

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

## **Pennsylvania Advocates Manual 2015-2016 Edition**

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## **Preface**

We are pleased to provide you with the 2015-2016 electronic edition of *The Low-Income Home Energy Assistance Program (LIHEAP) Pennsylvania Advocates Manual*. This manual is developed and produced annually by the Pennsylvania Utility Law Project (PULP) for use by members of the Pennsylvania Legal Aid Network and others who assist low-income individuals. We hope that you find it to be valuable to you and the members of your staff. Please feel free to copy as needed, circulate, and maintain a copy in your reference library.

**The updated 2015-2016 Manual is different from earlier editions circulated in prior years. Please replace any older version.** This year's edition reflects program changes, current forms, references, website links, as well as additional issues and advocacy suggestions. The footnotes contain citations to the LIHEAP State Plan and relevant legal authority for your reference. In the Appendices, you will find contact lists and resources to assist in your advocacy.

The different aspects and components of LIHEAP often change from year to year and can be confusing to advocates and applicants. Many eligible consumers do not apply, and those who do often receive less than their full potential benefits. We intend this Manual to be a working reference that aids understanding of and access to the benefits provided by Pennsylvania's LIHEAP. We value and request your input regarding the success of the Manual in meeting your needs and welcome any suggestions for modification.

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## 2015-2016 LIHEAP PROGRAM IN BRIEF

### Summary of Updates and Changes for the 2015-2016 LIHEAP Program Year<sup>1</sup>

#### Program Dates:

- |                        |                    |                      |
|------------------------|--------------------|----------------------|
| • Cash Grant           | opens Nov. 2, 2015 | closes April 1, 2016 |
| • Crisis Grant         | opens Nov. 2, 2015 | closes April 1, 2016 |
| • Crisis Interface/WAP | opens Nov. 2, 2015 | closes April 1, 2016 |
- DHS<sup>2</sup> may extend or shorten program dates depending on availability of funds.

**Eligibility:** Eligibility is set at 150% of the Federal Poverty Income Guidelines for Cash and Crisis Grant Program, and 200% of the Federal Poverty Income Guidelines for the Crisis Interface / Weatherization Assistance Program (WAP):

#### 2015-2016 LIHEAP Household Income Limits

Household Size	150% FPL for Cash & Crisis
1	\$ 17,655
2	\$ 23,895
3	\$ 30,135
4	\$ 36,375
5	\$ 42,615
6	\$ 48,855
7	\$ 55,095
8	\$ 61,335
9	\$ 67, 575
10	\$ 73,815
For each additional person add	\$ 6,240

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<sup>1</sup> DHS may make modifications during the 2015-2016 LIHEAP program year. Please be alert for any changes.

<sup>2</sup> The Department of Public Welfare changed its name to the Department of Human Services in November 2014.

**Grant Amounts:**

- o Minimum Cash grant will be \$100.
- o Maximum Cash grant will be \$1,000.
- o Minimum Crisis grant will be \$25.
- o Maximum Crisis grant will be \$500.

**Changes to LIHEAP in 2015-2016**

DHS will issue a **Supplemental Cash Benefit** of \$70 to “vulnerable” households that qualify for a LIHEAP cash grant. A household is vulnerable if it has a member that is:

- o Elderly (age sixty or older);
- o Disabled;<sup>3</sup> or
- o Age five and under.

The age of the household members is determined by their age at the time the LIHEAP application is submitted.

**Treatment of Loans:** DHS will exclude from income calculation loans from established financial institutions that are designated for a specific purpose (such as loans from a bank).

**Coordination of Cash and Crisis Benefits:** A household must use all of its authorized LIHEAP Cash benefits to resolve a crisis before receiving a Crisis grant.

**Automated Eligibility Determination:** Households who 1) apply through COMPASS and 2) choose to use income that is verified and known to DHS (because the household receives other benefits such as food stamps, MA, or cash) may get an automated eligibility determination if the household’s address and membership has not changed and all other conditions of eligibility are met.

**Clarifications that Continue to Require Attention**

**Public utilities that operate Customer Assistance Program (CAPs) are required to apply the LIHEAP cash component benefits only to the customer’s monthly ‘Asked to Pay’ amount.** No LIHEAP funds may be applied to CAP customer’s pre-program arrearages or actual usage amounts.<sup>4</sup> DHS makes no distinction between a Percentage of Income Payment Plan (PIP or PIPP) CAP or a Rate Discount CAP. The purpose of LIHEAP is to help low income

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<sup>3</sup> DHS has determined that for households to meet the category of disabled, the household must be receiving financial assistance for their disability. This should be interpreted broadly to include *any* financial assistance that the household receives because of a disability, including medical assistance and SNAP (food stamp) benefits. In addition, one could argue that DHS should be using the broader definition of disability found in the DHS LIHEAP handbook. Pennsylvania Dep’t of Human Services, Low-Income Home Energy Assistance Program (LIHEAP) Handbook Glossary, *available at* [http://services.dpw.state.pa.us/oimpolicymanuals/liheap/LIHEAP\\_Handbook.htm#Title\\_Page.htm](http://services.dpw.state.pa.us/oimpolicymanuals/liheap/LIHEAP_Handbook.htm#Title_Page.htm). Please let us know if you have clients who meet that definition of disability but do not receive financial assistance and are denied a supplemental benefit.

<sup>4</sup> 2016 LIHEAP State Plan, Appendix B. § 601.45

households meet their home heating needs. The LIHEAP Federal statute, regulations and Pennsylvania’s approved state plan all require that LIHEAP funds be applied in full to the account of those households determined LIHEAP eligible. Therefore, utility companies must apply LIHEAP cash grants only to the “Asked to Pay” amount the CAP customer is required to pay, regardless of whether they operate based on a Percent of Income Payment Plan (PIP or PIPP) or rate discount model. A fuller discussion of this issue is found at pages 20–22 of this Manual.

**A life-threatening Crisis must be resolved within 18 hours;** however, DHS requires that it be a documented medical emergency.<sup>5</sup> DHS has not provided guidance as to how or if this additional language will affect Crisis applicants with a life-threatening crisis situation. Please advise PULP if you have a client who has been negatively affected.

**Furnace replacement** is now specifically designated as an appropriate activity within the Crisis Interface Program.<sup>6</sup> However, the Crisis Interface Policy at C-3 of the State Plan states that **if the furnace has not been operating within past two heating seasons, it may not be eligible for Crisis services,** as a furnace that has not been working for that long of a period of time cannot be considered to be a weather-related emergency. The applicant must provide proof of the home heating emergency. The Policy in the State Plan allows for some consideration on a case by case basis.

### **Recent Modifications to the LIHEAP Application Form (PWEA 1):**

- **A new question asks the applicant to provide the name and account number of their electric company. This information is being gathered to meet new federal reporting requirements.**
  - See question 10 on the LIHEAP application.
- **Language in the Certification section was added to inform the applicant that their signature gives the Department of Public Welfare permission to share and receive information from their energy supplier regarding their annual energy consumption or cost and billing information.**

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<sup>5</sup> See 2016 LIHEAP State Plan at § 601.4.

<sup>6</sup> 2016 LIHEAP State Plan, Crisis, Appendix C at C-4.

**LIHEAP: PA ADVOCATES MANUAL**  
**2015-2016 EDITION**  
*Prepared by the Pennsylvania Utility Law Project*

### Introduction

This 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 intended as a general reference guide, and is not intended to be a substitute for direct legal advice in individual cases. The footnotes contains citations for your reference. The Appendices contain additional resources and contact information. Website references can be found throughout. The authors welcome your questions and comments on this manual.

### 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 primarily intended to assist with paying the cost of heating a residence during the cold weather months.<sup>7</sup>

LIHEAP is funded by the federal government through a block grant administered by the states. In Pennsylvania, the Department of Human Services (DHS) administers the LIHEAP program through local County Assistance Offices and other agencies.

In 2015-2016, LIHEAP assistance can take three different forms. A particular household may be eligible for more than one of these different forms of assistance, and advocates should consider each LIHEAP component for every household:

- **Cash Component:** a single grant,<sup>8</sup> to assist a household in meeting heating costs. It is paid directly to either a heating fuel vendor/utility company or paid to an individual. The amount of the LIHEAP Cash grant to the household differs depending on various factors including household size and income. The set formula for the grant amount is discussed below. This year, a household may apply for the LIHEAP Cash component from November 2, 2015 until April 1, 2016. The grant amount will range from \$100 to a maximum of \$1000.

**! NEW ! Supplemental Grant for Vulnerable Households:** This year, vulnerable households will receive a supplemental LIHEAP cash grant of \$70. A household is vulnerable if, **at the time of application**, one of its members is elderly (sixty or older), disabled, or a young child (five or younger).

DHS has an informal policy that to be disabled, a household must be "receiving financial assistance for the disability."<sup>9</sup> This is in contrast with how DHS defines the term "disabled" in the glossary of its LIHEAP Handbook, which defines disabled as

<sup>7</sup> At times, it has been extended to assist with summer cooling needs.

<sup>8</sup> At times, supplemental payments to the Cash grant have been issued by DHS. This usually occurs if additional funding is received after the program has begun or there are funds available at the conclusion of the program.

<sup>9</sup> See Question 7 on LIHEAP Application.



