

FLORIDA

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM DETAILED STATE PLAN FY 2012



**Florida Department of Community Affairs
Division of Housing and Community Development
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
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ATTACHMENT C

LIHEAP ESTIMATED HOUSEHOLD REPORT FOR FY 2011

**LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM
FLORIDA
ABBREVIATED STATE PLAN FOR FY 2012**

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Carryover and Reallotment Report for FY 2011

Due August 1, 2011

Grantee: State of Florida _____ Date July 18, 2011

Section 2607(b)(2)(B) of the LIHEAP statute requires that at least 90% of funds available must be obligated in the year in which they are appropriated. Not more than 10 percent of the amount payable for a fiscal year may be held for obligation in the succeeding fiscal year.
--

- | | |
|---|-------------------|
| 1) Current year amount payable (regular block grant funds, contingency funds, and oil overcharge funds) | \$ 110,754,038.00 |
| 2) 10 percent of amount payable | \$ 11,075,403 |
| 3) Projected unobligated balance | \$ 11,075,403 |

If line 3 is equal to or less than line 2, report the amount on line 3 as your Carryover amount below. Report \$0 funds for reallotment.

If line 3 is larger than line 2, then report the amount on line 2 as your Carryover amount below. Report the difference between line 2 and line 3 as the reallotment amount below.

Carryover amount \$ 11,075,403
(Funds to be carried over for obligation in the following fiscal year.)

Reallotment amount \$ -0-
(Funds that exceed the 10% carryover amount and are to be returned the Federal government.)

If you report a Carryover amount above, please provide the following:

a) briefly state reasons that these funds will not be used in the fiscal year for which they were allotted: **The time required to subcontract LIHEAP funds after they are received from HHS does not allow for expenditure of all the funds by the end of the first year of the award. It is anticipated that all LIHEAP subgrantee funds will be obligated by September 30, 2010. The carryover will be primarily in state administration to support the management of the funds.**

b) briefly describe the types of assistance to be provided with the amount held available for the following fiscal year: **Carryover funds will be used for emergency and home energy assistance, state and local subgrantee administration.**

Paula Lemmo
Signature and Title

850-932-1644
Telephone Number

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

EXECUTIVE SUMMARY

- PROGRAM DESCRIPTION:** The Low-Income Home Energy Assistance Program (LIHEAP) provides grants to local governments and nonprofit agencies to assist eligible low-income households in meeting the costs of home heating and cooling. The majority of the funds are used for annual one-time utility payment assistance and two seasonal crisis assistance payments. Weather-related and supply shortage emergency assistance is provided when federal emergency contingency funds are provided or the State determines an emergency.
- MATCH REQUIREMENTS:** No match is required, but leveraging is encouraged.
- OTHER REQUIREMENTS:** Client household income must not exceed 150 percent of the Office of Management and Budget's poverty income guidelines.
- ELIGIBLE APPLICANTS:** Community based organizations, including weatherization agencies, local governments, Indian tribes, and other nonprofit agencies. To ensure program continuity and quality service, the designated LIHEAP agency serving each county continues from year-to-year, unless they are de-funded or withdrawn.
- CONTACT:** Ms. Paula Lemmo, Community Program Manager
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**LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)
PUBLIC LAW 97-35, AS AMENDED**

FISCAL YEAR (FY) 2012

DETAILED STATE PLAN

GRANTEE: FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

EIN: 59-6001874

ADDRESS: 2555 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-2100

NAME OF LIHEAP COORDINATOR: MS. HILDA FRAZIER

EMAIL: hilda.frazier@dca.state.fl.us

TELEPHONE: (850) 488-7541 FAX: (850) 488-2488

PLEASE CHECK ONE: TRIBE _____ STATE X INSULAR AREA _____

Assurances

The Florida Department of Community Affairs agrees to:

- (1) use the funds available under this title to:
 - (A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);
 - (B) intervene in energy crisis situations;
 - (C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and
 - (D) plan, develop, and administer the State's program under this title including leveraging programs, and the State agrees not to use such funds for any purposes other than those specified in this title;
- (2) make payments under this title only with respect to:
 - (A) households in which one or more individuals are receiving:
 - (i) assistance under the State program funded under Part A of Title IV of the Social Security Act;
 - (ii) supplemental security income payments under Title XVI of the Social Security Act;
 - (iii) food stamps under the Food Stamp Act of 1977; or
 - (iv) payments under section 415, 521, 541, or 542 of Title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or
 - (B) households with incomes which do not exceed the greater of:
 - (i) an amount equal to 150 percent of the poverty level for such State;
or
 - (ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

