

**The Low-Income Home Energy  
Assistance Program (LIHEAP)**

**Pennsylvania Advocates Manual**  
2010-2011 Edition

*Produced by the Pennsylvania Utility Law Project  
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**LIHEAP: PA Advocates Manual**  
**2010-2011 Edition**  
Prepared by the Pennsylvania Utility Law Project

**Summary of Updates and Changes for the 2010-2011 LIHEAP Program Year<sup>1</sup>**

- **Program Dates:**
  - Cash opens Nov. 1, 2010 and closes March 31, 2011.
  - Crisis Exception Payments opens Nov. 1, 2010 and closes Jan. 2, 2011.
  - Crisis will open Jan. 3, 2011 and close March 31, 2011.
  - Crisis Interface/Weatherization Assistance Program opens Nov. 1, 2010 and closes March 31, 2011.
  - DPW may extend or shorten program dates depending on availability of funds.
  
- **Program Note:** The Cash and Crisis components will open at different times and will not run concurrently until January 3. From November 1, 2010 to January 2, 2011, DPW will be providing what it is calling “Crisis Exception Payments.” The criteria for receiving “Crisis Exception Payments” are different from those for receiving a Crisis Payment and are described below.
  
- **Eligibility:** Eligibility is set at 160% of the Federal Poverty Income Guidelines:

Household Size	Household Income
1	\$17,328
2	\$23,312
3	\$29,296
4	\$35,280
Each additional person	\$5,984

- **Grant Amounts:**
  - Minimum Cash grant will be \$300<sup>2</sup>.
  - Maximum Cash grant will be \$1,000.
  - Minimum Crisis grant will be \$25.
  - Maximum Crisis grant will be \$400.
  
- **Crisis Definition for Crisis Exception Payment:**

For purposes of determining eligibility for a Crisis Exception Payment, a household must meet the following criteria:

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<sup>1</sup> These changes are accurate as of November 22, 2010. However, it is expected that there will be program modifications during the 2010-2011 LIHEAP program year. Please be alert for any additional modifications.

<sup>2</sup> There is a separate \$100 supplement to the Cash grant amount issued to a “vulnerable household.” A vulnerable household is defined as a household containing at least one member who is elderly (age 60 or over), disabled, or age five and under. The age of the household members is determined by their age at the time their LIHEAP cash application is submitted.

- The Main Heating Source has been shut off or, if a deliverable fuel, supply is depleted or only sufficient for 15 days or less.

OR

- The Secondary Heating Source (a source needed to operate the main heating source) has been shut off or, if a deliverable fuel, supply is depleted or is only sufficient for 15 days or less.

- **Crisis Definition for Deliverable Fuels – Final Plan, § 601.62:**

For purposes of determining eligibility for a Crisis grant, DPW interprets the definition of a crisis to include situations where a deliverable fuel customer will run out of its fuel source in less than 15 calendar days.

- **The Crisis must require more than \$25 to be resolved:**

Any household requiring less than \$25 to resolve a home heating emergency will not be eligible to receive a Crisis grant.

- **The utility must apply the LIHEAP Cash grant payment to the CAP customer's "Asked to Pay" amount - Final Plan §601.45:**

Public utilities that operate CAPs (Customer Assistance Programs) are required to apply the LIHEAP Cash component benefits only to the customer's monthly "Asked to Pay" amount. No LIHEAP funds may be pooled or applied to a CAP customer's pre-program arrearages or actual usage amounts.

- **Heat and Eat Initiative:**

DPW will issue a \$1.00 heating assistance benefit to SNAP (Supplemental Nutrition Assistance Program) households that are responsible for heating costs and have not already been approved for LIHEAP during the current program year. This will enable SNAP recipients to maximize the SNAP Standard Utility Allowance (SUA).

- **\$100 Supplemental Cash Payment to Vulnerable Households:**

There is a separate \$100 supplement to the Cash grant amount issued to a "vulnerable household." A vulnerable household is defined as a household containing at least one member who is elderly (age 60 or over), disabled, or age five and under.

- **Deliverable Fuels Pilot Discount Program:**

**Note** - The deliverable fuels pilot discount program is suspended this year.

- **Statewide Toll Free LIHEAP Hotline - 1-866-857-7095:**

DPW has a statewide toll free Hotline number specifically dedicated to enabling individuals to call regarding LIHEAP issues.

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## **Introduction**

The Low-Income Home Energy Assistance Program (LIHEAP) Pennsylvania Advocates Manual is produced by the Pennsylvania Utility Law Project (PULP) for members of the Pennsylvania Legal Aid Network and others who assist low-income individuals. It is not intended to be a substitute for direct legal advice in individual cases, but it is intended to be used as a general reference guide. Citations are provided in the footnotes. References and a sampling of forms are provided in the Appendices. Web site references can be found throughout. The authors welcome receiving your questions, as well as your comments.

## **LIHEAP in Brief**

The Low-Income Home Energy Assistance Program (LIHEAP) provides low-income households with assistance to help pay the costs of home energy consumption. In Pennsylvania, LIHEAP supplements are intended primarily to assist with paying the cost of heating a residence during the cold weather months.<sup>3</sup>

LIHEAP is funded by the Federal government but administered by the states. In Pennsylvania, the Department of Public Welfare (DPW) is charged with administering the LIHEAP program through local County Assistance Offices and other agencies.

In 2010-2011 LIHEAP assistance may take 4 different forms. A particular household may be entitled to receive one or more of the different forms of assistance. It is therefore essential to review and analyze each household situation:

- **Cash Component:** a single grant,<sup>4</sup> available one time each year, to assist a household in meeting heating costs. It is paid either (a) to a heating fuel vendor/utility company or (b) directly to an individual. The amount of the LIHEAP Cash grant provided to each household may differ. The grant amount is based on a set formula discussed below. This year, a household may apply for the LIHEAP Cash component from November 1, 2010-March 31, 2011. The grant amount will range from \$300 to a maximum of \$1000.
- **Crisis Exception:** beginning November 1, 2010 and continuing through January 2, 2011, any LIHEAP eligible household without heat may apply for Crisis Exception assistance. If the amount of the household's Cash grant alone will be sufficient to restore heat, DPW will provide the grant in an expedited manner. However, if the amount of the household's Cash grant alone is insufficient to restore heat, DPW will then provide a Crisis payment, even though the Crisis program is not yet open. Crisis Exception assistance will only be provided if the payment, combined with the Cash grant and other available resources, will result in the restoration of heating services. .
- **Crisis Component:** up to \$400 is available to help qualified households resolve a home heating crisis caused by an actual or imminent lack of fuel or utility termination, a problem with a heating system (i.e., furnace), or a weather-related event. Any household

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<sup>3</sup> At times, it has been extended to assist with summer cooling needs.

<sup>4</sup> Note however that at times, supplemental payments to the Cash grant have been issued by DPW. This usually occurs if additional funding is received after the program has begun.

requiring less than \$25 to resolve a home heating emergency will not be eligible to receive a Crisis grant.

- **Crisis Interface/Weatherization Assistance Component:**<sup>5</sup> repair or replacement of the heating system or furnace is provided to those with a heating system breakdown. Traditional weatherization and conservation services may supplement the repairs.

The same form may be used to apply for each of the LIHEAP components.

An individual may be able to designate a different vendor to receive different grant payments; for example, a Cash grant may be designated to an oil vendor and a Crisis grant to the electricity provider.

An individual may receive more than one Crisis benefit during the 2010-2011 program year, subject to the minimum and maximum amounts allowed and the amount of available Federal funding.

LIHEAP is available to both renters and homeowners. However, renters who pay for heat for their residence indirectly as an undesignated part of rent will receive only 50% of the Cash benefit for which they would otherwise be eligible. Eligible households may reapply for and receive Cash and Crisis assistance each year. LIHEAP is not a public assistance program. There will be no lien attached to a home as a result of receiving any LIHEAP assistance.

DPW maintains a Heating Assistance/LIHEAP Web site. It is located at:

<http://www.dpw.state.pa.us/foradults/heatingassistanceliheap/index.htm>.

DPW is charged with publishing annually a LIHEAP State Plan with program guidelines and parameters, such as program opening and closing dates, funding levels, and eligibility criteria. A Proposed State Plan is published during the summer months and is subject to open public hearings and comments. After comments are received and reviewed, DPW publishes a Final State Plan that governs the LIHEAP operation for that program year. The LIHEAP rules for that year are found in Appendix B of the Final Plan. Information regarding Crisis Interface and the Weatherization Assistance Program may be found in Appendix C. The current Final Plan is available on-line at:

[http://www.dpw.state.pa.us/ucmprd/groups/public/documents/communication/s\\_001816.pdf](http://www.dpw.state.pa.us/ucmprd/groups/public/documents/communication/s_001816.pdf).