“Describes a person who (a) has a physical or mental impairment that substantially limits one or more life activities (for example, caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, learning, or working); (b) has a record of an impairment (has a history of, or has been misclassified as, having a mental or physical impairment) that substantially limits one or more major life activities; or (c) is regarded as having an impairment.”<sup>10</sup>

This area is ripe for advocacy. If you encounter households who meet the handbook definition of disability, but who are not receiving financial assistance for their disability, they should apply and be encouraged to appeal a denial of their supplemental benefits.



**Advocacy Tip:**

Encourage households to apply when they will qualify as a vulnerable household: before a child turns six or after an adult turns sixty.

- **Crisis Component:** In 2015-2016, cash grants of up to \$500 will be available to help qualified households resolve a home heating crisis caused by a lack of heating-related utility service, a pending utility termination notice, an actual or imminent lack of a deliverable fuel (such as home heating oil, propane, etc.) or a problem with a heating system (i.e. furnace), or a weather-related event. Any household 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>11</sup> provides for the repair or replacement of the heating system or furnace for households with a heating system breakdown. Traditional weatherization and conservation services may supplement the repairs.

The same application 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 types of 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 2015-2016 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 (i.e., not directly to a fuel vendor or utility) as a 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 program year.

No lien will attach to a home as a result of receiving any LIHEAP assistance.

<sup>10</sup> See LIHEAP Handbook, <http://services.dpw.state.pa.us/oimpolicymanuals/liheap/index.htm>.

<sup>11</sup> Crisis Interface / Weatherization Assistance is the only component of LIHEAP not administered completely within DHS. DHS makes the Crisis eligibility determination, but the Department of Community and Economic Development administers the heating system repair or replacement.

Resources and Authority:

DHS maintains a Heating Assistance/LIHEAP website

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

Every year, DHS must update the LIHEAP State Plan with program guidelines and parameters, such as program opening and closing dates, funding levels, and eligibility criteria. DHS publishes a Proposed State Plan during the summer months which is subject to public comments and public hearings in which anyone may participate. After comments are received and reviewed, DHS publishes a Final State Plan that governs the LIHEAP operation for that program year. The LIHEAP Cash and Crisis rules for the program year are found in Appendix B of the Final State Plan. Information regarding Crisis Interface and the Weatherization Assistance Program may be found in Appendix C of the Final Plan. The current State Plan is found online at: [http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c\\_215267.pdf](http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_215267.pdf)



**Advocacy Tip:** Advocates should use rules found in Appendix B when making arguments to County Assistance Offices and LIHEAP administrators, as these are the most up to date.

DHS 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 most recent publicly available Handbook is found online at: <http://services.dpw.state.pa.us/oimpolicymanuals/liheap/index.htm>.

The 2015-2016 Cash grant benefit tables, which indicate the amount of the Cash grant to which each household is entitled, may be found online at: [LIHEAP Benefit Amount Table](#)

A LIHEAP application may be completed online through the COMPASS program at [www.compass.state.pa.us](http://www.compass.state.pa.us), or a paper application may be mailed or hand delivered to the local County Assistance Office.

**! NEW !** Applicants may get an automated eligibility determination if they apply on COMPASS and the applicant chooses to use income already known to DHS because they receive other benefits, such as food stamps, medical assistance, or cash. Even with automated eligibility, applicants may still have to verify their home heating responsibility.

The English version paper application may be downloaded from the DHS website at: [English – Energy Assistance Application](#)

The Spanish version may be downloaded at [Spanish-Energy Assistance Application](#)

The addresses and phone numbers of local County Assistance Offices can be found online at: [local county assistance offices.](#)

## Legal Authority

LIHEAP is a Federal block grant program administered through the Department of Health and Human Services.<sup>12</sup> 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>13</sup>

While Federal law forms the legislative basis for the LIHEAP program, the annual Final State Plan (hereinafter “State Plan” or “the Plan”) contains the policies governing implementation of the program each year. The State Plan includes Program Updates, DHS/DCED Crisis Interface, Assurances, and three appendices with rules governing the LIHEAP programs.

Advocates should pay special attention to “Appendix B – Determination of Eligibility for LIHEAP Cash and Crisis Benefits.” This section of the Plan provides guidelines for the LIHEAP Cash and Crisis grants, which are the most commonly accessed components.

“Appendix C- Weatherization Assistance Program” contains information concerning both the Crisis Interface Program as well as the weatherization programs administered by the Department of Community and Economic Development (DCED).

## Administration

The Department of Human Services (formerly the Department of Public Welfare) administers LIHEAP in Pennsylvania.

*Cash Grants:* For the most part, DHS uses the County Assistance Office (CAO) as the administering agency for the Cash grant.<sup>14</sup> In some cases, DHS coordinates the activities of several counties and one CAO processes LIHEAP applications for several counties.

*Crisis Grants:* DHS uses several different agencies to assist in the delivery of the Crisis program. These agencies include CAOs, community action agencies, the Department of Community and Economic Development, and other local organizations.

*Crisis Interface:* DHS and the Department of Community and Economic Development (DCED) jointly administer the Crisis Interface/Weatherization Assistance component. DHS makes the Crisis eligibility determination, and DCED administers the heating system repairs, furnace replacements where warranted, and any appropriate weatherization treatments.<sup>15</sup>

CAO staff members administering LIHEAP may not always be fully aware of the details of the current year’s program. LIHEAP is only one of many programs the CAOs implement, it is

<sup>12</sup> <http://www.acf.hhs.gov/programs/ocs/programs/liheap>

<sup>13</sup> Low-Income Home Energy Assistance Program 2016 State Plan at § 601.1.

<sup>14</sup> State Plan at § 601.5.

<sup>15</sup> State Plan at Appendix C.

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 often become familiar with program guidelines at the same time the first applicants enter the system. Therefore, application delays beyond the mandated 30 day determination period are not unusual.



**Advocacy Tip:** Although DHS has modified its training and monitoring process to expedite the processing of applications, advocates should encourage individuals to apply for Cash grants early to reduce any negative effect on applicants as a result of processing delays.

At the time the State Plan was finalized, the final federal 2015-2016 LIHEAP budget appropriation was not fully known because the federal government was operating under a continuing resolution. As of the start of the LIHEAP year, Pennsylvania received approximately \$182 million, which is 90% of its funding for the year. We anticipate that Pennsylvania will receive an additional \$24 million before the close of the year, but that is not certain. Since it is not unusual for federal LIHEAP funding amounts to change, DHS or the Governor will announce late in the program year if additional staff time will be allocated to process applications, program closing dates will be extended, or supplemental grants will be provided.

An appeal process is available for individuals to challenge CAO decisions or failures to act on LIHEAP applications. A Fair Hearing can be requested through the local LIHEAP office. Individuals have 30 days to file an appeal with their local CAO in a process that is further detailed in the “Appeals” section of this manual.

### Timetable

LIHEAP generally opens in November and closes at the end of March or beginning of April. However, since exact opening and closing dates change between program years, it is important to check the annual State Plan to know the timetable for that year.<sup>16</sup> In addition, the length of the program is dependent on the availability of funds as the program year progresses, so DHS may shorten or extend the closing date.<sup>17</sup> In recent years, DHS has extended the program closing date several weeks into April.

In 2015-2016, DHS opened both the Cash and Crisis component on November 2, 2015, and anticipates a closing date of April 1, 2016. The Crisis Interface program will also be open from November 2, 2015 until April 1, 2016.<sup>18</sup>

## **General Eligibility**

To qualify for and receive Cash or Crisis benefits, an individual must meet several eligibility requirements: household income, home heating responsibility, Pennsylvania residency, and

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<sup>16</sup> State Plan at § 601.6(a).

<sup>17</sup> State Plan at § 601.6(b).

<sup>18</sup> State Plan at pg. ii.

immigration status. Crisis eligibility additionally requires that there be an actual or imminent home heating emergency that will be resolved through receipt of those grants.<sup>19</sup>

### Household Income

For 2015-2016, Pennsylvania has set the income eligibility level for both Cash and Crisis grants at 150% of the 2015 Federal Poverty Guidelines.<sup>20</sup> The income eligibility level for the Crisis Interface program is also 150% of the Federal Poverty Income Guidelines. However, households up to 200% of the poverty guidelines may be eligible for the Weatherization Assistance Program is 200% of the 2015 Federal Poverty Income Guidelines. Income eligibility levels for the 2015-2016 LIHEAP program year can be found in Appendix A of this Manual or DHS eligibility charts.

### Income Calculation

The **applicant** is given the discretion to decide how gross annual income is calculated.<sup>21</sup>

#### **Applicants have a choice:**

- use their income from the previous 12 months or
- use their income the calendar month immediately prior to the filing of the application.

Monthly amounts are converted to a yearly figure – gross annual income – and used to determine both a household’s eligibility and the Cash grant amount.<sup>22</sup>



**Advocacy Tip:** Advocates should help the applicant determine which of the time frames (12 months or last calendar month) yields the income level most advantageous for the household. In some cases, the selection of the time frame to be used and the timing of the Cash grant application may help lead to a determination of eligibility and may lead to significantly different benefit amounts.<sup>23</sup>

Income for recipients of SNAP, Cash, or Medical benefits from DHS will be annualized based on the gross income on DHS’s Client Information System.<sup>24</sup>

<sup>19</sup> Details regarding the specific eligibility requirements for Crisis grants can be found in the 2016 Final State Plan, Appendix B, § 601.32

<sup>20</sup> State Plan at § 601.31(1).

<sup>21</sup> State Plan at § 601.83(a).

<sup>22</sup> State Plan at § 601.83(a).

