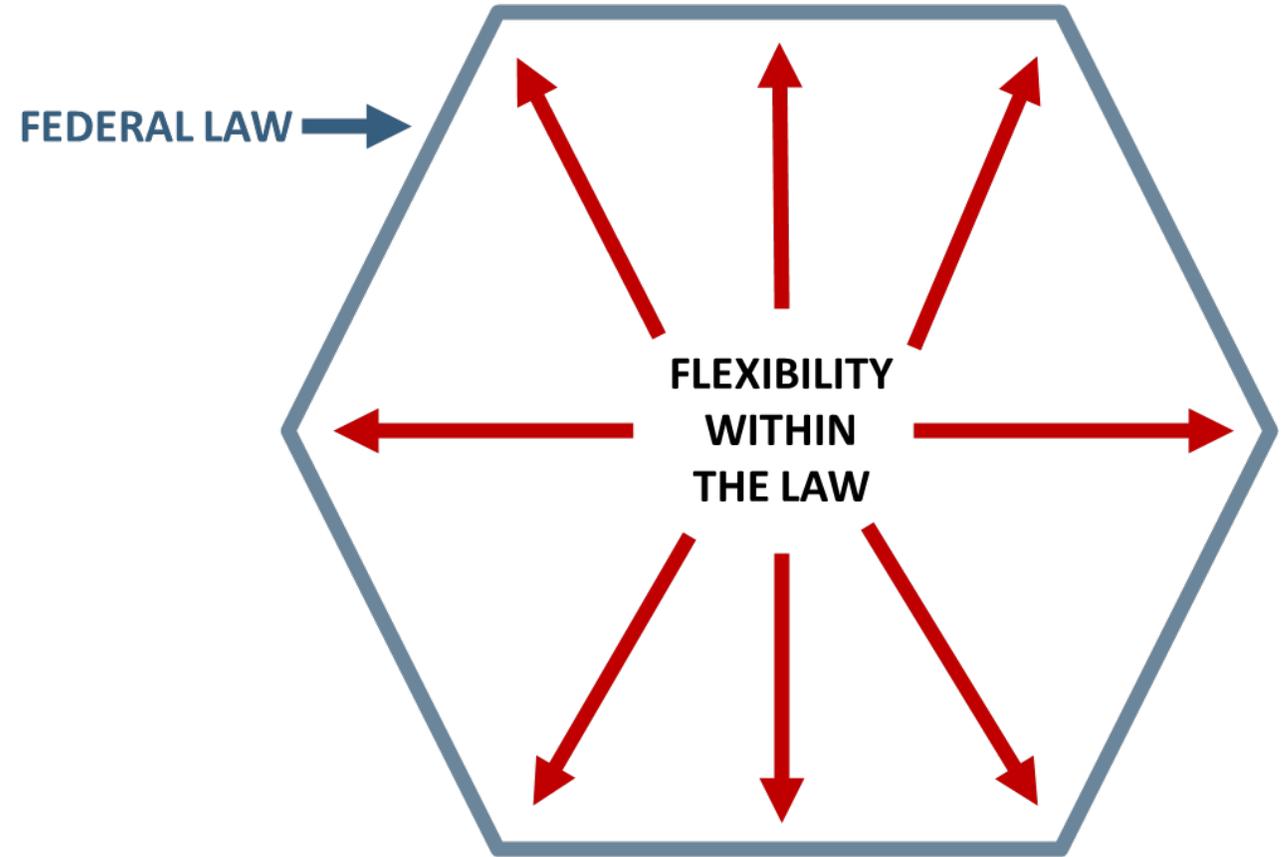
- The LIHEAP law includes several parts, including sixteen “assurances” that must be officially certified each September by a governor or tribal chairperson (or his or her designee) via the model plan process.