DPW also provides a LIHEAP Policy Handbook for its caseworkers. The Handbook includes Operations Memoranda which are issued periodically and which indicate the most recent LIHEAP procedures and policies. The 2010-2011 Handbook is available on-line at:

<http://services.dpw.state.pa.us/oimpolicymanuals/manuals/bop/le/table%20of%20contents.htm>.

The 2010-2011 Cash grant benefit tables, which indicate the amount of the Cash grant to which each household is entitled, may be found on-line at

<http://www.dpw.state.pa.us/foradults/heatingassistanceliheap/liheapbenefitamounttable/index.htm>

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<sup>5</sup> This component is the only component not administered completely within DPW. DPW makes the Crisis eligibility determination, but the Department of Community and Economic Development administers the repair segment of LIHEAP.

A LIHEAP application may be completed on-line through the COMPASS program at <https://www.humanservices.state.pa.us/compass.web/CMHOM.aspx>, or a paper application may be mailed or hand delivered to the local County Assistance Office. The paper application may be downloaded from the DPW Web site at: [http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/form/p\\_002978.pdf](http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/form/p_002978.pdf).

The addresses of local County Assistance Offices may be accessed on-line at: [www.dpw.state.pa.us/findfacilsandlocs/countyassistanceofficecontactinformation/index.htm](http://www.dpw.state.pa.us/findfacilsandlocs/countyassistanceofficecontactinformation/index.htm)

## **Legal Authority**

LIHEAP is a Federal block grant program. It is authorized by the Low-Income Home Energy Assistance Act (Pub. L. 97- 35, 42 U.S.C.A. §§8621-8629) as amended by the Human Services Reauthorization Act (Pub. L. 98-558, 98 Stat. 2878), the Human Services Reauthorization Act of 1986 (Pub. L. 99-425, 100 Stat. 966), the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. 101-501), the National Institutes of Health Revitalization Act of 1993 (Pub. L. 103-43), the Low-Income Home Energy Assistance Amendments of 1994 (Pub. L. 103-252), the Coats Human Services Reauthorization Act of 1998 (Pub. L. 105-285), and the Energy Policy Act of 2005 (Pub. L. 109-58).<sup>6</sup>

While Federal law forms the legislative basis for the LIHEAP program, the annual Final State Plan (hereinafter, “the Plan”) contains the policies that govern implementation of the program each year. The Plan is broken into several subsections: an introductory section, an assurances section, and three appendices.

“Appendix B – Determination of Eligibility for LIHEAP Cash and Crisis Benefits” is the key section of the Plan to which the advocate should turn because it provides guidelines for the Cash and Crisis components, the components most usually accessed.

“Appendix C- Weatherization Assistance Program” contains information concerning both the Crisis Interface Program as well as the DCED administered weatherization programs.

## **Administration**

DPW administers LIHEAP in Pennsylvania. DPW uses the County Assistance Offices (CAOs) as the administering agency for the Cash grant.<sup>7</sup> DPW uses several different agencies to assist in the delivery of the Crisis program: CAOs; community action agencies; the Department of Community and Economic Development; and other local organizations.<sup>8</sup> The Crisis Interface/Weatherization Assistance component is administered jointly by DPW and the Department of Community and Economic Development (DCED). DPW makes the Crisis eligibility determination, and DCED administers the heating system repairs and any appropriate weatherization treatments.<sup>9</sup>

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<sup>6</sup> Low-Income Home Energy Assistance Program 2011 Final State Plan at § 601.1.

<sup>7</sup> Id. at § 601.5

<sup>8</sup> Id.

<sup>9</sup> Id. at pg. x; also see Appendix C of the Final State Plan.

County staff may have a lack of familiarity with the details of the current year's program since: LIHEAP is only one of many programs implemented through the CAOs; it is available only part of the year; and its operations and guidelines are often modified within the course of a single year. In addition, many of the CAOs hire temporary energy assistance workers to staff the LIHEAP program, and these workers may just be becoming familiar with program guidelines as the first applicants enter the system.

Advocates should encourage individuals to apply for Cash grants early since there are often delays in processing Cash grant applications, and there is always the danger of funds running out later in the program year.

An appeal process is available for individuals who are aggrieved.

### Timetable

LIHEAP generally opens in November and closes toward the end of March. However, since exact opening and closing dates change between program years, it is important for the advocate to check the annual Final State Plan to know the timetable for that year.<sup>10</sup> In addition, because the length of the program is dependent on the availability of funds as the program year progresses, it is possible for DPW to shorten or extend the closing date.<sup>11</sup> In recent years, including 2010, DPW has announced in March that it will be extending the program closing date into April.

In 2010-2011, the Cash component is scheduled to open on November 1, 2010, the Crisis component is scheduled to open January 3, 2011 and both are scheduled to close on March 31, 2011. Crisis Exception Payments will be available November 1, 2010 through January 2, 2011.<sup>12</sup> The Crisis Interface program is scheduled to be open from November 1, 2010 until March 31, 2011.

## **General Eligibility**

In order to qualify for and receive Cash or Crisis benefits, an individual must meet several eligibility requirements relating to household income, home heating responsibility, residency, and non-citizen status. Crisis eligibility also requires that there be an actual or imminent home heating emergency that will be resolved through receipt of a Crisis grant.

### Household Income

Federal law allows states to set the income eligibility level for LIHEAP participation at no more than 60% of the state median income and no less than 110% of the Federal Poverty Income Guidelines.<sup>13</sup> For 2010-2011, Pennsylvania has set the income eligibility level for both Cash and Crisis at 160% of the Federal Poverty Income Guidelines.<sup>14</sup>

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<sup>10</sup> 2011 Final State Plan at § 601.6(a).

<sup>11</sup> Id. at § 601.6(b).

<sup>12</sup> Id. at pg. iii.

<sup>13</sup> Id. at § 601.31(1).

<sup>14</sup> Id. at pg. iv.



### Income Calculation

To determine income eligibility levels for the 2010-2011 LIHEAP program year, advocates are referred to Appendix A of this Manual or DPW eligibility charts which may be found on-line at:

<http://www.dpw.state.pa.us/foradults/heatingassistanceliheap/liheapeligibilityinfo/index.htm>.

The **applicant** is given the discretion to decide how gross annual income is calculated.<sup>15</sup> Applicants may choose to use their income from the past 12 months or the past 90 days. The amount submitted is converted to a yearly figure – gross annual income - and used to determine both a household's eligibility and the Cash grant amount.<sup>16</sup> Advocates should therefore help the applicant determine which of the time frames (12 months or 90 days) yields the income level most advantageous for the household. In some cases, the selection of the time frame to be used, as well as the timing of the Cash grant application, may yield significantly different benefit amounts.

To determine the income level for an applicant household, the administering agency includes the gross annual income from **all** of the following people:

- all household members, regardless of relationship,
- a roomer related by blood, marriage, or adoption to a household member,
- a person living with the applicant who, as a member of another household, has already received a LIHEAP Cash grant during the present program year.<sup>17</sup>

Gross income is defined as the total earned and unearned income of the household, including:

- employee earnings,
- profit from self-employment,
- income from roomers, boarders or apartment renters, and
- unearned income.<sup>18</sup>

Each of these categories of earnings has multiple subcategories; see, for example, unearned income at Section 601.82(4)(i)-(x).

Many income sources, such as educational assistance, food stamps, and cash or in-kind heating assistance from public or private agencies, are **excluded** from the calculation of household income for the purposes of establishing eligibility for LIHEAP.<sup>19</sup>

### Home Heating Responsibility

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<sup>15</sup> 2011 Final State Plan at § 601.83(a).

<sup>16</sup> Id. at 601.83(a).

<sup>17</sup> Id. at § 601.81.

<sup>18</sup> Id. at § 601.82.

<sup>19</sup> Id. at § 601.84(1)-(22).

Applicants must have a home heating responsibility to receive LIHEAP. Persons deemed to have home heating responsibility include:

- Homeowners or renters (including subsidized housing tenants) who pay for home heating fuel or utility service directly to a vendor.<sup>20</sup>
- Renters who pay for heat indirectly for their residence as an undesignated part of their rent.<sup>21</sup>
- Roomers<sup>22</sup> who pay for their lodging in either a commercial establishment or in a private home which is their permanent and primary home.<sup>23</sup>

To establish home heating responsibility for a Cash grant, the household must show responsibility for paying for the main source of heat either directly to a vendor or as an undesignated part of rent.<sup>24</sup> For an important discussion of main vs. secondary fuel types, please see the Special Issues section of this manual.