<sup>23</sup> The frequent use by DHS of supplemental payments may be also a consideration in the timing of an application. Although supplements are not certain to be provided in any given year, it has been a frequent practice. These supplements are generally provided to “vulnerable households” defined in §601.3 as households containing at least one member who is elderly (age 60 or over), disabled, or age five and under. Since the age of the household member is determined by age at the time the LIHEAP application is submitted, if all other factors are equal, it may be beneficial to wait to submit the application after a household member reaches 60, or before the youngest child reaches age 6.

<sup>24</sup> State Plan at § 601.83(a). Applicants in this situation who would have a lower income based on the previous month’s income can appeal if the system automatically calculates a benefit amount and the applicant believes that it should be a higher amount because of lower income based on a different method.

## Household Size

For the purposes of LIHEAP, a household is defined as an individual or a group of individuals, including related roomers, who live together as one economic unit and customarily pay for home heating energy.<sup>25</sup> However, an individual who has previously received a LIHEAP benefit as a member of another household during the program year is not included in the household. Neither are temporary visitors, institutional residents, individuals who do not meet the immigration requirements, or individuals who are currently incarcerated or considered a fleeing felon.

## Whose Income Counts?

Income level for an applicant household includes the gross annual income from **all** of the following people:

- all household members, regardless of relationship,<sup>26</sup>
- a roomer related by blood, marriage, or adoption to a household member, and
- a person living with the applicant who, as a member of another household, has already received a LIHEAP Cash or Crisis grant during the present program year.<sup>27</sup>

Gross income is 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>28</sup>

*Note:* Each of these categories of earnings has multiple subcategories. For example, DHS has specifically stated that funds withdrawn from Individual Retirement Accounts, Certificates of Deposit and proceeds from the sale of stock certificates are to be counted as unearned income.<sup>29</sup>

Some 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>30</sup> DHS has clarified that *all* students, not just undergraduate students, are able to exclude educational assistance from scholarships, grants and loans as income.

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<sup>25</sup> State Plan at § 601.3

<sup>26</sup> Same gender marriage became legal in the Commonwealth of Pennsylvania on May 20, 2014, when a decision rendered by the United States District Court for the Middle District of Pennsylvania struck down Pennsylvania's 1996 law banning the recognition of same gender marriage as unconstitutional. According to the Operations Memorandum (#14-10-02) dated on October 9, 2014, LIHEAP policy has not changed regarding mandatory household members. Spouses are mandatory household members and must be included in the same LIHEAP household. COMPASS has been updated and allows applicants to input same-sex spouses.

<sup>27</sup> State Plan at § 601.81.

<sup>28</sup> State Plan at § 601.82.

<sup>29</sup> State Plan at § 601.82(4) (i)-(xi).

<sup>30</sup> State Plan at § 601.84(1)-(22).

*Note:* This year, DHS clarified that designated loans from established financial institutions are excluded when determining income eligibility.<sup>31</sup>

### Home Heating Responsibility

**Applicants must have a home heating responsibility** to receive LIHEAP. This includes:

- Homeowners or renters (including subsidized housing tenants) who pay for home heating fuel or utility service directly to a vendor.
  - *Note:* If someone outside the household pays the bill because the household has zero/minimal income, the household is still considered to have a heating responsibility and eligible to receive LIHEAP.<sup>32</sup>
- Renters who pay for heat indirectly as a part of their rent.<sup>33</sup>
- Roomers<sup>34</sup> who pay for their lodging in either a commercial establishment or in a private home which is their permanent and primary home.<sup>35</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 to a landlord as a part of rent.<sup>36</sup>

*Note:* The household can choose to have the cash grant issued to a secondary heating source if the secondary fuel is needed to run the main heating source or the main heating source is inoperable.<sup>37</sup>

To establish home heating responsibility for Crisis, the household must show it pays for either its main *or* secondary source of heat either directly to a vendor or indirectly to a landlord as a part of rent.<sup>38</sup> For an important comparison of main and secondary fuel types, please see the Special Issues section of this manual.

Per DHS policy, the following individuals do not have a home heating responsibility and cannot receive LIHEAP:

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<sup>31</sup> Loans from individuals, which were previously excluded from income calculations, will now count as part of a household's income. State Plan at page ix-x.

<sup>32</sup> State Plan at § 601.31(2)(i)(A).

<sup>33</sup> State Plan at § 601.31(2)(i)(B). Households that are renting with heat included and have a *specific* portion of their rent used for their heating costs are *also considered to have a heating responsibility* and are therefore eligible for benefits. DHS states in OPS MEMO 13-10-01 that that this is not a change from previous policy but simply an attempt to reduce confusion: if a LIHEAP applicant pays for heat as a designated or undesignated portion of the rent - provided the rent itself is not based on a fixed percentage of their income - they are considered to have a heating responsibility.

<sup>34</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." 2016 Final State Plan at § 601.3.

<sup>35</sup> State Plan at § 601.31(2)(i)(C).

<sup>36</sup> State Plan at § 601.31(2).

<sup>37</sup> State Plan at § 601.41(4)

<sup>38</sup> State Plan at § 601.31(2).

- Renters are ineligible if their rental charge includes an undesignated amount for heat AND their rental charge is based on a fixed percentage of their income or on their source of income. This would apply to subsidized-housing tenants.<sup>39</sup>
- A roomer is ineligible if the charge for room/room & board includes an undesignated amount for the main fuel AND the charge for room and board is based on a fixed percentage of their income or on their source of income.<sup>40</sup>
- A household is ineligible if some other person or agency is *always* responsible for the heating bill (for example, people in subsidized housing who have the bill paid by the housing agency; students).<sup>41</sup> However if the bill is paid by someone outside the household because the household has zero/minimal income, the household is still considered to have a heating responsibility and therefore eligible to receive LIHEAP.<sup>42</sup>

### Residency

Household members must permanently reside in Pennsylvania.<sup>43</sup>

### Temporary Living Arrangements

Individuals in a temporary living arrangement, such as a visit, vacation or education generally do not qualify for LIHEAP. People living in institutions, dormitories, fraternity or sorority houses, or boarding homes are ineligible.<sup>44</sup> College students can apply and must not be denied LIHEAP eligibility solely on the basis of the temporary living arrangement section of the LIHEAP State Plan.<sup>45</sup> College students with year-round leases or for the school year only are considered residents of the county where they go to school and can qualify for LIHEAP. Generally, a temporary living arrangement is intended to last only for a few days or weeks, while a permanent living arrangement may last months or years.<sup>46</sup>



**Advocacy Tip:** Individuals who have temporarily left their permanent residence as a result of a home heating crisis *are* eligible for a grant for their permanent residence.<sup>47</sup>

### Recreational Vehicles

Persons living in recreational vehicles (Campers and RVs) are only eligible for LIHEAP if they provide verification that they reside in a campground or other licensed facility year-round and are responsible for heating costs.<sup>48</sup> However, in specific situations, DHS has found individuals living in Campers and RVs that are permanently affixed to the property to be eligible.

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<sup>39</sup> State Plan at § 601.31(2)(i)(B).

<sup>40</sup> State Plan at § 601.31(2)(i)(C).

<sup>41</sup> State Plan at § 601.31(2)(i)(A).

<sup>42</sup> Id.

<sup>43</sup> State Plan at § 601.31(3).

<sup>44</sup> State Plan at § 601.31(2)(ii).

<sup>45</sup> See LIHEAP Handbook § 601.41 Eligible Students.

<sup>46</sup> See LIHEAP Handbook § 601.42 Ineligible Students.

<sup>47</sup> State Plan at § 601.105.

<sup>48</sup> State Plan at §601.31(2) (iii).



### Operators of a Licensed Business

Persons operating a licensed business out of the LIHEAP household's residence are ineligible for LIHEAP if they use the home's utilities as a deduction on their business' tax return.<sup>49</sup> However, although not in the State Plan, DHS issued a policy clarification in 2011 explaining that it will apply this exclusion only if more than 50% of the home is attributed to the business use. DHS will use line 30 of Schedule C of IRS Form 1040 (Profit or Loss From Business) and block 7 of IRS Form 8829 (Expenses for Business Use of Your Home) to determine LIHEAP eligibility for household business owners.<sup>50</sup>

### Fleeing Felon

Persons who are currently incarcerated or fleeing to avoid prosecution, custody or confinement after a felony conviction (or high misdemeanor in New Jersey) are ineligible for LIHEAP.<sup>51</sup>



**Advocacy Tip:** There is an open question as to whether it is DHS's burden to demonstrate that the person is actually "fleeing." Advocates should carefully scrutinize the facts and, if the situation merits it, file an appeal if the individual has an outstanding warrant for a reason other than fleeing prosecution, custody, or confinement.

### Operation of Heating Appliance

A heating appliance must be installed and operating based on the manufacturer's specifications or current code requirements, whichever is more stringent.<sup>52</sup> If not, or if the household isn't following all applicable building and fire codes, that household is not eligible for LIHEAP.

### Non-Citizen Status

Lawfully admitted non-citizens are eligible to receive LIHEAP regardless of when they arrived in the United States, so long as they meet LIHEAP eligibility requirements.<sup>53</sup> Eligible non-citizens include: lawful permanent residents, asylees, refugees, Cuban/Haitian entrants, and non-citizens who have been battered or subjected to extreme cruelty in the United States. Appendix B to the State Plan contains a full list of eligible statuses and acceptable documentation.<sup>54</sup>

### Social Security Numbers

An applicant does not need a Social Security number to be eligible for LIHEAP. However, each household member one year of age or older who does not provide a Social Security number must complete an Energy Assistance Affidavit. This Affidavit is in the Certification section of the LIHEAP application.

