



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • 360-725-4000
www.commerce.wa.gov

Low Income Home Energy Assistance Program (LIHEAP) Agreement

Between

Hoh Tribe

2426 Lower Hoh Road
P.O. Box 2196
Forks, WA 98331
(360) 374-6582

britni.duncan@hohtribe-nsn.org

<https://hohtribe-nsn.org/>



And

Washington State Department of Commerce

1011 Plum Street SE
P.O. Box 42525
Olympia, WA 98504
(360) 725-2862

brian.sarensen@commerce.wa.gov

<https://www.commerce.wa.gov/>



1. Purpose

Title XXVI of the Omnibus Budget Reconciliation Act of 1981 states under section 2604(d) (2) of the LIHEAP statute provides that the LIHEAP allocations of reservation-based Native American Tribes applying for direct federal LIHEAP funding are to be based on the ratio of the number of eligible Native American households living within a state on the Tribe's reservation or adjacent trust land, to the total number of eligible households in the state, with the resulting percentage multiplied by the state's gross LIHEAP allocation—or on a larger amount agreed on by the Tribe and the State.

The Washington State Department of Commerce (Commerce) agrees to apply to the United States Department of Health and Human Services (HHS), for LIHEAP funds allocated to the State of Washington.

The Hoh Tribe agrees to deliver LIHEAP services in its service area.

2. Length of Agreement

We intend the agreement to be reviewed every three years. If the agreement cannot be reviewed in this time period, the agreement will remain in effect. The agreement can be extended or renegotiated at any time with consent of both parties.

3. Service Territory

The Hoh Tribe shall provide benefits to all eligible Native American households residing on the:

- The Hoh Reservation in Jefferson County.

For purposes of LIHEAP, a Native American household is one in which a member is Native American. Tribal members may seek services from a non-Tribal LIHEAP servicer when the household has moved outside of the tribe's geographical service area, if the household is closer to a non-Tribal LIHEAP provider and chooses to be served closer to home, or if the Hoh Tribe runs out of LIHEAP funds.

4. Funding Allocation

The Hoh Tribe will receive \$11,982 from the US Department of Health and Human Services for each fiscal year of this agreement. The total Tribal distribution is based on a percentage of households with income at or below 150% of the Federal Poverty Guidelines.

5. Data sovereignty, data sharing and non-duplication of payments

The Hoh Tribe and Commerce will take the necessary steps to prevent duplicate payments to eligible households. The Hoh Tribe and Commerce will identify procedures to prevent duplicate payments to eligible households and will identify procedures to prevent duplicate payments in the separate funding plans serving separate geographic areas. In order for Commerce and the Hoh Tribe to prevent duplicate payments, the following is agreed to when necessary.

- A. Name and social security number of household members.

- B. Amount of assistance received in the case of persons moving on or off tribal service territory.

Referral of applicant households will be made by the Hoh Tribe and Commerce when appropriate.

6. Hold Harmless

The Hoh Tribe holds Commerce harmless for any violations of federal regulations by the said Tribe. The Hoh Tribe further holds Commerce harmless for any audit exceptions of the Hoh Tribe's administration of LIHEAP. The Hoh Tribe further holds Commerce harmless for any liability, loss, or damage that may be suffered directly or indirectly by any third party as the result of any claims, demands, or actions arising from the performance of this agreement by the Hoh Tribe.

The Hoh Tribe

Darlene Hallem
Signature

06/12/24
Date

Chairwomen
Position Title

Commerce

DocuSigned by:
Cindy Austin-Anderson
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Signature

7/5/2024 | 11:42 AM PDT
Date

Assistant Director, Commerce
Position Title

State-Tribal LIHEAP Agreement FAQ

Are State-Tribe agreements required?

No, State-Tribe agreements are optional. If there is not a State-Tribe agreement in place, the US Department of Health and Human Services (HHS) will use data from the American Community Survey (ACS) to determine a Tribe's funding amount. However, using a State-Tribe agreement usually results in more money for the Tribe's LIHEAP.

Each federally recognized Tribe has the right to negotiate its own agreement with the Washington State Department of Commerce.

Length of Agreement

Can be any length as long as it is mutually agreed upon, and can be extended or renegotiated before the current agreement expires.

Service Territory

The service territory for the program can be defined in many ways. Would the Tribe like to define its service territory using:

- Reservation and off-reservation trust-lands?
- Areas outside of the reservation with significant Tribal presence?
- Zip codes, cities, and counties?
- A combination?

Households Served by the Tribe

How would the Tribe like to define the kinds of households to be served? Possibilities:

- All households, regardless of race
- All households where the head of household OR any adult OR any person is:
 - American Indian
 - Enrolled Tribal member
 - Tribal member (not enrolled)
- Other or a combination

Tribal Funds Allocation

This agreement can set a more accurate allocation as long as it is mutually agreed upon. Options include using a/the:

- Fixed percentage
- Historical number of households served
- Tribe's estimate based on Tribal enrollment
- Households counted for other social service programs

Data Sovereignty and Data Sharing

What information will be shared between the state and Tribe?

- How will information be shared?
- How often will information be shared?
- Who owns the data?

An important reason for data collection is that we want to avoid duplication of benefit payments.

Commerce strives to only keep data essential to carrying out LIHEAP. For the agreement starting in fiscal year 2025, we don't need population or household data unless the Tribe wants to use population/household data as a basis to determine the Tribe's LIHEAP funding allocation.