To establish home heating responsibility for Crisis, the household must establish the responsibility of paying for either its main *or* secondary source of heat either directly to a vendor or indirectly as an undesignated part of rent.<sup>25</sup>

DPW does not consider the following housing situations to represent a home heating responsibility, and they are, therefore, not a basis to receive LIHEAP:

- A renter is ineligible if their rental charge includes an undesignated amount for heat AND is based on a fixed percentage of their income or on their source of income. This generally applies to subsidized-housing tenants.<sup>26</sup>
- A roomer is ineligible if the charge for room/room & board includes an undesignated amount for the main fuel AND is based on a fixed percentage of their income or on their source of income.<sup>27</sup>

### Residency

Household members must permanently reside in Pennsylvania.<sup>28</sup>

### Temporary Living Arrangements

Individuals in a temporary living arrangement generally do not qualify for eligibility. However, individuals who have temporarily left their permanent residence as a result of a

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<sup>20</sup> 2011 Final State Plan at § 601.31(2)(i)(A).

<sup>21</sup> Id. at § 601.31(2)(i)(B).

<sup>22</sup> A roomer is defined as “an individual whose payment for lodging in a room includes heat and may include a private bathroom or one of the following: (i) Board, (ii) Kitchen or bathroom privileges on a shared basis, (iii) Light housekeeping facilities.” 2011 Final State Plan at § 601.3.

<sup>23</sup> Id. at § 601.31(2)(i)(C).

<sup>24</sup> Id. at § 601.31(2).

<sup>25</sup> Id.

<sup>26</sup> Id. at § 601.31(2)(i)(B).

<sup>27</sup> Id. at § 601.31(2)(i)(C).

<sup>28</sup> Id. at § 601.31(3).

home heating crisis **are** eligible for a grant for their permanent residence. People living in institutions, dormitories, fraternity or sorority houses, or boarding homes are ineligible.<sup>29</sup>

### Recreational Vehicles

Persons living in recreational vehicles (Campers and RVs) are ineligible for LIHEAP unless they provide verification that they reside in a campground or other licensed facility year-round and are responsible for heating costs.<sup>30</sup>

### Non-Citizen Status

Lawfully admitted non-citizens are eligible to receive LIHEAP no matter when they arrived in the United States so long as they meet LIHEAP eligibility requirements.<sup>31</sup> The Plan lists eight categories of non-citizens “qualified” for LIHEAP.<sup>32</sup> One does not need a Social Security number to be eligible for LIHEAP. However, if a Social Security number is not provided, an individual must fill out an energy assistance affidavit, printed on the LIHEAP application.

### Social Security Numbers

State Plan Section 601.106 has been changed this year and indicates that HHS Information Memo LIHEAP-IM-2010-6 allows states to require Social Security numbers. However, an individual who cannot provide a Social Security number or who does not have a Social Security number will be required to fill out and submit an energy assistance affidavit. The energy assistance affidavit is printed on the LIHEAP application and is part of the certification section.

## Applications

In order to qualify for receipt of LIHEAP, an individual must first complete and submit an application. All households that received a LIHEAP grant in 2009-2010 should have had an application mailed to their home in October. As of November 1, 2010 applications are available upon request from different sources in the community, such as CAOs, a LIHEAP administering agency, utility companies, or online at DPW’s Web site.<sup>33</sup> An individual also may apply online at DPW’s COMPASS Web site.<sup>34</sup>

The same form may be used to apply for each of the LIHEAP components.

An individual may need assistance to complete the application. Homebound individuals have the right to request that LIHEAP staff mail an application to them at their home and may also receive help in filling out the form.<sup>35</sup>

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<sup>29</sup> 2011 Final State Plan at § 601.31(2)(ii).

<sup>30</sup> Id. at §601.31(2) (iii).

<sup>31</sup> Id. at § 601.31(4).

<sup>32</sup> Id. at § 601.31(4)(i-viii).

<sup>33</sup> See <http://www.dpw.state.pa.us/ServicesPrograms/LIHEAP/> .

<sup>34</sup> See <https://www.humanservices.state.pa.us/compass/CMHOM.aspx> .

<sup>35</sup> 2011 Final State Plan at § 601.24.

LIHEAP regulations require that a household that received a grant last year be mailed an application for this year. However, because the income eligibility requirements for LIHEAP may differ from year to year and because a household may have experienced changes (such as in income level or size), receipt of an application does not imply current eligibility.

#### Timing of Application and DPW Response

The date of application is the date the administering agency receives the application.<sup>36</sup> Where an individual is assisted by a utility, community group, or another party in filling out and forwarding an application, the formal date of application is only when the local CAO (the administering agency) receives the application.

DPW has indicated that all households submitting a LIHEAP Cash application in 2010-2011 will receive a system generated notice informing them that their application has been received. This notice will be triggered once the application has been data entered.

The CAO must provide the applicant with a written determination within 30 days of receiving a complete application for a Cash grant.<sup>37</sup> If the Cash grant application is deemed to be incomplete, the administering agency must send the applicant a notice indicating what information is missing within 10 *working days* of receipt.<sup>38</sup> The applicant then will have 15 *days* from the date of that notice to return the missing information.<sup>39</sup>

It is important to stress that DPW has the obligation to provide a determination of eligibility within 30 days of receiving a completed application, regardless of any other messages that might be conveyed.

#### Documentation vs. Verification

DPW uses two different classifications for information submitted in association with LIHEAP: “verification” and “documentation.” “Verification” is defined to include “any form of convincing information, including oral statements or documentation.”<sup>40</sup> “Documentation” is defined to include “written or printed evidence, such as fuel bills, rent receipts, or pay stubs, that is needed to determine LIHEAP eligibility and the type and amount of the LIHEAP benefit.”<sup>41</sup>

#### Documenting Income

Applicants are required to **document** the amount and source of the income for household members and for anyone in the household who received LIHEAP benefits during the program year as a member of another household.<sup>42</sup>

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<sup>36</sup> 2011 Final State Plan at § 601.21(3).

<sup>37</sup> Id. at § 601.22.

<sup>38</sup> Id. at § 601.23.

<sup>39</sup> Id.

<sup>40</sup> Id. at § 601.101(1).

<sup>41</sup> Id. at § 601.101(2).

<sup>42</sup> Id. at § 601.102(a).

If an applicant claims little or no income for the household, the applicant will be required to provide **evidence** explaining how the household is meeting its financial obligations.<sup>43</sup> While the Plan does not specify the form of this evidence, the 2010-2011 Application for LIHEAP does require applicants who have had no income for the past three months or have income that is less than the cost of monthly basic living needs (food, shelter, personal items, etc.) to tell DPW in writing how they are paying for such needs; DPW generally employs a high level of scrutiny to applicants of individuals who assert that they have no income at all.

#### Documenting Heating Responsibility

Cash grant applicants must **document** their responsibility for the main type of fuel for the household.<sup>44</sup> If the household pays a vendor directly, then home heating responsibility may be documented with a fuel bill or receipt that was issued within two months of the date of the LIHEAP application.<sup>45</sup> If a household chooses to have a benefit paid to the vendor of a secondary fuel type, then the household must document its responsibility for both the primary and secondary fuel types.<sup>46</sup> However, receipts from vendors for fuel purchased since January of the previous LIHEAP season may be acceptable to document heating responsibility.

An applicant for a Crisis grant must prove payment responsibility for either the primary or secondary source of heat.<sup>47</sup> If, as a result of a prior service termination, the individual does not have a recent bill or receipt, then documentation that service will be activated upon determination of LIHEAP eligibility is required from the vendor.<sup>48</sup>

For households that pay for heat indirectly as an undesignated part of their rent, verification or documentation from the landlord or rental agent will establish home heating responsibility.<sup>49</sup> Oral verification by the landlord is sufficient to meet this burden.

In certain situations - for example, involving an applicant with credit difficulties, safety issues, or the recent death of the bill payer - proof of payment responsibility for either a Cash or Crisis benefit may be in a name other than the applicant's.<sup>50</sup> The applicant then must provide written or printed information that he/she lives at the residence address. For example, if the LIHEAP applicant continues to have the utility bill in the name of her deceased spouse, she may then provide a driver's license documenting that she resides at the residence.<sup>51</sup>

#### Documenting Proof of Residence

Applicants are required to document their residency.<sup>52</sup> Examples of satisfactory documentation include copies of a deed, lease, or rental agreement, as well as recent rental receipts.

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<sup>43</sup> 2011 Final State Plan at § 601.103.

<sup>44</sup> Id. at § 601.104(a).

<sup>45</sup> Id.

<sup>46</sup> Id.

<sup>47</sup> Id at § 601.104(b).

<sup>48</sup> Id.

<sup>49</sup> Id at § 601.104(c).

<sup>50</sup> Id at § 601.104(d).

<sup>51</sup> Id.

<sup>52</sup> Id. at § 601.105.