*Note:* The Energy Assistance Affidavit has been more prominently highlighted in the Certification section on page 3 of the LIHEAP application, however the instructions are still somewhat confusing.

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<sup>49</sup> State Plan at § 601.31(2)(iv).

<sup>50</sup> Policy Clarification PLA15989605 dated 11/7/11.

<sup>51</sup> State Plan at § 601.31(2)(v).

<sup>52</sup> State Plan at § 601.31(2)(vi).

<sup>53</sup> State Plan at § 601.31(4).

<sup>54</sup> State Plan at § 601.31(4)(i-viii).

## Applications

An individual must complete and submit an application to receive LIHEAP. All households that received a LIHEAP grant in 2014-2015 should have had either an application or a postcard informing them of how to apply on-line mailed to their home in October. As of November 2, 2015, applications are available upon request from different sources in the community, such as CAOs, a LIHEAP administering agency, utility companies, or online at DHS's website.<sup>55</sup>

An individual also may apply online through the COMPASS website.<sup>56</sup> DHS strongly encourages applicants to apply online through COMPASS. Households using COMPASS may receive an automated eligibility determination, if the applicant chooses to use income already known to and verified by DHS because of participation in other programs such as SNAP, MA, or TANF, and the household's address and composition have not changed.<sup>57</sup> The household will still have to provide proof of home heating responsibility.

The same form may be used to apply for each of the LIHEAP components, including the Crisis Interface program.

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 request help in filling out the form.<sup>58</sup>

*Note:* The income eligibility requirements for LIHEAP can differ from year to year and a household may have experienced changes (such as in income level or size), so receipt of an application or postcard in the mail does not imply or indicate current eligibility.

### Timing of Application

The date of application is the date the County Assistance Office or administering agency receives the application.<sup>59</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 or administering agency receives the application.

DHS has indicated that all households submitting a LIHEAP Cash application in 2015-2016 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.

As noted above, households using COMPASS may receive an automated eligibility determination, if the applicants chooses to use income already known to and verified by DHS because of participation in other programs such as SNAP, MA, or TANF, and the household's address and membership have not changed.

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<sup>55</sup> See [LIHEAP Brochure - English](#), [LIHEAP Brochure-Spanish](#)

<sup>56</sup> See [www.compass.state.pa.us](http://www.compass.state.pa.us)

<sup>57</sup> This is new as of the 2016 State Plan, and it is not clear how this will work in practice. Please let PULP know if applicants experience any difficulties with the automated eligibility determination.

<sup>58</sup> State Plan at § 601.24.

<sup>59</sup> State Plan at § 601.21(3).

## DHS Response

The CAO must provide the applicant with a written determination within 30 days of receiving a complete application for a Cash grant.<sup>60</sup> If the Cash grant application is deemed incomplete, the administering agency must send the applicant a notice indicating what information is missing within 10 *working days* of receipt.<sup>61</sup> The applicant will then have 15 *days* from the date of that notice to return the missing information in order to avoid rejection of the application.<sup>62</sup>

Although significant Cash grant processing delays have occurred in recent years, DHS's obligation to provide a determination of eligibility within 30 days of receiving a completed application continues to exist. If county offices are routinely failing to comply with this deadline, please alert PULP so that we can bring it to the attention of DHS.

## Documentation vs. Verification

DHS uses two different classifications for information submitted in association with LIHEAP: “verification” and “documentation.” “Verification” includes “any form of convincing information, including oral statements or documentation.”<sup>63</sup> “Documentation” meanwhile, is “written or printed evidence, such as fuel bills, rent receipts, or pay stubs, which is needed to determine LIHEAP eligibility and the type and amount of the LIHEAP benefit.”<sup>64</sup>

## Documenting Income

Applicants must **document** the amount and source of the income for: 1) all household members and 2) for anyone living in the residence who already received LIHEAP benefits during the program year as a member of another household.<sup>65</sup>

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>66</sup> While the Plan does not specify the form of this evidence, the 2015-2016 Application for LIHEAP requires applicants who have had no income in the past month, or who have income that is less than the cost of the household’s monthly basic living needs (food, shelter, personal items, etc.), to explain in writing how the household is meeting its basic living needs. DHS generally applies a high level of scrutiny to applications of individuals who assert that they have no income.

## Documenting Heating Responsibility

*Cash grant:* Applicants must **document** their responsibility for the primary heating source for the household.<sup>67</sup> A household that pays a vendor directly can satisfy this responsibility by submitting a fuel bill or receipt issued within the two months prior to the date of the LIHEAP

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<sup>60</sup> State Plan at § 601.22.

<sup>61</sup> State Plan at § 601.23.

<sup>62</sup> Id.

<sup>63</sup> State Plan at § 601.101(1).

<sup>64</sup> State Plan at § 601.101(2).

<sup>65</sup> State Plan at § 601.102(a).

<sup>66</sup> State Plan at § 601.103.

<sup>67</sup> State Plan at § 601.104(a).

application.<sup>68</sup> Households can also submit receipts from vendors for fuel purchased since January, 2015, which will also be acceptable.

*Note:* 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>69</sup>

*Crisis grant:* Applicants for crisis grants must prove payment responsibility for *either* the primary or secondary source of heat.<sup>70</sup> If, as a result of a prior service termination, the applicant does not have a recent bill or receipt, the intended vendor must supply documentation that indicates the vendor will activate service upon a determination of LIHEAP eligibility.<sup>71</sup>

Households that pay for heat indirectly as an undesignated part of their rent can provide verification or documentation from the landlord or rental agent to show home heating responsibility.<sup>72</sup> Oral verification by the landlord is sufficient to meet this burden.

*Note:* In certain situations, an applicant for a Cash or Crisis benefit can show proof of home heating responsibility despite the billing payment responsibility being in someone else's name.<sup>73</sup> This includes the death of the bill payer, credit problems of the applicant, and domestic violence safety concerns.<sup>74</sup> The applicant must then 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>75</sup>

### Documenting Proof of Residence

Generally, an applicant must live at the residence being heated. However, 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 requiring the household to live elsewhere.<sup>76</sup> The CAO is required, upon request, to assist in providing appropriate documentation for applicants in these situations.<sup>77</sup>

### Documenting a Crisis

To receive a crisis grant, the applicant must prove that there is a home heating crisis.<sup>78</sup> Acceptable forms of proof include:

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<sup>68</sup> Id.

<sup>69</sup> Id.

<sup>70</sup> State Plan at § 601.104(b).

<sup>71</sup> Id.

<sup>72</sup> State Plan at § 601.104(c).

<sup>73</sup> State Plan at § 601.104(d).

<sup>74</sup> Id.

<sup>75</sup> Id.

<sup>76</sup> State Plan at § 601.105.

<sup>77</sup> Id.

<sup>78</sup> State Plan at § 601.108.

- 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 is depleted or will last less than 15 days.

Whether a crisis exists is fact specific. For example:

- A termination notice is generally sufficient proof to document a crisis for receipt of a Crisis grant.<sup>79</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 during the Winter Moratorium is not, by itself, accepted by DHS as proof of a home heating emergency.<sup>80</sup> *However*, in past years, when funding was available, DHS made the determination that shut-off notices dated February 1 or later that are issued by regulated utilities will be honored as proof of a crisis.
- 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>81</sup>



### **Advocacy Tips**

An advocate may need to address:

- *Social Security Numbers*: A Social Security number is not required for eligibility. Regulated vendors often request social security numbers 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 can complete an Energy Assistance Affidavit.<sup>82</sup> The Energy Assistance Affidavit is printed in the certification section on page three of the LIHEAP application.
- *Immigration Status*: Official documentation from the U.S. Citizenship and Immigration Services is generally sufficient to establish lawfully admitted non-citizen status.<sup>83</sup> A chart of acceptable documents for proving eligible non-citizen status is provided in the State Plan.<sup>84</sup>

## **Cash Grant**

**The LIHEAP Cash grant 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

<sup>79</sup> State Plan at § 601.62(2)(ii); 66 Pa.C.S. § 1406(g).

<sup>80</sup> State Plan at § 601.108.

<sup>81</sup> State Plan at § 601.31(2)(i)(B).

<sup>82</sup> State Plan at § 601.106.

<sup>83</sup> State Plan at § 601.109.

<sup>84</sup> State Plan at pg. B-25.

provide heat to the residence, including but not limited to: gas, oil, electric, wood, propane. 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>85</sup>

- Household size,
- Household income,
- Heating Region, and
- Primary (or main) Fuel Type.

Based upon these household characteristics, Cash grants for 2015-2016 will range from \$100 to \$1,000 per household. The [Benefit Amount Table](#) shows the size of the Cash grant a household may receive.

*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. Refer to Appendix A of this Manual for 2015-2016 PA LIHEAP Income Guidelines.

Generally, each household is eligible for only one Cash grant per program year.<sup>86</sup> However, this year, DHS will be issuing supplemental cash grants of \$70 to vulnerable households – defined as households with a member age sixty or over, disabled, or age five or under. The age of the household members is determined by their age at the time the LIHEAP application is submitted.