- (3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;
- (4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;
- (5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;
- (6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that:
 - (A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

- (B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;
- (7) if the State chooses to pay home energy suppliers directly, establish procedures to:
- (A) notify each participating household of the amount of assistance paid on its behalf;
 - (B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;
 - (C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and
 - (D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;
- (8) provide assurances that:
- (A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and
 - (B) the State will treat owners and renters equitably under the program assisted under this title;

- (9) provide assurances that:
- (A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and
 - (B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));
- (10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of Chapter 75 of Title 31, United States Code (commonly known as the "Single Audit Act");
- (11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;
- (12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);
- (13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and
- (14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.
- (15)* beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

*** This assurance is applicable only to States and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

- (16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and, thereby, the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors; and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances

As the official designated by the Governor of Florida to certify compliance, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

William A. Buzzett
Secretary
Florida Department of Community Affairs

Date

*In the above assurances which are quoted from the law, "State" means the 50 states, the District of Columbia, an Indian or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA and "subsection" refers to Section 2605(b) of OBRA.

**Statutory
References**

**2605(a)
2605(b)(1)** ► **Please check which components you will operate under the LIHEAP program: (Note: You must provide information for each component designated here as requested elsewhere in this plan.)**

Dates of Operation

(use of funds)	<input checked="" type="checkbox"/> heating assistance	October 1 - March 31
	<input checked="" type="checkbox"/> cooling assistance	April 1 - September 30
	<input checked="" type="checkbox"/> crisis assistance	Winter - Oct.1 - March 31
		Summer - April 1 – Sept. 30
	<input checked="" type="checkbox"/> weatherization assistance	Year Round

If funds are available, clients are eligible for one home energy assistance benefit once in any 12 month period, and one winter crisis benefit between October 1 and March 31, and one summer crisis benefit between April 1 and September 30.

**2605(c)(l)(C)
(use of funds)** ► **Please estimate what amount of available LIHEAP funds will be used for each component that you will operate. The total of all percentages must add up to 100 percent.**

10.5 % heating assistance
16 % cooling assistance
38 % crisis assistance

2605(k) (1) 15 % weatherization assistance
 10 % carryover to the following fiscal year

2605(b) (9) 10 % administrative and planning costs

2605(b) (16) .5 % Services to reduce home energy needs including needs assessment (assurance 16)

.0 % used to develop and implement leveraging activities (limited to the greater of 0.08 percent or \$35,000 for States, the greater of 2 percent or \$100 for territories, tribes and tribal organizations).

100 % **TOTAL**

**Statutory
References**

2605(c)(1)(C) (alternate use of crisis assistance funds) ► **The funds reserved for winter crisis assistance which have not been expended by March 15 will be reprogrammed to:**

- heating assistance
- cooling assistance
- weatherization assistance
- other (specify)

Florida's climate is such that we have a dual energy peak demand. For this reason, we have a year-round program. At the beginning of the contract year, March 1, each agency is required to budget at least 25 percent of their funds for home energy assistance and at least 2 percent for weather-related/supply shortage emergency assistance. (See Attachment D for Sample Weather-Related/Supply shortage directives). The balance of their client assistance funds are put into crisis assistance. Florida allows for two crisis assistance payments per year, one summer (payments made between April 1 and September 30) and one winter (payments made between October 1 and March 31). The weather-related/supply shortage funds* are used during declared state or federal emergencies. If no emergency is declared, on December 15 the funds are released for the agencies to use in either crisis or home energy assistance. Funds not expended by the end of the contract period, March 31, are returned to the state and reallocated to all eligible agencies in the next contract period.

Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes No

**2605(b)(2)
2605(c)(1)(A)** ► **What are your maximum eligibility limits? (Please check the components to which they apply) Current year guidelines must be used.**

Statutory References

- 150 percent of the poverty guidelines:
heating cooling crisis wx
- 125 percent of the poverty guidelines:
heating cooling crisis wx
- 110 percent of the poverty guidelines:
heating cooling crisis wx
- 60 percent of the State's median income:
heating cooling crisis wx
- Other (specify for each component)
Households automatically eligible if one person is receiving: TANF, SSI, Food Stamps, certain means-tested veterans programs
(heating cooling crisis wx)

2605(c)(1)(A)
2605(b)(2)
(eligibility)

- ▶ **Do you have additional eligibility requirements for: HEATING ASSISTANCE (Yes No)**
- ▶ Do you use: Yes No
- Assets test?
- ▶ Do you give priority in eligibility to:
- Elderly?
- Disabled?
- Young children?
- Other:
(If yes, please describe)

**Statutory
References**

**2605(c)(1)(A)
2605(b)(2)
(eligibility)**

▶ **Do you have additional eligibility requirements for:
COOLING ASSISTANCE (X Yes ___ No)**

- ▶ Do you use: Yes No
- Assets test? ___ X
- ▶ Do you give priority in eligibility to:
- Elderly? X ___
- Disabled? X ___
- Young children? X ___
- Other: ___ X
(If yes, please describe)

**2604(c)
2605(c)(1)(A)
(eligibility)**

▶ **Do you have additional eligibility requirements for:
CRISIS ASSISTANCE (X Yes ___ No)**

- ▶ Do you use: Yes No
- Assets test? ___ X
- Must the household have received a shut-off notice or have an empty tank? ___ X
- Must the household have exhausted regular benefit? ___ X
- Must the household have received a rent eviction notice? ___ X
- Must heating/cooling be medically necessary? ___ X
- Other X ___

**Statutory
References**

(If yes, please explain):

The household must have a home energy crisis defined as being without home energy or in immediate danger of losing their home energy source.

▶ **What constitutes a crisis? (Please describe)**

Each LIHEAP subgrantee agreement requires that they, “..... define in a written policy what criteria and verification will be used to determine if a household has a “home energy crisis” and is eligible for crisis assistance. The policy must encourage households to seek assistance prior to incurring non-energy penalties such as disconnect/reconnect fees, additional deposits, interest or late payment penalties, etc.” To receive crisis assistance, the applicant must have a verifiable home energy crisis. Typically, the documentation is at a minimum a delinquent bill. Most agencies require a shut-off notice, information regarding new connection fees, or evidence that the household is without or in emanate danger of being without home energy including deliverable heating fuels.

**2605(c)(1)(A)
(eligibility)**

▶ **Do you have additional eligibility requirements for:
WEATHERIZATION (X Yes ___ No)**

▶ Do you use:	<u>Yes</u>	<u>No</u>
Assets test?	___	<u> X </u>
Priority groups? (Please list)	<u> X </u>	___
- Elderly		
- Disabled		
- Households with Children under age 12		
- High Residential Energy Users		
▶ Are you using Department of Energy (DOE) Low Income Weatherization Assistance Program (LI/WAP) rules to establish eligibility or to establish priority eligibility for households with certain characteristics?	<u> X </u>	___

**Statutory
References**

Yes, all homes receive allowable measures installed in accordance with 10CFR Part 440.

- ▶ If yes, are there exceptions? X
Please list below.

Enhanced WAP permits the replacement and repair of space heaters, an additional energy measure not allowed by DOE.

This measure offered in addition to DOE WAP measures provides a more comprehensive energy conservation package to the customer.

**2605(b)(3)
2605(c)(3)(A)
(outreach)**

- ▶ **Please check the outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:**

 X provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).

 X place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.

 X publish articles in local newspapers or broadcast media announcements.

 include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.

 make mass mailing to past recipients of LIHEAP.

 X inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.

 X execute interagency agreements with other low-income program offices to perform outreach to target groups.

 X other (Please specify):

Statutory References

The Department's website contains information concerning income eligibility and lists local providers and contact information.

**2605(b)(4)
(coordination)**

- ▶ **Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.**

LIHEAP grantees are required, according to the LIHEAP award agreement (contract), to develop a Memorandum of Understanding (MOU) with all Weatherization Assistance Programs (WAP) and Emergency Home Energy Assistance for the Elderly Programs (EHEAP) in their service area. The MOU must detail cooperative efforts and describe the actions that will be taken by both parties to assure the coordination, partnership and referrals. The Recipient in coordination with the local WAP agency must develop a system by which LIHEAP and EHEAP recipients who have received more than three benefits in the last 18 months and who are homeowners, are referred to the WAP provider.