An applicant temporarily living away from his or her actual residence can still apply for LIHEAP by providing some documentation of the emergency or extenuating circumstances that gave rise to the need to live elsewhere.<sup>53</sup> The CAO is required, upon request, to assist applicants in these situations in providing appropriate documentation.<sup>54</sup>

### Documenting a Crisis

It is the applicant's responsibility to prove that there is a home heating crisis.<sup>55</sup> There are three acceptable forms of proof:

- A utility termination notice or verification of a scheduled termination,
- Verification that utility service has already been terminated, or
- A statement from the applicant that the household's deliverable fuel supply will last less than 15 days.

The determination of whether or not a crisis exists is specific to the particular fact situation. For example:

- A termination notice is generally sufficient proof to document a crisis for receipt of a Crisis grant.<sup>56</sup> *However*, because regulated utility companies cannot terminate service to LIHEAP income-eligible households during the Winter Moratorium (December 1 through March 31), a termination notice issued by a regulated utility company intended to be effective during that time is not, by itself, accepted by DPW as proof of a home heating emergency.<sup>57</sup>
- Subsidized housing tenants are ineligible for a Crisis grant if their rental charge includes an undesignated amount for heat AND is based on a fixed percentage of their income. *However*, should the household become responsible for any payments directly to a vendor, the household is then potentially eligible once they document their heating responsibility.<sup>58</sup>

### Miscellaneous Documentation

There are a number of miscellaneous situations an advocate may be required to address:

- Although a Social Security number is not required for eligibility, it is often requested by regulated vendors in order to match the grant to the appropriate account. An applicant who does not have a Social Security number or refuses to disclose it may complete an energy assistance affidavit.<sup>59</sup> This year the energy assistance affidavit is printed on the application.
- Official documentation from the U.S. Citizenship and Immigration Services is generally sufficient to establish lawfully admitted non-citizen status.<sup>60</sup> A chart of acceptable documents for proving eligible non-citizen status is provided in the Plan.<sup>61</sup>

<sup>53</sup> 2011 Final State Plan at § 601.105.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.* at § 601.108.

<sup>56</sup> *Id.* at § 601.62(2)(ii); 66 Pa.C.S. § 1406(g).

<sup>57</sup> *Id.* at § 601.108.

<sup>58</sup> *Id.* at § 601.31(2)(i)(B).

<sup>59</sup> *Id.* at § 601.106.

<sup>60</sup> *Id.* at § 601.109.

<sup>61</sup> *Id.* at pg. B-23.

## **Cash Component**

The Cash grant component is available to all eligible individuals with a home heating responsibility. An individual may be a renter or an owner and may use *any* type of fuel to provide heat to the residence: gas, oil, electric, wood, propane, etc. The purpose of the Cash grant is to assist low-income households with their financial home heating burden. Therefore, to receive a Cash grant an individual:

- Need **not** be threatened with termination of service;
- Need **not** have an outstanding bill or be in debt to a utility or energy vendor; and
- Need **not** have a direct relationship with a utility or energy vendor.

Grants are calculated based upon a number of household characteristics that impact affordability<sup>62</sup>:

- Household size,
- Household income,
- Heating Region,
- Primary (or main) Fuel Type, and
- Household vulnerability.<sup>63</sup>

Regardless the household characteristics, Cash grants for 2010-2011 will not be for less than \$300 per household and, in many cases, will be significantly higher.<sup>64</sup> Advocates can refer to DPW's Web site at <http://www.dpw.state.pa.us/ServicesPrograms/LIHEAP/003671828.aspx> to consult a Benefit Amount Table and determine the size of the Cash grant a household may be awarded.<sup>65</sup> Please note: The Benefit Amount Table only includes income levels up through \$22,999. However, households with incomes above \$22,999 may still be eligible, depending on household size, although they will only receive the minimum amount of \$300. It is therefore important to also check eligibility levels. See Appendix A of this Manual for 2010-2011 PA LIHEAP Income Guidelines.

Although each household is eligible for only one Cash grant per program year,<sup>66</sup> it is possible that, if additional funding becomes available, DPW will issue a supplemental Cash payment to households without the need for those households to file another application.

If the household pays for fuel directly, then DPW will pay grants to the fuel vendor/utility on behalf of the household.<sup>67</sup> If the household pays for heat as an undesignated part of the rent, or if

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<sup>62</sup>2011 Final State Plan at § 601.41(a)(1-5).

<sup>63</sup> A supplemental Cash benefit of \$100 will be issued to vulnerable households who qualify for a LIHEAP Cash grant. A vulnerable household is defined as a household containing at least one member who is elderly (age 60 or over), disabled, or age five and under. The age of the household members is determined by their age at the time their LIHEAP cash application is submitted.

<sup>64</sup> 2011 Final State Plan at pg. i-ii.

<sup>65</sup> See <http://www.dpw.state.pa.us/foradults/heatingassistanceliheap/liheapbenefitamounttable/index.htm> .

<sup>66</sup> 2011 Final State Plan at § 601.43.

the fuel vendor/utility does not participate as a LIHEAP vendor, then DPW pays the grant directly to the applicant.<sup>68</sup>

Entities such as landlords, rental agents, housing authorities, or hotel or rooming managers are not eligible to receive a direct vendor payment.<sup>69</sup> Thus, an unscrupulous landlord is not able to intercept or extort a LIHEAP grant from a tenant.

With the advent of competition in electric and natural gas utility service, some households may be purchasing their energy directly from an entity other than their local regulated distribution company, such as a competitive electric or gas supplier or from an energy marketer. Since these competitive gas or electric suppliers or marketers are currently unable to terminate service to a household, they are not eligible to be registered vendors and are therefore ineligible to receive a direct vendor payment.

## **The Crediting Of A Cash Grant To A Cap Customer's Account**

### The “Asked to Pay” amount

The purpose of LIHEAP is to help low-income households meet their home heating needs. The LIHEAP Federal statute, regulations and Pennsylvania's approved state Plan require that LIHEAP funds be applied in full to the account of those households determined LIHEAP eligible. Therefore, in order to assure compliance with Federal regulations, utility companies must apply LIHEAP cash grants only to the “Asked to Pay” amount the CAP customer is required to pay.<sup>70</sup> This policy has been specifically incorporated into this year's Final State Plan at Appendix B §601.45. Application of Benefits. The vendor copy of the Vendor Agreement for the 2010-2011 program year also states that utility companies that operate a CAP will apply the LIHEAP cash component benefit to the customer's account in full to resolve any past due CAP payments and to the current CAP payment. Any remaining funds will be credited to future CAP payments.

### Background

Each regulated electric and natural gas distribution company in Pennsylvania is required to provide a Customer Assistance Program (CAP) for the low-income population within its service territory.<sup>71</sup> These programs are administered by individual companies under the oversight of the Pennsylvania Public Utility Commission. One purpose of these programs is to protect consumers' health and safety by helping low-income customers maintain affordable utility service.<sup>72</sup> In CAP, monthly utility bills are generally significantly lower. This is accomplished by providing a reduced rate structure to individuals with household incomes of 150% of the poverty level and below. CAPs also provide for potential forgiveness of pre-program arrears.

Generally, companies provide unique names for their CAP program, and each is administered somewhat differently. Some examples of this diversity may be found in comparing PPL's

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<sup>67</sup> 2011 Final State Plan at § 601.44(a).

<sup>68</sup> Id. at § 601.44(a) and (b).

<sup>69</sup> Id. at § 601.44(c).

<sup>70</sup> Id. at vii.

<sup>71</sup> 66 Pa.C.S.A. § 2803 (electric) and § 2203 (gas).

<sup>72</sup> 52 Pa Code § 54.73 (electric) and § 62.3 (natural gas).



OnTrack, PGW’s Customer Responsibility Program (CRP), NFG’s Low-Income Rate Assistance (LIRA), and PECO’s CAP Rate programs.

The requirements of LIHEAP and CAP programs often intersect. For example, CAP participants must apply for and designate one LIHEAP grant to the utility administering the CAP; LIHEAP Crisis recipients must be offered entrance into the CAP of the utility company designated to receive that Crisis grant; and utility companies accepting Crisis grants are required to enter into payment arrangements for any remaining outstanding balance due.

There are also points of intersection between the two programs which have created complications and led to confusion. Until this year, Public Utility Commission Guidelines and individual utility company Customer Assistance Program plans were in conflict with LIHEAP policy and statute regarding the required and appropriate method of crediting a LIHEAP Cash grant to a CAP customer’s account. In many CAP programs, a CAP participant’s LIHEAP Cash grant has not been credited specifically to the benefit of that individual customer’s current bill. Instead, the grant has been applied to cover the general costs of the Customer Assistance Program or to frozen pre-program arrears or to the difference between the CAP “Asked to Pay” amount and the amount that the customer actually consumed. To rectify the incorrect application by utilities of the CAP payment, DPW now requires public utilities that operate customer assistance programs to apply the LIHEAP Cash component benefits only to the customer’s monthly “Asked to Pay” amount. No LIHEAP funds may be applied to the CAP customer’s pre-program arrearages or to actual usage amounts.