*Note:* DHS has an informal policy that to be disabled, a household must be "receiving financial assistance for the disability."<sup>87</sup> This is in contrast with how DHS defines the term "disabled" in the glossary of its LIHEAP Handbook, which defines disabled as "Describes a person who (a) has a physical or mental impairment that substantially limits one or more life activities (for example, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, learning, or working); (b) has a record of an impairment (has a history of, or has been misclassified as, having a mental or physical impairment) that substantially limits one or more major life activities; or (c) is regarded as having an impairment."<sup>88</sup>

If you encounter households who meet the handbook definition of disability, but who are not receiving financial assistance for their disability, they should apply and appeal a denial of their supplemental benefits.

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<sup>85</sup> State Plan at § 601.41(a)(1-4).

<sup>86</sup> State Plan at § 601.43.

<sup>87</sup> See Question 7 on LIHEAP Application.

<sup>88</sup> See LIHEAP Handbook, <http://services.dpw.state.pa.us/oimpolicymanuals/liheap/index.htm>.

When funding is available, DHS will issue additional Cash payments to households without the need for those households to file another application. Therefore, even households initially eligible for the minimum Cash grant of \$100 may receive far greater benefits as a result of these supplemental payments.

If the household pays for fuel directly, then DHS will send the Cash grant to the fuel vendor or utility on behalf of the household.<sup>89</sup> The applicant receives the grant directly in the following situations: if the household pays for heat as an undesignated part of rent, the fuel vendor refuses to participate in the program or has been removed from the list of participating vendors, the heating bill is in the name of a non-household member, the bill is paid to a third party (for example, a tenant paying a landlord in a master-metered property), or the applicant is a roomer.<sup>90</sup>

Landlords, rental agents, housing authorities, or hotel or rooming house managers are not eligible to receive direct vendor payments.<sup>91</sup> Thus, an unscrupulous landlord is not able to intercept or coerce 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 generation from an entity other than their local regulated distribution company. LIHEAP grants can only go to the local regulated distribution company. If a supplier bills customers separately for generation service, those customers cannot designate their LIHEAP grant to pay the generation bill.<sup>92</sup> However, in most cases, residential customers who use a supplier are billed through the distribution company. In that circumstance, LIHEAP can apply to the entire bill.

## Crediting a Cash Grant to a CAP Customer's Account

### **Background**

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 LIHEAP eligible households.

### Customer Assistance Programs (CAPs)

In addition, each large regulated electric and natural gas distribution company in Pennsylvania must provide a Customer Assistance Program (CAP) for low-income consumers within its service territory.<sup>93</sup> CAPs generally serve households with utility payment troubled individuals that have household incomes at or below 150% of the Federal poverty level, similar to the

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<sup>89</sup> State Plan at § 601.44(a).

<sup>90</sup> State Plan at § 601.44 (b).

<sup>91</sup> State Plan at § 601.44(c).

<sup>92</sup> Note, however, that almost all competitive electric suppliers sell their receivables to the utility company and have that utility company bill the customer for the supply charges. In this case, applicants who direct their LIHEAP grant to the utility will indirectly pay for the competitive supply. This is because the utility retains the ability to terminate service for nonpayment of the energy costs that it purchases from the competitive supplier. It is only in those cases where a supplier separately bills the customer that the customer cannot direct the LIHEAP grant to the supplier.

<sup>93</sup> 66 Pa. C.S. § 2803 (electric) and § 2203 (gas).

LIHEAP eligibility level. The Pennsylvania Public Utility Commission (PUC) oversees the CAP programs, which are administered by the individual utility companies. CAP programs protect consumers' health and safety by helping low-income customers maintain affordable utility service.<sup>94</sup> In CAP, monthly utility bills are lowered by providing a reduced rate through either a Percentage of Income Payment Program (PIPP or PIP), a rate discount, or some other PUC approved model. Entry into CAP will also generally freeze any collection activity of pre-program arrears and enable their eventual forgiveness.

Companies provide unique names for their CAP program. For example, PPL's CAP is OnTrack, PGW's is Customer Responsibility Program (CRP), NFG's is Low-Income Rate Assistance (LIRA), and PECO's is CAP Rate. Each program operates somewhat differently.

### Intersection of LIHEAP and CAP

- 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.

However, PUC policy, which governs utility accounting practices, had permitted utilities not to credit a CAP participant's LIHEAP Cash grant specifically to that individual customer's current bill. Instead, utilities could apply the grant to cover the general costs of the Customer Assistance Program, 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 address this questionable application of the CAP payment by utilities, DHS formulated a policy requiring utilities **to apply the LIHEAP cash grant to the individual CAP customer's asked-to-pay amount.**<sup>95</sup> The vendor copy of the Vendor Agreement for the 2015-2016 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, then to the current CAP payment, and finally, if any funds remain, they are to be credited to future CAP payments.



**Advocacy Tip:** Advocates should remain vigilant and carefully review each customer's account to be certain that the LIHEAP Cash grant has, in fact, been credited properly to the "Asked to Pay" amount. The review process may be daunting since it is often difficult to trace how utilities are applying LIHEAP payments.

### Policy Aftermath:

In reaction to this policy change, many utilities have sought novel means to recover the value of the LIHEAP grants which formerly covered general operating costs of the Customer Assistance

<sup>94</sup> 52 Pa Code § 54.73 (electric) and § 62.3 (natural gas).

<sup>95</sup> State Plan § 601.45



Program. One method, called “CAP-Plus,” adds a flat fee to each customer’s account based on the total value of LIHEAP grants obtained in the previous program year. The legality of this process had been challenged; however, the Commonwealth Court of Pennsylvania recently affirmed Public Utility Commission’s adoption of the CAP-Plus program.<sup>96</sup> LIHEAP clients participating on these company’s CAPs **are required to pay** this additional charge and should be aware that other companies may also petition the Commission to implement a CAP-Plus payment.

## Crisis Grant

The LIHEAP Crisis grant aids households in a home heating related emergency, such as: loss of heat due to a heating system failure; actual or scheduled service shut-off; lack of fuel; or imminent depletion of fuel. Crisis grants may be applied to either the main or secondary heat source.<sup>97</sup>

When a crisis arises, an individual may apply for a Crisis grant as well as for a Cash grant. DHS first looks to the Cash grant amount to resolve the crisis; if that amount is not enough, DHS then approves the Crisis grant only to the extent necessary to resolve the crisis, and only if the Crisis grant will resolve the emergency.

Cash grants and Crisis grants, as well as the Crisis Interface program, can be used individually or jointly to resolve the crisis. Types of assistance can include:

- Pipe thawing,
- Gas/fuel line repair,
- Purchase of a new furnace/heating system,
- Furnace repair,
- Water-heating system repair,
- Broken window repair, or
- Payment of utility bills or for fuel delivery.<sup>98</sup>

The State Plan notes these particular examples, but other heat related emergencies can also be addressed. Advocates are encouraged to be creative in combining and leveraging these grants for the purpose of resolving a utility crisis.

### Expedited Processing

The CAO or other administering agency must expedite processing of Crisis grant applications. Households that qualify for a Crisis grant must receive assistance within **48 hours** of submitting

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<sup>96</sup>Pa. Communities Organizing for Change, Inc. v. Pa. PUC, 89 A.3d 338 (Pa. Commw. Ct. 2014).

<sup>97</sup> 2016 State Plan at § 601.61.

<sup>98</sup> 2016 State Plan at § 601.62. DHS clarified in this year’s state plan that broken windows alone do not meet the definition of a home heating emergency. 2016 State Plan at p. xi.

the application.<sup>99</sup> In life-threatening situations, assistance must be provided within **18 hours** of the application.<sup>100</sup>



**Advocacy Tip:** CAOs and administering agencies often fall behind on the processing of applications due to the volume of applications within a limited time period. If an applicant does not get a decision from the CAO within the 48 hour/18 hour Crisis deadlines (as well as the 30 day Cash deadline), the advocate should contact the CAO. Each CAO has a LIHEAP administrator who can troubleshoot missed Crisis deadlines.<sup>101</sup> Have your CAO identify that individual, and contact them immediately when an application is not processed within the 48 hour/18 hour window.

### Crisis Grant 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 citizen status.<sup>102</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>103</sup> **DHS 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>104</sup>
- The household must provide proof of the home heating emergency.<sup>105</sup>

### Grant Features

The amount of a Crisis grant is the amount needed to resolve the crisis subject to the minimum allowable Crisis grant of \$25 and the maximum allowable Crisis grant of \$500.<sup>106</sup> The amount of the Crisis grant cannot exceed whatever amount is needed to resolve the crisis.

Crisis grants are paid directly to the approved LIHEAP vendor or utility.<sup>107</sup> Exceptions, in which Crisis grants are paid directly to the applicant, are rare but may arise in master meter situations (one meter which measures overall usage for the entire premises) or when the vendor is not on the DHS approved vendor list.

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<sup>99</sup> State Plan at § 601.4(2).

<sup>100</sup> State Plan at § 601.4(2).

<sup>101</sup> A list of LIHEAP contacts at each CAO is attached as Exhibit D.

<sup>102</sup> State Plan at § 601.32(1).

<sup>103</sup> State Plan at § 601.32(2).

<sup>104</sup> State Plan at § 601.32(3).

<sup>105</sup> State Plan at § 601.32(4).

<sup>106</sup> State Plan at § 601.61; also see State Plan at page ii.

<sup>107</sup> State Plan at § 601.64.

Crisis funds can pay reconnection fees, re-start fees, and reasonable delivery charges.<sup>108</sup> **They may not be used to pay security deposits or late fees.**<sup>109</sup> Advocates should note that as of January 2015, utilities can no longer require CAP eligible customers to pay a security deposit and should advise PULP of any utilities that attempt to do so.<sup>110</sup> Most CAP programs use the same income guideline as LIHEAP - 150% of Federal Poverty and below – however, CAP programs may count income and household members that LIHEAP does not, and vice versa.