Presenter:
Melissa Torgerson

Nature of Federal Statute

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- Federal regulations at 45 CFR 96.50(e) indicate that **grantees have the "primary responsibility" for interpreting the federal law as it relates to their administration of LIHEAP** and that HHS will defer to their interpretations unless it is deemed "clearly erroneous."
- The Federal LIHEAP statute provides grantees with "fenceposts" when designing their LIHEAP programs—**leaving a lot of room for flexibility.**



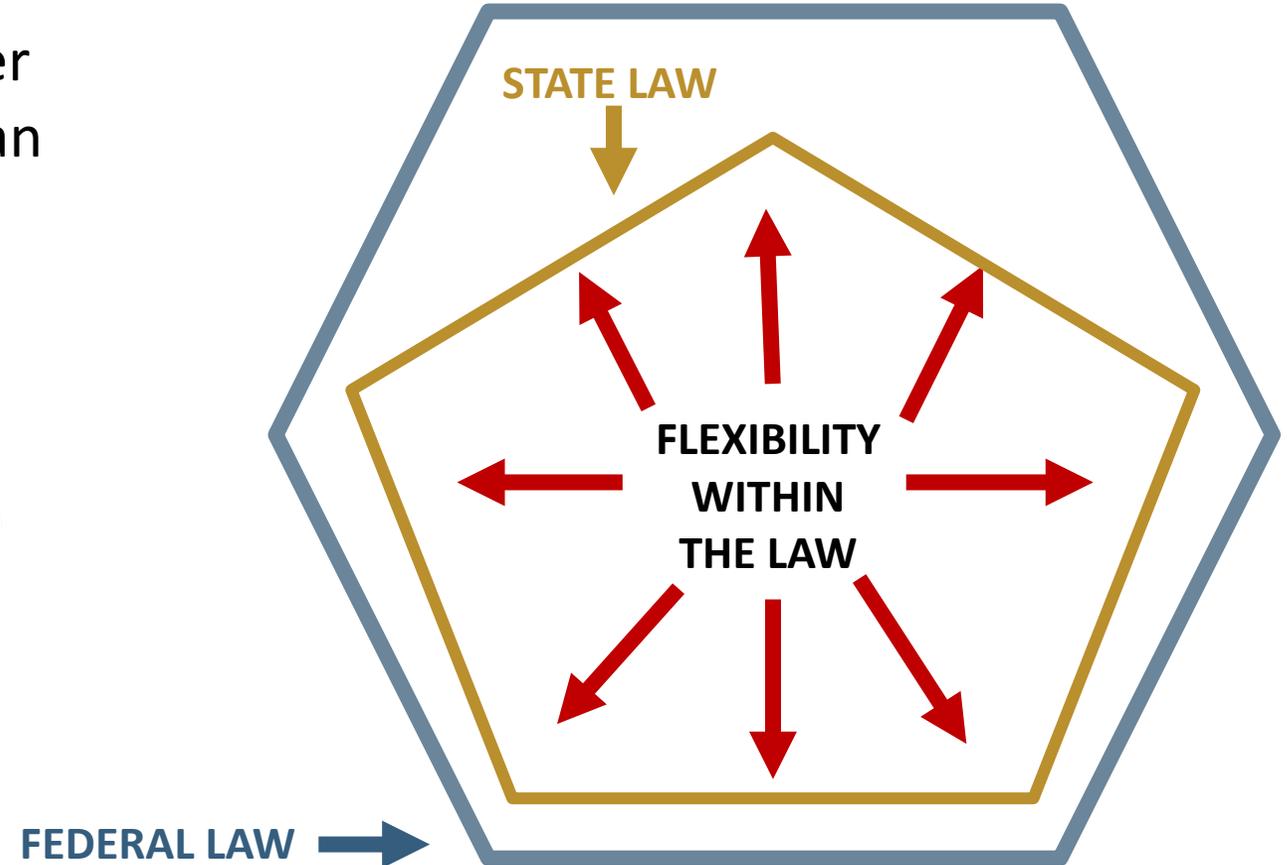
Presenter:
Melissa Torgerson

State Laws, Rules

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While the federal statute provides “outer bounds” for grantees, state/tribal law can also influence or restrict the design and delivery of LIHEAP programs.