Because this represents a change of policy for many utilities, and because their individual Universal Service Plans and accounting systems do not yet reflect this policy change, advocates will need to carefully review each customer’s account to be certain that the LIHEAP grant has, in fact, been credited properly. The review process may be daunting since it is often difficult to trace how utilities are applying the LIHEAP payments. As a result of a recent case brought to the Public Utility Commission against National Fuel Gas (NFG), the Commission is requiring NFG to work with Commission staff to make its billing and crediting process more understandable.<sup>73</sup> Advocates may need to request that the billing and crediting process employed by other utilities also be made clearer.

### **Crisis Exception Payments**

The Crisis Exception payment is a recent addition to Pennsylvania’s LIHEAP. It is extremely valuable in that **it is intended to expeditiously assist households without heat prior to the opening of the Crisis component.** Although in general the household’s main heating source or its secondary heating source must be completely shut off or depleted, DPW indicates that they will accept applications for a Crisis Exception payment when a household is within fifteen days of having its deliverable fuel fully depleted. To receive a Crisis Exception payment, a household must specifically apply for Crisis Exception assistance and should directly notify the CAO that a Crisis exception Payment is needed. The Department will determine if the Cash grant amount will alleviate the crisis. If the Cash grant is sufficient, the Department will provide that grant on an expedited schedule. If the Cash grant amount is insufficient, DPW will provide additional funds from the Crisis grant. The Cash and Crisis Exception grants must be sufficient to result in

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<sup>73</sup>Herbert Dickson vs. National Fuel Gas Distribution, C-2009-2132947, Public Meeting, November 4, 2010.

reconnection, or both will be denied at that time. A household that does not receive a Cash grant through the Crisis Exception process will still be eligible to receive a Cash grant through the normal Cash grant application process; and will be eligible to apply for a Crisis grant when the Crisis program opens on January 3, 2011. A household receiving a Crisis Exception payment may be entitled to receive more than one Crisis benefit during the 2010-2011 program year, subject to the minimum and maximum amounts allowed and the amount of available Federal funding.

## **Crisis Component**

The Crisis component exists to aid households in the case of a home heating related emergency, such as loss of heat due to a heating system failure, service shut-off, or lack of fuel. Crisis grants may be applied to either main or secondary heat.<sup>74</sup>

Again, receipt of a Crisis benefit is *totally independent* of an application for or receipt of a Cash grant. If a crisis arises, then an individual may apply for a Crisis grant as well as for a Cash grant.

Regardless of whether the emergency was caused by weather, lack of energy supply, or heating system failure, Crisis grants and the Crisis Interface program are available to resolve the crisis. The types of assistance can include:

- Pipe thawing,
- Purchase of a new furnace,
- Furnace repair,
- Broken window repair, or
- Payment of utility bills or for fuel delivery.<sup>75</sup>

Although the Plan notes these particular examples, there is flexibility in how these grants may be used. Creativity on the advocate's part may come to play in seeking Crisis benefits.

### Expedited Processing

Crisis grants must receive expedited processing. An individual who qualifies for a Crisis grant must receive assistance within 48 hours of the application.<sup>76</sup> In life threatening situations, assistance must be provided within 18 hours of the application.<sup>77</sup>

CAOs and administering agencies often fall behind on the processing of applications because of the number submitted within a limited time period. If the 48 hour/18 hour Crisis deadlines (as well as the 30 day Cash deadline) are not respected, the CAO may be contacted. Each CAO has a LIHEAP administrator who can troubleshoot missed Crisis deadlines. Have your

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<sup>74</sup> 2011 Final State Plan at § 601.61.

<sup>75</sup> Id. at § 601.62.

<sup>76</sup> Id. at § 601.4(2).

<sup>77</sup> Id. at § 601.4(2).

CAO identify that individual, and contact them immediately if a 48 hour/18 hour deadline is missed.

### Crisis Eligibility

Crisis applicants must meet distinct eligibility criteria to receive a grant:

- The household must meet all of the general eligibility requirements regarding income, home heating responsibility, residency, and non-citizen status.<sup>78</sup>
- The household must be without heat or in imminent danger of being without heat due to a weather-related event, a home heating system breakdown, a utility shut-off or an energy supply shortage.<sup>79</sup> **DPW has clarified that a household that heats with a deliverable fuel will be considered to be in a home heating emergency if their heating fuel supply will last less than 15 calendar days.**
- The Crisis benefit must alone, or in conjunction with other resources, resolve the home heating emergency.<sup>80</sup>
- The household must provide proof of the home heating emergency.<sup>81</sup>

### Grant Features

The amount of a Crisis grant is equivalent to the amount needed to resolve the crisis subject to the minimum allowable Crisis grant of \$25 and the maximum allowable Crisis grant of \$400.<sup>82</sup> The amount of the Crisis grant cannot exceed whatever amount is needed to resolve the crisis.

Crisis grants are paid directly to the vendor or utility.<sup>83</sup> A possible master metering exception is discussed under Special Issues below.

Crisis funds can pay reconnection fees, re-start fees, and reasonable delivery charges.<sup>84</sup> **They may not be used to pay security deposits or late fees.**<sup>85</sup>

### Heating System Repairs

Weather-related heating emergencies may range from the need for heating system repairs to the need for heating system replacements. A Crisis grant may be used to pay for the repairs; or a household may be deemed eligible for the Crisis Interface/Weatherization Assistance Program, which will make the necessary repairs or system replacements free of charge to the low-income applicant.

### Deliverable Fuels

<sup>78</sup> 2011 Final State Plan at § 601.32(1).

<sup>79</sup> Id. at § 601.32(2).

<sup>80</sup> Id. at § 601.32(3).

<sup>81</sup> Id. at § 601.32(4).

<sup>82</sup> Id. at § 601.61.

<sup>83</sup> Id. at § 601.64.

<sup>84</sup> Id. at § 601.62(2)(i) and (ii).

<sup>85</sup> Id. at § 601.45; 2011 Final State Plan Assurances at pg. 12.

Special rules apply when the payment of a Crisis grant comes as the result of a shortage of deliverable fuels (e.g., oil, propane, kerosene, wood). A household that heats with a deliverable fuel will be considered to be in a home heating emergency if its heating fuel supply will last less than 15 calendar days. An applicant’s statement that their fuel supply will last less than 15 days is acceptable proof of an energy crisis.<sup>86</sup>

Also, in cases where the vendor delivers the fuel, a delivery, up to the \$400 maximum payment, is provided. However, if the vendor does not conduct the delivery and the customer must pick up the fuel, Crisis will pay for the greater of \$75 or the maximum amount of fuel that can be transported by the household in one trip.<sup>87</sup> A prior statement from the vendor is required to verify the cost of the non-vendor pick-up.<sup>88</sup>

### Crisis Resolution

Households are **ineligible** for a Crisis grant if the grant, alone or combined with other resources available to the household, will not resolve the crisis.<sup>89</sup> Given the fragile economic condition of LIHEAP Crisis applicants and the rising cost of energy, it is possible that a \$400 Crisis grant alone will be insufficient to resolve the crisis. Advocates may need to work with applicants, reach out to community organizations, and negotiate with utilities in order to generate the additional resources that will complement the Crisis grant in resolving the home heating crisis.

If a household requires less than \$25 to resolve a home heating emergency, then it will not be eligible to receive a Crisis grant.

If a regulated electric or natural gas vendor accepts a Crisis payment based on a termination notice or based on the reconnection of service to the household, then that vendor must maintain ongoing service to that household for at least 30 calendar days following the resolution of the crisis.<sup>90</sup>

If a Crisis payment is made pursuant to a grant which is approved within 30 days of or during the Winter Moratorium period, then the earliest allowed termination date is 30 days following the resolution of the crisis or May 1, whichever is later.<sup>91</sup> Furthermore, if a utility accepts a Crisis grant, then that utility *must offer* that individual the opportunity to enroll in that utility’s Customer Assistance Program (CAP) or into a budget billing plan.<sup>92</sup>

### Crisis and the Winter Moratorium

There are conflicting legal principles at work during the Winter Moratorium. In general, customers of regulated electric and natural gas utilities with a household income at or below 250% of the Federal poverty level are protected from service termination from December 1

<sup>86</sup> 2011 Final State Plan at §601.108

<sup>87</sup> Id. at § 601.61.

<sup>88</sup> Id.

<sup>89</sup> Id.

<sup>90</sup> Id.

<sup>91</sup> Id.