### Heating System Repairs

Weather-related heating emergencies may include heating system repairs or heating system replacements. A household can use a Crisis grant to pay for the repairs.

*Note:* Alternatively, a household can use the Crisis Interface/Weatherization Assistance Program to make the necessary repairs or system replacements free of charge for eligible low-income households. This program is discussed in greater detail below.

### Deliverable Fuels

Special rules apply to the payment of a Crisis grant for a shortage of deliverable fuels (e.g., oil, propane, kerosene, wood). In this situation, an applicant’s statement that their fuel supply will last less than 15 days is acceptable proof of an energy crisis.<sup>111</sup>

In the case of deliverable fuels, the LIHEAP crisis grant can include the cost of delivery up to the \$500 maximum payment. If the fuel is not delivered by the vendor, the household will receive the amount needed to resolve the crisis or the maximum amount of fuel that can be transported by the household in one trip; again subject to the \$500 maximum Crisis payment.<sup>112</sup> A prior statement from the vendor is required to verify the cost of the non-vendor pick-up.<sup>113</sup>

DHS requires deliverable fuel vendors to charge the lowest price if the vendor has a variable pricing structure (i.e., one price for cash deliveries and one for credit deliveries), and requires that the household be charged the same amount as a non-LIHEAP household for an identical delivery based on quantity. In other words, if there is a minimum delivery fee (or a higher per unit price for a lesser amount of fuel) it must be assessed for LIHEAP and non-LIHEAP households equally. (See Vendor Agreement ¶ 5a.)

Advocates should continue to watch out for this to ensure that households are paying the lowest possible price for deliverable fuel.

### Crisis Resolution

A LIHEAP Crisis grant must resolve the crisis. Households are **ineligible** for a Crisis grant if the grant, alone or combined with other resources available to the household, will not resolve the

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<sup>108</sup> State Plan at § 601.62(2)(i) and (ii).

<sup>109</sup> State Plan at § 601.45.

<sup>110</sup> 66 Pa. C.S. § 1404(a.1)

<sup>111</sup> State Plan at §601.108.

<sup>112</sup> State Plan at § 601.61.

<sup>113</sup> Id.

crisis.<sup>114</sup> Given the fragile economic condition of LIHEAP Crisis applicants and the current cost of energy, a \$500 Crisis grant alone could very likely be insufficient to resolve the crisis.



**Advocacy Tip:** Applicants will still be eligible for Crisis grants if the grant will resolve the crisis in combination with other resources. Advocates should 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. Resources can include, but are not limited to, supplemental funds from community organizations or friends and family, utility hardship funds, and negotiating a lower amount owed with the utility itself.

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

*Maintenance of Service:* When a regulated electric or natural gas vendor accepts a Crisis payment to prevent termination or reconnect 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>115</sup> When a household receives a Crisis grant approval up to 30 days before the Winter Moratorium or during the Winter Moratorium period, then service may not be terminated until either 30 days after the Crisis is resolved, or May 1st, whichever is later.<sup>116</sup>

*Enrollment in CAP:* 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>117</sup>

### LIHEAP Crisis Grants 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 through March 31 of each year, unless the utility is specifically given permission to terminate by the PUC.<sup>118</sup> Customers of PGW have separate guidelines.<sup>119</sup>

On one hand, Chapter 14 (the Pennsylvania statute that governs terminations) 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>120</sup> However, since the basis for receiving a Crisis grant rests with the household demonstrating the existence of an *imminent or actual crisis*, DHS does not generally consider a low-income household protected by the Winter Moratorium to be in an imminent crisis and will not authorize a Crisis grant to such a household.

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<sup>114</sup> State Plan § 601.61

<sup>115</sup> State Plan § 601.61

<sup>116</sup> State Plan § 601.61

<sup>117</sup> State Plan § 601.61

<sup>118</sup> 66 Pa. C.S. § 1406(e)(1).

<sup>119</sup> Id. at § 1406(e)(2).

<sup>120</sup> 66 Pa. C.S. § 1406(g).

As a result, some confusing scenarios arise:

- **Scenario #1:** A regulated utility issues a termination notice, to take effect during the Winter Moratorium period. Because the Winter Moratorium prevents terminations, before the utility may act on that termination notice, it must petition the PUC for permission to do so.<sup>121</sup> In the extraordinarily rare case that the PUC grants permission to act on the notice and terminate the household, then a crisis exists and the household will be eligible for a Crisis grant. DHS does not consider the household to be in crisis until the PUC has given permission for the utility to act.<sup>122</sup>

- **Scenario #2:** Same facts as Scenario #1. 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.

DHS treats this situation as a quasi-crisis. In past years, applicants in this situation did not receive an absolute denial, but DHS delayed processing of the grant until a later date, pending funding availability.

*Note:* The applicant may receive a notice from DHS 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. This could cause confusion for LIHEAP Crisis applicants.

- **Scenario #3:** A utility issues a termination notice in February to a household protected by the Winter termination moratorium. Because termination notices are effective for sixty days, it will still be in effect after the close of the Winter Moratorium. After April 1, utilities can terminate service without PUC permission.



**Advocacy Tip:** Whether DHS 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. Because the notice will still be in effect after the moratorium, advocates should argue the Crisis grant will resolve an imminent crisis.

Vendors not regulated by the PUC are not subject to Chapter 14 or to the Winter Moratorium. Therefore, DHS will examine crisis applications for 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 others do not.

## Crisis Interface/Weatherization Assistance Program Component

The Crisis Interface/Weatherization Assistance Program component of LIHEAP is designed to help low-income households who are in a crisis situation due to break down of a heating source such as a heating system or furnace breakdown. The program provides a household with

<sup>121</sup> Id. at § 1406(e)(1).

<sup>122</sup> 2016 State Plan at § 601.62(2)(ii)(A).

necessary repairs to a furnace or to replace the furnace outright. The program is open from November 2, 2015 until April 1, 2016.

The measures for which Weatherization Agencies will be responsible under the LIHEAP Crisis program are as follows:

- Repair of heating system
- Loan of auxiliary heater
- Repair of gas or other fuel lines
- Replacement of un-repairable heating systems
- Repair of hot water heating system
- Heating system pipe thawing service
- Repair of broken windows<sup>123</sup>
- Provide blankets

Because situations like the loss of a heat source represent crises, as with crisis grants, action must be taken within an appropriate time frame of 48, or 18 hours in the case of life-threatening situation. Initially, a non-permanent action, such as the provision of space heaters may temporarily help to ameliorate the situation. A more permanent solution should follow the temporary measure 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 DHS and the Department of Community and Economic Development (DCED) in the following manner:

- The applicant must be determined eligible for a Crisis Interface referral by the DHS administering agency (such as the CAO);
- The DHS administering agency refers the applicant to the appropriate local weatherization agency;
- The weatherization agency conducts a home visit to assess the heating system, proceeds to take appropriate action to resolve the crisis, and if appropriate, initiate additional weatherization measures.

Special rules apply to eligibility for renters:

- In all cases, prior written permission must be granted by the landlord in addition to the applicant tenant for the agency to enter the premises to provide Crisis or Weatherization Services; and
- The landlord and tenant must sign an agreement, witnessed by the agency, that the tenant will not be evicted or suffer a rent increase for a reasonable time (not less than 18 months), unless the landlord can show the eviction or increase is not related to the weatherization work performed.<sup>124</sup>

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<sup>123</sup>DHS policy states that broken windows alone do not meet the definition of a home-heating emergency. State plan at page xi.

<sup>124</sup> State Plan at page C-8.

## Appeals

Individuals can request fair hearings to challenge decisions of the CAO -- such as being improperly denied LIHEAP benefits; by having benefits unjustly delayed; by being approved for less than the correct amount; or by being assessed for an overpayment.<sup>125</sup> Individuals can complete and sign the appeal section of any notice, send a written or faxed request to the CAO or tell the CAO they are appealing. In the case of an oral appeal there must be a written follow-up within 3 days.

*Note:* LIHEAP is not an entitlement program. This means that unlike with other public benefits programs, an appeal will be ineffective if the individual applied for LIHEAP after the program closed, or when there was a lack of funds.<sup>126</sup>

Detailed procedures for the appeal process are found in Chapter 870 of DHS’s Supplemental Handbook, posted online at DHS’s website.<sup>127</sup>



**Advocacy Tip:** There are several key time frames for the advocate to keep in mind:

- An appeal must be taken within 30 days of the date of the written notice from the CAO.<sup>128</sup>
- An appeal must be taken within 60 days of the CAO’s failure to act on a request or an application.<sup>129</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>130</sup>

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. In these situations, an applicant may benefit from direct advocacy to CAO staff to ensure proper processing of the application.

## Special Issues to Watch for LIHEAP Advocates

### Primary vs. Secondary Heating Fuel Types

LIHEAP designates two fuel types/heating sources: main and secondary. The main or primary fuel type is “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>131</sup>

<sup>125</sup> State Plan at § 601.123(a).

<sup>126</sup> Id.

<sup>127</sup> See

[http://services.DHS.state.pa.us/oimpolicymanuals/manuals/bop/su/index.htm?\\_ga=1.127355917.1240097098.1411268990](http://services.DHS.state.pa.us/oimpolicymanuals/manuals/bop/su/index.htm?_ga=1.127355917.1240097098.1411268990)

<sup>128</sup> 55 Pa Code § 275.3(b)(1); [DHS Supplemental Handbook § 870.12](#).