- For example, although the federal statute allows income eligibility up to 60% of state median income, some states have enacted laws that make their LIHEAP income eligibility thresholds much lower.



Presenter:
Melissa Torgerson

Section Overview

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In this section, we'll talk about the LIHEAP Assurances and other factors that are particularly important when thinking about Categorical Eligibility, Benefit Determination, and Coordination of Services.

- Assurance #2 – Eligible Households
- Assurance #5 – Benefit Determination
- Assurance #4 – Program Coordination

Presenter:
Melissa Torgerson



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

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

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LIHEAP Grant recipients:

- Can opt whether or not to use categorical eligibility—however, must always offer the income eligibility option to households applying for LIHEAP
- Have the flexibility to determine **which of the outlined programs** will be used as basis for categorical eligibility
- Have the flexibility to determine **who** to base categorical eligibility on (an individual in household versus all household members)

Presenter:
Melissa Torgerson

Assurance 2: ELIGIBILITY

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

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- Categorical eligibility gets households through the first “gateway” of LIHEAP (eligibility determination). **In other words, categorical eligibility makes a household eligible for LIHEAP, regardless of their income.**
- **Income information is still required to determine benefits for categorically eligible households.**

Assurance 5: BENEFITS

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

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- 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.
 - ✓ **Income must be a factor in determining the benefit.**
- 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 on to benefit determination. Income must be used to determine benefit for all households.**

Presenter:
Melissa Torgerson

Assurance 5: BENEFITS

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

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While income must be collected for all households to determine the LIHEAP benefit, grant recipients may use different avenues to collect income information.

Presenter:
Melissa Torgerson

Assurance 4: COORDINATION OF SERVICES

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

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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

Presenter:
Melissa Torgerson

Assurance 4: COORDINATION OF SERVICES

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

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Examples of program coordination:

- Obtaining lists of SNAP/TANF households to conduct LIHEAP outreach
- Utilizing LIHEAP applications to facilitate automatic referrals or enrollment to other energy related programs
- Using joint applications for LIHEAP and other programs
- Sharing program data to assist in verifying LIHEAP eligibility and/or LIHEAP benefit determination

Presenter:
Melissa Torgerson

Assurance 4: COORDINATION OF SERVICES

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

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Developing shared program criteria and definitions require extra coordination and/or consideration. For example, the definition of “household” can make coordination tricky between SNAP and LIHEAP.

- **LIHEAP:** The term "household" means any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.
- **SNAP:** Everyone who lives together and purchases and prepares meals together is grouped together as one SNAP household.

Presenter:
Melissa Torgerson

Putting it all together

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When designing their program, LIHEAP grant recipients must decide:

- Who should be eligible for benefits
- How they will determine benefit levels (targeting based on income and energy costs)
- How they will coordinate with other public assistance programs

LIHEAP Grant Recipients must consider:

- Federal and State Requirements
- Limited total funding for LIHEAP benefits
- Limited administrative funding to collect information on household need
- Household Burden

Now let's turn to our panelists for some examples.

Presenter:
Melissa Torgerson

Topic #1 - Categorical Eligibility

Jane Blank, Wisconsin Department of Administration

Brian Sarensen, Washington State Department of Commerce

Iris Pennington, Arkansas Energy Office

Section Overview

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In this section, we'll cover:

- Options – What are some options for using categorical eligibility in LIHEAP program intake? What are the key questions grant recipients should be considering?
- State Program Choices – How does each state on the panel use or not use categorical eligibility?
- Panelist Opinions – What does each panelist think works or does not work about their program with respect to their program design?