<sup>92</sup> Id.

through March 31 of each year, unless the utility is specifically given permission to terminate by the PUC.<sup>93</sup> Customers of PGW have separate guidelines.<sup>94</sup>

On one hand, Chapter 14 specifically states that a notice of termination is sufficient proof of a crisis to enable a low-income household to qualify for a Crisis grant.<sup>95</sup> This would seem to imply that an individual with a termination notice will receive a Crisis grant. On the other hand, the basis for receipt of a Crisis grant is that the household must demonstrate the existence of an imminent or actual crisis, but DPW does not generally consider a Moratorium protected low-income household to be in an imminent crisis and will not authorize a Crisis grant to such a household.

As a result, some confusing scenarios arise for advocates and applicants:

- **Scenario #1:** A regulated utility issues a termination notice scheduled to take effect during the Winter Moratorium period. Before the utility may act on that termination notice, it must petition the PUC for permission to do so.<sup>96</sup> In the rare case that the PUC grants permission to act on the notice and terminate the household, then a crisis exists and a Crisis grant may be issued. DPW does not consider the household to be in crisis until the PUC has given permission for the utility to act.<sup>97</sup>
- **Scenario #2:** A utility issues a termination notice scheduled to take effect during the Moratorium period. The utility either does not seek PUC permission to act on the notice or seeks PUC permission and is denied. In either case, the applicant is not in an actual crisis, but Chapter 14 would appear to authorize the grant anyway.

DPW treats this situation as a quasi-crisis. In past years, applicants in this situation did not receive an absolute denial, but the processing of the grant was delayed until a later date, pending DPW's determination that there was sufficient funding

Advocates should be aware of the confusion this will cause for LIHEAP Crisis applicants. The applicant may receive a notice from DPW informing her that she is not presently eligible for a Crisis grant because there is no imminent or immediate crisis, but that she may receive a grant if, towards the end of the program year, she remains in a crisis situation and there is sufficient funding available.

**Scenario #3:** A utility issues a termination notice in February. Because the notice has a sixty day lifespan, it still will be in effect on April 1, after the close of the Winter Moratorium.

A notice issued on or after January 31 may be acted upon because it still will be effective as a termination notice on April 1, the first day after the end of the Moratorium on which the utility can terminate service without PUC permission. Whether DPW will provide a Crisis grant may depend on a number of factors, such as the availability of funds, the actual closing date of the Crisis component, or other policy determinations.

<sup>93</sup> 66 Pa. C.S. § 1406(e)(1).

<sup>94</sup> Id. at § 1406(e)(2).

<sup>95</sup> 66 Pa. C.S. at § 1406(g).

<sup>96</sup> Id. at § 1406(e)(1).

<sup>97</sup> 2011 Final State Plan at § 601.62(2)(ii)(A).

A notice sent prior to January 31 will expire before the end of the Moratorium. It is ineffective, absent permission from the PUC, for the utility to commence the termination. DPW will treat this situation as a non-imminent crisis as in Scenario #2.

Vendors not regulated by the PUC are neither subject to Chapter 14 nor to the Winter Moratorium. Therefore, DPW will treat the customers of those vendors on a case by case basis. For example, some Rural Electric Cooperatives or municipal utilities preclude termination during certain winter months while some others do not.

### **Crisis Interface/Weatherization Assistance Program Component**

The Crisis Interface/Weatherization Assistance Program component is designed to help low-income households who are in a crisis situation due to a heating system or furnace breakdown. The program enables a household to receive necessary repairs to a furnace or to replace the furnace outright. The program is open from November 1, 2010 until March 31, 2011.

Because the situation is designated as a Crisis, action is required to occur within the appropriate time frame of 48 or 18 hours. This initial action, such as the provision of space heaters, may sometimes be a temporary measure taken to ameliorate the crisis. A more permanent solution is intended to occur subsequently within a reasonable amount of time. Unlike the Cash and Crisis components, the Crisis Interface program component provides services rather than grants. It is administered jointly by DPW and DCED in the following manner:

- The applicant must be determined by the DPW administrative agency to be eligible for a Crisis Interface referral;
- The DPW administrative agency refers the applicant to the appropriate local weatherization agency;
- The weatherization agency conducts a home visit to assess the heating system situation and proceeds to take appropriate action to resolve the crisis and, if appropriate, initiate additional weatherization measures.

Special rules apply to eligibility for renters. In these situations,

- Written permission is required from the landlord, and
- An agreement is signed between the landlord and the tenant and witnessed by the agency whereby the tenant will not be evicted or suffer a rent increase for a reasonable time (not less than 18 months), unless the eviction or increase is shown to be related to matters other than the weatherization work performed.<sup>98</sup>

### **Appeals**

An individual who has been aggrieved -- such as by being improperly denied LIHEAP benefits; by having benefits unjustly delayed; by being approved for less than the correct amount; or by

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<sup>98</sup> 2011 Final State Plan at pg. C-8.

being assessed for an overpayment -- may appeal the decision in question.<sup>99</sup> However, because LIHEAP is not considered an entitlement, no appeal will lie if the individual applied for LIHEAP after the program closed or where there is a lack of funds.<sup>100</sup>

An appeal form is found in Appendix D of this Manual. Detailed procedures for the appeal process are found in Chapter 870 of DPW's Supplemental Handbook, posted online at DPW's Web site.<sup>101</sup>

Key time frames for the advocate to keep in mind include:

- An appeal must be taken within 30 days of the date of the written notice from the CAO.<sup>102</sup>
- An appeal must be taken within 60 days of the CAO's failure to act on a request or an application.<sup>103</sup>
- An appeal must be taken within 6 months of the date of the CAO's failure to send a required written notice or where there is administrative error.<sup>104</sup>

Note: As long as the program is open, failure to adhere to these time frames as well as other appealable issues often may be resolved by an individual simply filing a new application.

## **Special Issues**

Familiarity with a handful of program nuances and snags will allow the advocate to be more effective. These items are included in this section.

### Primary vs. Secondary Heating Fuel Types

LIHEAP designates two fuel types: main and secondary. Main Fuel Type is defined as “the source of energy for the central heating system of the residence used by the household or, if the residence is not centrally heated or the central heating system is inoperable, the source of energy used most by the household.”<sup>105</sup>

“Secondary Fuel Type” is defined as “the source of energy that is necessary to operate the main heating source.”<sup>106</sup>

The definition of secondary fuel type can be used to a household's advantage. For example, if a household's oil or gas furnace heating system needs electricity in order to operate, the loss of electric service to the residence may result in the shut-down of the furnace. In this

<sup>99</sup> 2011 Final State Plan at § 601.123(a).

<sup>100</sup> Id.

<sup>101</sup> See

<http://services.dpw.state.pa.us/oimpolicymanuals/manuals/bop/Su/Table%20of%20Contents.htm>.

<sup>102</sup> 55 Pa Code § 275.3(b)(1); DPW Supplemental Handbook § 870.12.

<sup>103</sup> 55 Pa Code § 275.3(b)(2); DPW Supplemental Handbook § 870.12.

<sup>104</sup> 55 Pa Code § 275.3(b)(3); DPW Supplemental Handbook § 870.12.

<sup>105</sup> 2011 Final State Plan at § 601.3.

<sup>106</sup> Id.

instance, advocates may want to apply for a LIHEAP grant citing electric as a “secondary fuel type” under Section 601.3. Note: according to its Operations Memorandum 09-10-01, October 7, 2009, DPW is no longer considering water as a secondary heating source.

### Restrictions

LIHEAP benefits may **not** be used for security deposits or for late fees.<sup>107</sup> When attempting to reconnect a household’s utility service, advocates may need to look to other resources or to the utility itself to help generate funds for security deposits or late fees. A request to a utility to waive security deposits or late fees, particularly when the utility stands to receive a Crisis or Cash grant in exchange for the waiver, may receive a positive response. Additionally, each regulated utility and some other energy vendors have Hardship Funds that will assist struggling utility customers with their bills. Contact the household’s local vendor to inquire about additional company-sponsored customer assistance mechanisms.

### Earned Income Treatment

An individual with earned income is eligible to receive a larger Cash grant than an individual with unearned income. When determining a household’s total income for *eligibility* for a Cash grant, all income is included. However, once a household is deemed eligible to receive a Cash grant, the administering agency will reduce by 20% the amount of income earned from employment in order to determine the *grant amount*.<sup>108</sup> The effect is to increase the level of the grant and reward those households that have earned income from employment.

### The Effect of a Regularly Recurring Annual Receipt of Funds on LIHEAP Income

Occasionally a problem arises when a household receives its annual pension or annuity in one larger payment once per year, rather than through smaller payments recurring monthly. The LIHEAP State Plan clearly gives the applicant the option to choose the most favorable time period to use in determining the income to be calculated for LIHEAP eligibility – the past 90 days or 12 months.<sup>109</sup> However, DPW generally counts the annual payment as part of the household income, regardless of when that payment is received. This may result in either an eligible household inappropriately being deemed ineligible and denied a LIHEAP grant or, if found eligible, in that household receiving a lower Cash grant. Advocates should be aware of this practice and be prepared to challenge it.