<sup>129</sup> 55 Pa Code § 275.3(b)(2); [DHS Supplemental Handbook § 870.12](#).

<sup>130</sup> 55 Pa Code § 275.3(b)(3); [DHS Supplemental Handbook § 870.12](#).

<sup>131</sup> State Plan at § 601.3.

The secondary fuel type or heating source is “the source of energy that is necessary to operate the main heating source.”<sup>132</sup>



**Advocacy Tip:** This definition of secondary fuel type can be helpful for a household. 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 will result in the shut-down of the furnace, and, therefore, loss of heat. In this instance, a household can apply for a LIHEAP grant citing electric as a “secondary fuel type.” The LIHEAP application specifically asks for information about secondary fuel types used to run main heating sources.<sup>133</sup>

### Restrictions on use of LIHEAP funds

LIHEAP benefits may be used to pay reconnection fees, but **not** for security deposits or for late fees.<sup>134</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. **As January 2015, CAP-eligible customers cannot be charged security deposits.**<sup>135</sup> Most low income households that are eligible for LIHEAP will also be CAP eligible, subject to variations in household and income definitions between the utilities and DHS. PULP is interested in hearing about cases of LIHEAP recipients being charged secured deposits for reconnection, whether because of a difference in income calculation or for other reasons.



**Advocacy Tip:** In situations where the utility claims a LIHEAP recipient is not CAP eligible, it may still be worthwhile to request that the utility waive security deposits or late fees. A request for waiver may receive a positive response, particularly when the utility stands to receive a Crisis or Cash grant in exchange for the waiver. Additionally, each of the regulated utilities and some other energy vendors have Hardship Funds that assist struggling utility customers with their bills. Contact the household’s local vendor to inquire about additional company-sponsored customer assistance mechanisms.

### Transfer of Service

For customers whose service has been disconnected at their previous address and who need services to be connected at their new address, a regulated utility may request 50% of the customer’s back balance from the previous address plus a reconnection fee in order to restore service. If a LIHEAP Cash grant is more than this amount, the regulated utility must apply the remainder of the Cash grant to the household’s future bills. Utilities must also agree to keep service on through the moratorium and enroll the client in a CAP or budget program if eligible.<sup>136</sup>

### Earned Income Incentive for Amount of Cash Grant

An individual with earned income is eligible to receive a larger Cash grant than an individual with unearned income. When calculating a household’s total income for *eligibility* for a Cash

<sup>132</sup> State Plan at § 601.3

<sup>133</sup> 2015/2016 LIHEAP Application, Question 8. Note that according to its Operations Memorandum 09-10-01, October 7, 2009, DHS is no longer considering water as a secondary heating source.

<sup>134</sup> State Plan at § 601.45.

<sup>135</sup> 66 Pa C.S. § 1404 (a.1)

<sup>136</sup> State Plan at § 601.31(2)(vii).



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>137</sup> The effect is to reward those households that have earned income from employment.

### Improper Counting of Annual Payments

Sometimes, households receive an 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 calculating income for LIHEAP eligibility – the past calendar month or a 12 month period.<sup>138</sup> However, DHS will often count the annual payment as part of the household income, regardless of when that payment is received. As a result, an eligible household will inappropriately be deemed ineligible and denied a LIHEAP grant or, if found eligible, that household will receive a lower Cash grant. Advocates should look out for this income counting practice and prepare 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 ends no later than June 30th of the year *following* the year in which the grant was awarded.<sup>139</sup> For grants awarded in the 2015-2016 program year, the two-year period will end on June 30, 2017.

Any funds not used by the vendor or the grantee in that time period must be sent back to DHS.<sup>140</sup> In addition, 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 DHS any unexpended grant amounts.<sup>141</sup>

A grantee can receive a second payment of these refunded amounts within that same two-year period if:

- the grantee's whereabouts are known,
- the grantee continues to reside in the Commonwealth, and
- the grantee retains heating responsibility<sup>142</sup> or the crisis for which benefits were authorized continues to exist.<sup>143</sup>

A vendor can sometimes receive an overpayment that is not the result of fraud, error, or misrepresentation by the applicant. In those situations, the error is considered an administrative error for which the applicant cannot be held responsible.<sup>144</sup>

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<sup>137</sup> State Plan at § 601.41(a)(2).

<sup>138</sup> 2016 State Plan at § 601.83.

<sup>139</sup> State Plan at § 601.46; § 601.65(1).

<sup>140</sup> *Id.*

<sup>141</sup> State Plan at § 601.46(1); § 601.65(1).

<sup>142</sup> State Plan at 601.46(2).

<sup>143</sup> State Plan at § 601.65(2).

<sup>144</sup> State Plan at § 601.144(c).

## Master Metering

Master metering is when a landlord or mobile home park owner receives utility service in his/her own name for a property in which multiple tenants live. This can present special challenges for tenants and their advocates. The premises may be sub-metered, or the landlord may pass along the utility costs to the tenants through a formula or calculation that assesses an energy use or heating charge to each tenant.

While it may appear that the tenant is ineligible for LIHEAP, which may not be true:

- Where the landlord passes along the utility costs through a specific fee or charge, the utility charge is not an undesignated portion of the rent. Some CAOs in past years have supposed that these tenants do not have a home heating responsibility as it is defined in the State Plan.<sup>145</sup>

DHS has clarified in previous years that “Households that are renting with heat included and have a specific portion of their rent used for their heating costs are considered to have a heating responsibility and are therefore eligible for benefits.”<sup>146</sup>

Landlords are not approved vendors for the purposes of LIHEAP. This means that the tenant here is making a utility payment to a non-vendor, and will qualify for a direct grant.<sup>147</sup> The Plan specifically excludes landlords from the definition of vendors and precludes landlords from receiving a vendor payment.<sup>148</sup> DHS may also provide Crisis grants directly to tenants or mobile home park residents in master-meter situations based upon a case by case review.<sup>149</sup>



**Advocacy Tip:** If tenants or mobile home park residents are denied LIHEAP Cash grants, advocates should demonstrate the applicant does have a home heating responsibility by showing that a failure to make the required payments will leave the tenant without heat.

## **Conclusion**

LIHEAP provides critical home heating benefits to low income families. We hope that this manual is helpful in providing information and advocacy suggestions in securing those critical dollars for your clients. We welcome your questions and feedback, and if we at the Pennsylvania Utility Law Project can be of any assistance in your work, do not hesitate to contact us.

<sup>145</sup> State Plan § 601.31(2)(i)(B)

<sup>146</sup> See Policy Clarification 1, 2014 LIHEAP Final State Plan, at page ix, and OPS MEMO 13-10-01.

<sup>147</sup> State Plan at § 601.44(b).

<sup>148</sup> State Plan at § 601.44(c)

<sup>149</sup> State Plan at § 601.64 (“If DHS determines that crisis benefits cannot be paid directly to the vendor, DHS pays the crisis benefit to the applicant as reimbursement after verification of the purchase has been provided.”)

## **APPENDICES**

Appendix A: 2015 - 2016 Pennsylvania LIHEAP Income Guidelines

Appendix B: Online Resources and Forms

Appendix C: Glossary of Common Terms and Abbreviations

Appendix D: 2015-2016 LIHEAP County Coordinator Telephone Numbers & E-mail Addresses

**Appendix A: 2015 - 2016 -Pennsylvania LIHEAP Income Guidelines**

<b>Household Size</b>	<b>Household Income 150% FPL for Cash &amp; Crisis</b>
1	\$ 17,655
2	\$23,895
3	\$ 30,135
4	\$ 36,375
5	\$ 42,615
6	\$ 48,855
7	\$ 55,095
8	\$ 61,335
9	\$ 67,575
10	\$ 73,815
For each additional person add	\$ 6,240

\* Eligibility information

from <http://www.dhs.state.pa.us/foradults/heatingassistanceliheap/homeheatingassistanceliheapeligibility/index.htm>

## Appendix B: Online Resources and Forms

### Online Resources :

DHS's Heating Assistance Web Page	PA Department of Public Welfare	<a href="http://www.dhs.state.pa.us/foradults/heatingassistanceliheap/homeheatingassistanceliheapeligibility/index.htm">http://www.dhs.state.pa.us/foradults/heatingassistanceliheap/homeheatingassistanceliheapeligibility/index.htm</a>
2016 Final State Plan for PA LIHEAP	PA Department of Public Welfare	<a href="http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_215267.pdf">http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_215267.pdf</a>
COMPASS	PA Department of Public Welfare	<a href="https://www.compass.state.pa.us/Compass.Web/public/cmphome">https://www.compass.state.pa.us/Compass.Web/public/cmphome</a>
LIHEAP Cash Benefit Table for PA	PA Department of Public Welfare	<a href="http://www.dhs.state.pa.us/citizens/heatingassistanceliheap/liheapbenefitamounttable/index.htm#.VjOK9f6FO70">http://www.dhs.state.pa.us/citizens/heatingassistanceliheap/liheapbenefitamounttable/index.htm#.VjOK9f6FO70</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>
HHS LIHEAP Homepage	U.S. Dept. of Health & Human Services Admin. For Children & Families	<a href="http://www.acf.hhs.gov/programs/ocs/programs/liheap">http://www.acf.hhs.gov/programs/ocs/programs/liheap</a>
NEADA	National 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>
DHS LIHEAP Handbook	PA Department of Public Welfare	<a href="http://services.dpw.state.pa.us/oimpolicymanuals/liheap/LIHEAP_Handbook.htm">http://services.dpw.state.pa.us/oimpolicymanuals/liheap/LIHEAP_Handbook.htm</a>
<b>PULP</b>	<b>Pennsylvania Utility Law Project</b>	<a href="http://www.pautilitylawproject.org/">http://www.pautilitylawproject.org/</a>