Presenter:
Melissa Torgerson

Categorical Eligibility Options, Examples

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- **Categorical Eligibility or No Categorical Eligibility**
- **Relevant Programs** – TANF, SSI, SNAP, Mean-Tested Veterans Programs. Grant Recipients have the option to pick one program and/or multiple programs from this list the as the basis for categorical eligibility.
- **Individuals versus Households** – Grant Recipients have the option to decide who to base categorical eligibility on. For example:
 - **Individuals:** If any *individual* in the household receives benefits from one of the targeted programs, the household is eligible for LIHEAP
 - **Households:** If *all individuals* in the household receive benefits from one of the targeted programs, the household is eligible for LIHEAP

Presenter:
Melissa Torgerson

Categorical Eligibility Key Questions

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Categorical eligibility makes some households eligible who may otherwise be over-income.

- Is serving these households a priority for our state/tribe/territory?
- Does our budget account for serving these households *in addition to* those we serve via traditional income eligibility?)

Presenter:
Melissa Torgerson

Wisconsin Approach

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State Plan Section 1.4 Do you consider households categorically eligible if one household member receives one of the following categories of benefits in the left column below? **No**

Other (Specify): Households entirely composed of persons receiving Supplemental Security Income (SSI), TANF, or Food Stamps (SNAP) in the previous month from the date of application will be deemed a categorically eligible household.

State Plan Section 1.7a Do you allocate LIHEAP funds toward a nominal payment for SNAP households? **No**

Presenter:
Jane Blank

Wisconsin Discussion

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Question #1 – Do you know why this policy was implemented?

Question #2 – What is good about this policy from your perspective?

Question #3 – Are there any issues with this policy from your perspective?

Question #4 – Would you recommend that others adopt the Wisconsin approach?

Presenter:
Jane Blank

Washington Approach

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State Plan Section 1.4 Do you consider households categorically eligible if one household member receives one of the following categories of benefits in the left column below?

Yes (TANF Only)

State Plan Section 1.7a Do you allocate LIHEAP funds toward a nominal payment for SNAP households? **Yes**

State Plan Section 1.7b Amount of Nominal Assistance: **\$20.01**

State Plan Section 1.7c Frequency of Assistance: **Once Per Year**

Presenter:
Brian Sarensen

Washington Discussion

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Question #1 – Do you know why this policy was implemented?

Question #2 – What is good about this policy from your perspective?

Question #3 – Are there any issues with this policy from your perspective?

Question #4 – Would you recommend that others adopt the Washington approach?

Arkansas Approach

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State Plan Section 1.4 Do you consider households categorically eligible if one household member receives one of the following categories of benefits in the left column below?

Yes (TANF / SSI / SNAP)

State Plan Section 1.7a Do you allocate LIHEAP funds toward a nominal payment for SNAP households? **No**

Presenter:
Iris Pennington

Arkansas Discussion

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Question #1 – Do you know why this policy was implemented?

Question #2 – What is good about this policy from your perspective?

Question #3 – Are there any issues with this policy from your perspective?

Question #4 – Would you recommend that others adopt the Arkansas approach?

Topic #2 – Coordination of Services:

Joint Applications and Information Sharing Options

Overview

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In this section, we'll cover:

- **Options** – How can household information from other programs be used to assist with LIHEAP delivery (e.g., outreach, eligibility assessment, and benefit determination?)
What are the key questions grant recipients should be considering?
- **State Program Choices** – How does each state on the panel coordinate LIHEAP with other programs?
- **Panelist Opinions** – What does each panelist think works or does not work about program coordination with respect to their LIHEAP design?

Presenter:
Melissa Torgerson

Program Coordination Options, Examples

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- LIHEAP Specific:** Only information from a LIHEAP specific application is used to determine LIHEAP eligibility and benefits.
- Joint Applications:** Collect information for multiple programs (i.e., LIHEAP + SNAP /TANF/SSI/Veterans) to assess eligibility for multiple programs.
- Data Extract:** Extract data from other social service programs and use to simplify LIHEAP applications, assess eligibility, and/or determine benefits to the extent possible.

Program Coordination Key Questions

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Sharing program applications and/or using other program data could potentially minimize household burden associated with applying for LIHEAP.