### Refunds and Second Payments

Vendors receiving a LIHEAP grant must apply that grant to a customer’s account within two program years. The two-year period is limited to end no later than June 30 of the year *following* the year in which the grant was awarded.<sup>110</sup> Any funds not used in that time period must be refunded to DPW.<sup>111</sup> Also, if an applicant is awarded a grant and then subsequently dies, changes vendor, or moves from the vendor’s service area, then the vendor must refund to DPW any unexpended grant amounts.<sup>112</sup>

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<sup>107</sup> 2011 Final State Plan at § 601.45; 2010 Final State Plan Assurances at pg. 12

<sup>108</sup> Id. at § 601.41(a)(2).

<sup>109</sup> Id. at § 601.83.

<sup>110</sup> Id. at § 601.46; § 601.65(1).

<sup>111</sup> Id.

<sup>112</sup> Id. at § 601.46(1); § 601.65(1).



A second payment of these refunded amounts may be issued to a grantee within the two-year period where the grantee's whereabouts are known, the grantee continues to reside in the Commonwealth, and where the grantee retains heating responsibility<sup>113</sup> or where the crisis for which benefits were authorized continues to exist.<sup>114</sup>

In situations where a vendor receives an overpayment and the overpayment was not the result of fraud, error, or misrepresentation by the applicant, then the error is considered an administrative error for which the applicant is not held responsible.<sup>115</sup>

### Master Metering Issues

Special challenges may arise for the advocate when confronted with a tenant who receives utility service via a master metering arrangement. Master metering occurs when a landlord or mobile home park owner receives utility service in his/her own name for a property in which multiple tenants live. The landlord divides the cost for the utility bill among the tenants by some formula or calculation and then passes on the assigned cost to each tenant. What is unique is that the billing is not precisely calibrated to individual use.

There are two aspects of this situation that may make it appear that a tenant is ineligible for LIHEAP:

- First, the utility charge is not an undesignated portion of the rent as it is generally understood for purposes of LIHEAP (i.e., where utilities are “included in the rent”). Thus, one may suppose that these tenants do not have a home heating responsibility pursuant to Section 601.31(2)(i)(B).
- Second, the utility payment by the tenant is not paid to a vendor, as defined by the Plan, but to the landlord, management agent, or subcontractor. The Plan specifically excludes landlords from the definition of vendors and precludes landlords from receiving a vendor payment at Section 601.44.

Despite these confusing circumstances, DPW may, based upon a case by case review, provide Crisis grants directly to the tenants or mobile home park residents in these situations. See Section 601.64. Advocates will therefore need to demonstrate that the applicant does have a home heating responsibility and that failure to make the required payments will leave the tenant without heat.

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<sup>113</sup> 2011 Final State Plan at 601.46(2).

<sup>114</sup> Id. at § 601.65(2).

<sup>115</sup> Id. at § 601.144(c).

## **APPENDICES**

See these Appendices on pages which follow:

Appendix A: 2010-2011 Pennsylvania LIHEAP Income Guidelines

Appendix B: Online Resources and Forms

Appendix C: CAO LIHEAP Coordinator Telephone Numbers and E-mails

## **Appendix A: 2010-2011 Pennsylvania LIHEAP Income Guidelines**

<b>Household Size</b>	<b>Household Income</b>
1	\$17,328
2	\$23,312
3	\$29,296
4	\$35,280
5	\$41,264
6	\$47,248
7	\$53,232
8	\$59,216
9	\$65,200
10	\$71,184
Each additional person add	\$5,984

\* Eligibility information from

<http://www.dpw.state.pa.us/foradults/heatingassistanceliheap/liheapeligibilityinfo/index.htm>

## **Appendix B: Online Resources and Forms**

DPW's Heating Assistance Page	PA Department of Public Welfare	<a href="http://www.dpw.state.pa.us/servicesprograms/liheap/default.htm">http://www.dpw.state.pa.us/servicesprograms/liheap/default.htm</a>
2011 Final State Plan for PA LIHEAP	PA Department of Public Welfare	<a href="http://www.dpw.state.pa.us/ucmprd/groups/public/documents/communication/s_001816.pdf">http://www.dpw.state.pa.us/ucmprd/groups/public/documents/communication/s_001816.pdf</a>
COMPASS	PA Department of Public Welfare	<a href="https://www.humanservices.state.pa.us/compass/PGM/ASP/SC001.asp">https://www.humanservices.state.pa.us/compass/PGM/ASP/SC001.asp</a>
LIHEAP Cash Benefit Table for PA	PA Department of Public Welfare	<a href="http://www.dpw.state.pa.us/ServicesPrograms/LIHEAP/003671828.aspx">http://www.dpw.state.pa.us/ServicesPrograms/LIHEAP/003671828.aspx</a>
LIHEAP Clearinghouse	U.S. Dept. of Health & Human Services Admin. For Children & Families	<a href="http://www.liheap.ncat.org/">http://www.liheap.ncat.org/</a>
LIHEAP Homepage	U.S. Dept. of Health & Human Services Admin. For Children & Families	<a href="http://www.acf.hhs.gov/programs/liheap/">http://www.acf.hhs.gov/programs/liheap/</a>
NEADA	Nat. Energy Assistance Directors Association	<a href="http://neada.org/">http://neada.org/</a>
PA PUC Homepage	Pa Public Utility Commission	<a href="http://www.puc.state.pa.us/">http://www.puc.state.pa.us/</a>
DPW LIHEAP Handbook	PA Department of Public Welfare	<a href="http://services.dpw.state.pa.us/oimpolicymanuals/manuals/bop/le/table%20of%20contents.htm">http://services.dpw.state.pa.us/oimpolicymanuals/manuals/bop/le/table%20of%20contents.htm</a>
<b>PULP</b>	<b>Pennsylvania Utility Law Project</b>	<a href="http://rhls.org/PULP.asp">http://rhls.org/PULP.asp</a>

### **DPW Online Forms:\***

PWEA 1 LIHEAP Application Form (English)	<a href="http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/form/p_002978.pdf">http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/form/p_002978.pdf</a>
PWEA 1-S - LIHEAP Application Form (Spanish)	<a href="http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/form/p_002979.pdf">http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/form/p_002979.pdf</a>
PWEA 34 – LIHEAP Vendor Agreement	<a href="http://www.dpw.state.pa.us/ucmprd/groups/public/documents/form/s_001818.pdf">http://www.dpw.state.pa.us/ucmprd/groups/public/documents/form/s_001818.pdf</a>
PWEA 37 – LIHEAP Vendor Refund Form	<a href="http://www.dpw.state.pa.us/ucmprd/groups/public/documents/form/s_001821.pdf">http://www.dpw.state.pa.us/ucmprd/groups/public/documents/form/s_001821.pdf</a>
PWEA 40 – LIHEAP DCED/DPW Crisis Interface Referral Form	<a href="http://services.dpw.state.pa.us/oimpolicymanuals/manuals/bop/le/699/PWEA%2040.pdf">http://services.dpw.state.pa.us/oimpolicymanuals/manuals/bop/le/699/PWEA%2040.pdf</a>
PWEA 41 – LIHEAP Electronic Funds Transfer Application Form	<a href="http://www.dpw.state.pa.us/ucmprd/groups/public/documents/form/s_001820.pdf">http://www.dpw.state.pa.us/ucmprd/groups/public/documents/form/s_001820.pdf</a>