**DHS Online Forms:\***

<u>PWEA 1 - LIHEAP Application Form (English)</u>	Application - English
<u>PWEA 1-S - LIHEAP Application Form (Spanish)</u>	Application - Spanish
<u>PWEA 18 – LIHEAP Brochure English</u>	LIHEAP Brochure - English
<u>PWEA 18-S– LIHEAP Brochure Spanish</u>	LIHEAP Brochure- Español
<u>PWEA 4</u>	Energy Assistance Affidavit
<u>PWEA 4-S</u>	Energy Assistance Affidavit (Spanish)
<u>PWEA 6</u>	Zero Income Statement
<u>PWEA 6-S</u>	Zero Income Statement (Spanish)
<u>PWEA 18</u>	How It Works and Who Can Apply
<u>PWEA 18S</u>	How It Works and Who Can Apply (Spanish)
<u>PWEA 32</u>	Request for Additional Information
<u>PWEA 32-S</u>	Request for Additional Information (Spanish)
<u>PWEA34</u>	Vendor Agreement
<u>PWEA 35</u>	LIHEAP Computation Worksheet
<u>PWEA 36</u>	Landlord Statement

<u>PWEA 36-S</u>	Landlord Statement (Spanish)
<u>PWEA 37</u>	LIHEAP Program Refund
<u>PWEA 40</u>	DCED/DPW Crisis Interface Referral Form
<u>PWEA 41</u>	Low-Income Home Energy Assistance Program (LIHEAP) Electronic Funds Transfer Application Form
<u>PWEA 51</u>	Conservation Tips to Reduce Energy Usage
<u>PWEA 51-S</u>	Conservation Tips to Reduce Energy Usage (Spanish)

**\*These are the forms available and online as of November 3, 2015.**

## Appendix C: Glossary of Common Terms and Abbreviations

CAO – County Assistance Office are local offices where Pennsylvanians can access a range of services for themselves and their families from professionally trained staff members. CAOs are often but not always the LIHEAP administering agency.

CAP – Customer Assistance Programs assists eligible utility customers who are having difficulty paying their utility bills through provision of a special rate and the forgiveness of past debts by the utility.

Cash Grant (Component) – A onetime annual grant to assist eligible households with their regular heating costs.

COMPASS - COMPASS is the name of the website where individuals can apply for LIHEAP, the SNAP program, and many other services that may benefit low-income households.

Crisis Grant (Component) – Provides a grant to resolve imminent and current heating-related emergencies, including utility shutoffs, malfunctioning heat sources, depleted fuel, and other concerns.

DCED – Department of Community and Economic Development administers the Crisis Interface/Weatherization Assistance Program Component.

DHS – Department of Human Services (formerly the Department of Public Welfare) administers the LIHEAP program and other programs in Pennsylvania that are designed to assist low-income households.

FPG (FPL) – Federal Poverty Guidelines (Level) – A representation of the federal poverty measure, based upon household income, issued each year by the U.S. Department of Health and Human Services to assist agencies determine eligibility for certain benefits and programs.

LIHEAP – Federally funded program designed to assist low-income households afford the costs of energy, specifically residential heating, in the cold weather months.

Primary Fuel – The Primary or Main Fuel Type is the source of energy for either a residence's central heating system or the source of energy most used by the household.

PUC – The Pennsylvania Public Utility Commission provides oversight for a number of programs and policies implemented by utility companies operating within Pennsylvania, including CAP programs, and the approval of service termination.

PULP – The Pennsylvania Utility Law Project provides information, assistance, and advice about residential utility and energy matters affecting low-income consumers.



Secondary Fuel – The source of energy that is necessary to operate the primary or main heating source.

SNAP – Supplemental Nutrition Assistance Program, formerly known as “food stamps” is a program administered by the Department of Public Welfare, participants of which, if not already approved for LIHEAP, receive a minimal heating assistance benefit to maximize their Standard Utility Allowance for SNAP purposes.

SUA – Standard Utility Allowance refers to the fixed dollar amount for a household’s heating and utility expenses used in the calculation of shelter expenses for SNAP benefits.

Vendor Agreement – The Department of Public Welfare requires any fuel source vendor that wishes to participate in the LIHEAP program to complete and sign a contract known as a vendor agreement.

Weatherization Assistance Component (Crisis Interface) – This component addresses crises caused by heating source malfunction, breakdown, or failure through repair or replacement.

Winter Moratorium – Provides a period from December 1, through March 31, that prohibits utilities from terminating residential service unless granted specific permission by the Public Utility Commission.

## LIHEAP Coordinator List 2015 - 2016

**10/09/15**

County	Cty	D	LIHEAP Coordinator	Telephone Number	Email Address pa.gov	Alternate Coordinator	Telephone Number	Email Address pa.gov
Adams	1		Vicki Miller	717-338-2329	vicmiller@	Ryan Minnich	717-338-2309	ryminnich@
Allegheny	2		Joseph Cintron	412-565-2152	jcinton@	Dorothy McCarthy	724-337-5618	dormccarth@
Armstrong	3		Jill Zemba	724-548-0231	jzemba@	Kimbel Kovatch	724-548-0238	kkovatch@
Beaver	4		John Garlitz	724-773-7580	igarlitz@	Sherri Graeser-Ray	724-773-7524	sgraeserra@
Bedford	5		Wendy Clevenger	814-624-4023	wclevenger@	Janice Leppert	814-624-4002	jleppert@
Berks	6		Marilyn Ramirez	610-736-4251	mr Ramirez@	Alicia Reid	610-736-4252	alreid@
Blair	7		Robert Lee	814-946-7118	robelee@	Stephen Zupon	814-946-7168	szupon@
Bradford	8		Patrick Gerrity	570-268-2613	pgerrity@	Frank Richart	570-946-8254	frichart@
Bucks	9		Kevin Spiegler	215-781-3329	kspiegler@	Maureen Hahn	215-781-3388	mhahn@
Butler	10		Snow Shearer	724-284-8842	snshearer@	Shirleyanne Michelotti	724-284-8877	smichelott@
Cambria	11		Rena Gutteridge	814-533-2462	rgutteridg@	Holly Burkhart	814-533-2341	hburkhart@
Cameron	12		John Patrick	814-916-4112	jopatrick@	Pamela Freeburg	814-776-4340	pfreeburg@
<b>Carbon</b>	<b>13</b>		<b>Kristi Bower</b>	<b>570-271-3601</b>	krbower@	<b>Stacy Netznik</b>	<b>610-577-9040</b>	snetznik@
Centre	14		Shelly Bowman	814-861-1949	sbowman@	Jodi Bitner	814-861-1912	jbitner@
Chester	15		Erica Dixon	610-466-1036	erdixon@	Eileen Haviland	610-466-1022	ehaviland@
Clarion	16		DEB O'NEIL	814-226-1791	deoneil@	Amy Ortz	814-226-1795	aortz@
Clearfield	17		Pamela Mohny	814-205-1101	pmohny@	Cindy Lemmo	814-205-1018	clemmo@
Clinton	18		Tara Hough	570-893-4503	tahough@	Suellen Hans	570-893-4506	suhans@
<b>Columbia</b>	<b>19</b>		<b>Roxanne Yurkiewicz</b>	<b>570-271-3602</b>	ryurkewic@	<b>Dorothy Girton</b>	<b>570-912-1132</b>	dogirton@
<b>Columbia</b>			<b>Cynthia Howey</b>	<b>570-387-4222</b>	chowey@	<b>Copy CAO</b>		c-columbia@
Crawford	20		Terri Baker	814-333-3442	tebaker@	Terry Schlosser	814-333-3435	tschlosser@
Cumberland	21		Carol Dunkle	717-240-2747	cdunkle@	Sarah Bjorkman	717-240-2708	sbjorkman@
Dauphin	22		Norma Torres	717-787-1028	ntorres@	Linda Grier	717-787-4555	lgrier@
Delaware	23	1	Andrea Clarke - Crosby	610-447-5586	aclarke@	Sharon White	610-447-3226	sharwhite@
		2	Andrea Clarke - Darby	610-461-3810	aclarke@	Janet Jones	610-461-3850	janiones@
Elk	24		Pamela Freeburg	814-776-4340	pfreeburg@	Janice Eberly	814-776-4303	jaeberly@
Erie	25		Laurie Kubaney	814-461-2114	lkubaney@	John Byers	814-461-2078	johnbyers@
Fayette	26		Scott Patterson	724-439-7047	scopatters@	Jane Miller	724-439-7294	janmiller@
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						Jodi Villmer	814-437-4409	javillmer@
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Fulton	29	Nina Souders	717-325-1212	nsouders@	Tom Walsh	717-262-6570	thowalsh@
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Lancaster	36	Shannon Wolpert	717-391-6901	SWOLPERT@	Kim Klein	717-391-6927	kklein@
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Luzerne		Harrison Sheetz - Alternate	570-826-2284	hsheetz@	Stacy Bosher - Alternate	570-826-2217	sbosher@
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