- **Joint applications:** Which is better for households? A longer “universal” application or providing duplicate information on multiple shorter applications? Is it easy to quickly change the LIHEAP portion of a universal/combined application when needed?
- **Information sharing:** Does the information collected by other programs jibe with the information we need for LIHEAP (e.g., household and income definitions)? Do we have a mechanism for collecting additional information from household members that might be missing or outdated in other programs?

Presenter:
Melissa Torgerson

Wisconsin Approach

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State Plan Section 7.1 Describe how you will ensure that the LIHEAP program is coordinated with other programs available to low-income households (TANF, SSI, WAP, etc.).

Joint application for multiple programs: **Yes**

Intake referrals to/from other programs: **Yes**

One-stop intake centers: **Yes**

Other - Describe:

LIHEAP is coordinated at the state level with income maintenance programs through agreements and data collection / sharing with the Department of Children and Families (DCF) and Department of Health Services (DHS). DCF operates the Temporary Assistance to Needy Families (TANF), W-2, including the jobs and welfare to work program as well as other assistance programs. DHS operates Medicaid, FoodShare (SNAP), and Aging and Disability Resource Centers

Presenter:
Jane Blank

Wisconsin Approach

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Other - Describe:

Beginning in FY2001, State of Wisconsin Public Benefits funds were used to make non-heating payments to eligible recipients. Public Benefit funds are fully integrated into the Wisconsin Home Energy Assistance Program, WHEAP. LIHEAP funding may be used to sustain non-heating payments to eligible recipients.

Coordination between the state and local level is achieved by including representation from a variety of private and government agencies interested in energy services and/or services for low-income persons on the Low Income Energy Advisory Committee (LIEAC). Wisconsin also utilizes a workgroup from the Wisconsin Home Energy Assistance Program (WHEAP) agencies to provide input on new policy and system related changes.

Presenter:
Jane Blank

Wisconsin Discussion

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Question #1 – Do you know why this policy was implemented?

Question #2 – What is good about this policy from your perspective?

Question #3 – Are there any issues with this policy from your perspective?

Question #4 – Would you recommend that others adopt the Wisconsin approach?

Presenter:
Jane Blank

Washington Approach

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State Plan Section 1.7a Do you allocate LIHEAP funds toward a nominal payment for SNAP households? **Yes**

State Plan Section 1.7d How do you confirm that the household receiving a nominal payment has an energy cost or need?

Clients are required to bring a copy of their utility bill to their intake appointment. In the case of nominal payments, we serve those who have heat included with rent. The client must bring the rental agreement to their intake appointment. The agreement must include a clause that heat is included in rent.

State Plan Section 7.1 Describe how you will ensure that the LIHEAP program is coordinated with other programs available to low-income households (TANF, SSI, WAP, etc.).

Joint application for multiple programs. **Yes**

Intake referrals to/from other programs. **Yes**

One - stop intake centers. **No**

Other - Describe: **No**

Presenter:
Brian Sarensen

Washington Discussion

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Question #1 – Do you know why this policy was implemented?

Question #2 – What is good about this policy from your perspective?

Question #3 – Are there any issues with this policy from your perspective?

Question #4 – Would you recommend that others adopt the Washington approach?

Presenter:
Brian Sarensen

Arkansas Approach

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State Plan Section 7.1 Describe how you will ensure that the LIHEAP program is coordinated with other programs available to low-income households (TANF, SS I, WAP, etc.).

Joint application for multiple programs. **No**

Intake referrals to/from other programs. **Yes**

One - stop intake centers. **Yes**

Other - Describe:

- 1) We will be coordinating our application to work for LIHWAP assistance as well as LIHEAP. Referrals are made to Weatherization through LIHEAP applications.*
- 2) In some counties the CAAs share an office with DWS and other service providers.*
- 3) CAAs operating other programs for low-income households, such as CSBG will make those program services available to eligible LIHEAP applicants.*

Presenter:
Iris Pennington

Arkansas Discussion

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Question #1 – Do you know why this policy was implemented?

Question #2 – What is good about this policy from your perspective?

Question #3 – Are there any issues with this policy from your perspective?

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Presenter:
Iris Pennington

Questions/Comments



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