**\*These are the forms available and on-line as of November 22, 2010**

**Appendix C: CAO LIHEAP Coordinator Telephone Numbers and E-Mails**

County	Cty	D	LIHEAP Coordinator	Telephone Number	Email Address state.pa.us	Alternate Coordinator	Telephone Number	Email Address state.pa.us
Adams	1		Wilhemina Heckman	717-338-2308	wheckman@	Lisa Brillhart-Keiser	717-338-2316	lbrilhartk@
Allegheny	2		Karen Randolph	412-565-2219	krandolph@	Michael Boyle	412-565-2169	mboyle@
Armstrong	3		Douglas Fink	724-548-0221	dofink@	Kimbel Kovatch	724-548-0238	kkovatch@
Beaver	4		Chester May	724-773-7536	cmay@	Noel Shadley	724-773-7410	nshadley@
Bedford	5		Janice Leppert	814-624-4002	jleppert@	Linda Brouse	814-624-4008	lbrouse@
Berks	6		Barry Santee	610-736-4251	bsantee@	Sandra Brooks		sabrooks@
Blair	7		William Berryman	814-946-7154	wberryman@	Shawn Wesner	814-946-7142	swesner@
Bradford	8		Patrick Gernity	570-268-2613	pgernity@	Frank Richart	570-946-1034	frichart@
Bucks	9		Michael Korabik	215-781-3384	mkorabik@	Michael MacElroy	215-787-3312	mmacelroy@
Butler	10		Valerie Hopkins	724-284-8842	vhopkins@	Marcella Colosimo	724-284-8231	mcolosimo@
Cambria	11		Dianne Hoover	814-533-2328	dihover@	Tanya Shaffer	814-533-2281	tashaffer@
Cameron	12		Diana Ewing	814-486-4600	dewing@	Michelle Valenti	814-274-4106	mvalenti@
Carbon	13		Ed Hawk	610-577-9032	ehawk@	Pat Sasserath	610-577-9026	psasserath@
Centre	14		Shelly Bowman	814-861-1949	sbowman@	Margo Watson	814-861-1952	mwatson@
Chester	15		Marshelle Bearden	610-466-1123	mbearden@	Eileen Haviland	610-466-1022	ehaviland@
Clarion	16		Kay Schettler	814-226-1755	kschettler@	Judi Gardner	814-226-1793	jugardner@
Clearfield	17		Pamela Mohney	814-205-1101	pmohney@	Karen Rollin	814-205-1019	kröllin@
Clinton	18		Tara Hough	570-893-4503 or 570-748-2971	tahough@	Sullens Hans	570-893-4506 or 570-748-2971	suhans@
Clinton	18					Jeanine Stevenson	570-893-4504 or 570-748-2971	jstevenson@
Columbia	19		Pamela D'Orazio	570-912-1130	pdorazio@	Diane Belusko	570-387-4222	dbelusko@
Crawford	20		Terri Baker	814-333-3442	tebaker@	Terry Schlosser	814-333-3435	tschlosser@
Cumberland	21		Sarah Bjorkman	717-240-2708	sbjorkman@	Sharon Smith	717-240-2727	sharonsmit@
Dauphin	22		Norma Torres	717-787-1028	ntomes@	Samantha Decker	717-787-0964	sdecker@
Delaware	23	1	Barry Case	610-447-3248	rcase@	Patricia Weldon	610-447-5393	paweldon@
		1	Jane Richards	610-447-5500	jarichards@	Hao Dinh	610-461-3901	hdinh@
		2	Carolyn Hartey	610-461-3890	chartey@	Constance Ballard	610-461-3800	coballard@
Elk	24		Pamela Freeburg	814-776-0340	pfreeburg@	Janice Eberly	814-776-0303	jaeberly@
Erie	25		Aaron Jones	814-461-2339	aaajones@	Laurie Kubaney	814-461-2114	lkubaney@
Fayette	26		Andrea Myers	724-439-7115	anmyers@	Cathy Anderson	24-439-7417	catanderso@
Forest	27		Randolph Teska	814-755-2105	rteska@	Barb Benedict	814-755-2111	bbenedict@
Franklin	28		Lisa Hunt	717-262-6539	lhunt@	Monica Olszewski	717-262-6540	molszewski@
Fulton	29		Nina Souders	717-325-1212	nsouders@	Lisa Hunt	717-262-6539	lhunt@
Greene	30		Evaughn Gibbs	724-627-2820	egibbs@	Brenda Ely	724-627-2808	bely@
Huntingdon	31		David Miller	814-641-6447	davidmille@	Sharon Mason	814-641-6424	smason@
Indiana	32		Christine Cresson	724-357-2908	ccresson@	Alfred Boden	724-357-2924	aboden@
Jefferson	33		Sandra Paulina	814-938-1339	spaulina@	Becky Spader	814-938-1302	rspader@
Juniata	34		Lance Musser	717-320-1074	lmusser@	Janice Manbeck	717-320-1072	jmanbeck@
Lackawanna	35		Leo Ruddy	570-963-4434	lruddy@	Frank Muraca	570-963-4454	fmuraca@
Lancaster	36		Yvette Diaz	717-299-7501	ydiaz@	Wayne Bonkowski	717-391-6915	wbonkowski@
Lawrence	37		Mary Ann Isaac	724-656-3048	misaac@	Diane Iervoline	724-656-3207	diervoline@

County	Cty	D	LIHEAP Coordinator	Telephone Number	Email Address state.pa.us	Alternate Coordinator	Telephone Number	Email Address state.pa.us
Lebanon	38		Carol Maya	717-270-3672	cmaya@	Bob Bryce	717-270-3677	rbryce@
Lehigh	39		Peter Romanyshyn	610-821-6580	promanyshy@	Matt Brady	610-821-6732	mattbrady@
Luzerne	40		Ted Christian	570-826-2573	tchristian@	Harrison Sheetz	570-826-2284	hsheetz@
Lycoming	41		Patricia English	570-327-3305	penglish@	Peggy Weiner	570-327-3313	pweiner@
Mckean	42		Susan Martin	814-362-5334	susmartin@	Patricia Lyle	814-362-5375	plyle@
Mercer	43		Amy Lytle	724-983-5023	alytle@	Jon Noel	724-983-5008	ionoel@
Mifflin	44		Carole McCardle	717-242-6087	cmccardle@	Janice Manbeck	717-242-6064	jmanbeck@
Monroe	45		Douglas Dunay	570-424-3966	ddunay@	Charles Deubler	570-424-3900	cdeubler@
Montgomery	46		Carol Szollose	610-270-1916	cszollose@	Janel McGarry	610-270-3509	jmcgarry@
Montour	47		Kristi Bower (45 & 52)	570-849-2000	krbower@	Kathleen Mordan	570-275-7030	kmordan@
	47		Christina Bright (54)	570-275-7463	chbright@			
	47		Kenneth Chappell (39)	570-275-7430	kchappell@			
	47		Dyan Leslie (58, 66, 49)	570-275-7430	dleslie@			
	47		Roxanne Yurkiewicz (19, 47,	570-275-7430	ryurkewic@			
Northampton	48		Angel Rivera	610-250-1886	anrivera@	Charles Dreisbach	610-250-1746	cdreisbach@
Northumberland	49		Debi Sandri	570-988-5960	dsandri@	Diane Lepley	570-988-5924	dlepley@
Perry	50		Elizabeth Phillips	717-582-5004	elphillips@	Antonio Andrade	717-582-5002	aandrade@
Philadelphia	51	1	Sandra Byrd	215-560-4733	sabyrd@			
	51	2	Dennis Kessler	215-560-2603	dekessler@			
	51	3	Jackie Dantzer	215-560-1332	jdantzer@			
Pike	52		Bette Pike	570-296-3110	bpike@	James Pollard	570-296-3116	jpollard@
Potter	53		Diana Ewing	814-274-4104	dewing@	Michelle Valenti	814-274-4106	mvalenti@
Schuylkill	54		Tracy Berner	570-621-3044	tberner@	James Heckman	570-621-3025	jamheckman@
Snyder	55		Wendy Styers	570-372-7221	wstyers@			
Somerset	56		Michele Peters	814-445-1114	mipeters@	Lawrence Baer	814-445-1107	labaer@
Sullivan	57		Frank Richart	570-946-1034	frichart@	Patrick Gerrity	570-268-2613	pgerrity@
Susquehanna	58		Donna Doyle	570-278-5177	ddoyle@	Yvonne Gatto	570-278-5145	ygatto@
Tioga	59		Cathy L. Kreger	570-724-9684	ckreger@	Cheri Wheatley	570-724-9672	cwheatley@
Union	60		Terry Wineberg	570-522-5260	twineberg@	James Wirth	570-522-5278	iwirth@
Venango	61		Sandra Zacherl	814-437-4354	szacherl@	Kim Irwin	814-437-4360	kiirwin@
Warren	62		Lisa Eldridge	814-726-8821	leldridge@	David Dickerson	814-726-8802	ddickerson@
Washington	63	1	Debbie Young	724-223-4343	debyoung@	Carol Rothhaar	724-250-1237	crothhaar@
	63	2	Sharon Bagnell	724-379-1512	sbagnell@	Lorraine Weir	724-379-1511	lweir@
Wayne	64		Thomas O'Neill	570-251-7211	thoneill@	Therese Dux	570-253-7111	tdux@
Westmoreland	65		Gail Heskey	724-832-5206	gheskey@	Margaret Goldberg	724-858-1212	magoldberg@
	65	1	Gail Heskey	724-832-5206	gheskey@	Berni Strychalski	724-832-5238	bstrychals@
	65	2	Gail Heskey	724-832-5206	gheskey@	Robert Small	724-339-6835	rsmallin@
	65	4	Gail Heskey	724-832-5206	gheskey@	Diana Kerestes	724-379-1568	dkerestes@
Wyoming	66		Jeffery Zimmerman	570-836-8513	jezimmerma@	Yvonne Gatto	570-836-8523	ygatto@
York	67		Kathy Schintz	717-771-1139	kschintz@	Jen Hardman (Dauphin case	717-771-1254	jhardman@
	67		Gina Burrows (Montgomery ca	717-771-1344	gburrows@			