Note: EHEAP is administered with LIHEAP funds through a contractual agreement between the Florida Department of Community Affairs and the Florida Department of Elder Affairs. These funds are specifically targeted for crisis assistance for the elderly (60+ years and older). The eligibility requirements for EHEAP are identical to those required for LIHEAP crisis assistance.

**2605(b)(5)
2605(b)(2)
605(b)(8A)
(benefit levels)**

- ▶ **The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible.")**

How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.

**Statutory
References**

All households at or below 150 percent of the OMB poverty guidelines are eligible. Households receiving SSI or Food Stamps are considered automatically income eligible. This is used only as a method of documenting income eligibility. Program benefits and eligibility policies apply equally regardless of the method of income documentation.

**2605(b)(5)
(determination
of benefits)**

HEATING COMPONENT

▶ **Please check the variables you use to determine your benefit levels (check all that apply):**

- income
- family (household) size
- home energy cost or need
- fuel type
- climate/region
- individual bill
- dwelling type
- energy burden
(percent of income spent on home energy)
- energy need
- other (describe)

**2605(b)(5)
2605 (1)(b)**

▶ **Describe how you will assure that the highest benefits go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size.**

Please describe benefit levels or attach a copy of your payment matrix.

The state provides LIHEAP grantees with a payment level matrix (Attachment A). The home energy payment amounts are based on the family size and total household income.

▶ **Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?**

Yes No If yes, please describe.

**Statutory
References**

2605(b)(5) COOLING COMPONENT

2605(c)(1)(B) (determination of benefits) ▶ Please check the variables you use to determine your benefit levels (check all that apply):

- income
- family (household) size
- home energy cost or need
- fuel type
- climate/region
- individual bill
- dwelling type
- energy burden
(percent of income spent on home energy)
- energy need
- other (describe)

2605(b)(5) 2605(c)(1)(B) (benefit levels) ▶ Describe how you will assure that the highest benefits will go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size. Please describe benefit levels or attach a copy of your payment matrix.

The state provides LIHEAP grantees with a payment level matrix (Attachment A). Payment amounts will be based on the family size and total household income.

Do you provide in-kind (e.g. fans) and/or other forms of benefits?

Yes No If yes, please describe.

2605(b)(5) CRISIS COMPONENT

2605(c)(1)(B) (benefit determination) ▶ How do you handle crisis situations?

separate component other (please explain)

**Statutory
References**

- ▶ **If you have a separate component, how do you determine crisis assistance benefits?**

amount to resolve crisis, up to maximum

other (please describe)

- (benefit levels) ▶ Please indicate the maximum benefit for each type of crisis assistance offered.**

heating \$600 maximum benefit

cooling \$600 maximum benefit

- ▶ **Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?**

Yes No If yes, please describe.

Grantees may provide space heaters (electric or vented) and blankets.

In the event of a weather-related or supply shortage emergency, directives are developed specifically to address the emergency need. The allowable financial limits for assistance are increased and additional measures are specified. See Attachment D, Sample Crisis Directives.

**2605(b)(5)
2605(c)(1)
(B) & (D)
(types of
assistance)**

WEATHERIZATION & OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS

- ▶ **What LIHEAP weatherization services/materials do you provide? (Check all categories that apply.)**

Weatherization needs assessments/audits.

Caulking, insulation, windows, etc.

Furnace/heating system modifications/repairs

**Statutory
References**

- Furnace replacement
- Cooling efficiency mods/repairs/replacement
- Other (Please describe)

Incidental repairs that are required to ensure the installation and efficient operation of weatherization measures.

Un-vented space heater replacement with vented equipment and solar water heater units

(benefit levels) ► Do you have a maximum LIHEAP weatherization benefit/expenditure per level) household?

Yes No
If yes, what is the maximum amount? **\$6,500** (average)

(types of rules) ► Under what rules do you administer LIHEAP weatherization? (Check only one)

- Entirely under LIHEAP (not DOE) rules
- Entirely under DOE LI/WAP rules
- Mostly under LIHEAP rules with the following DOE LI/WAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply):
 - Weatherize buildings if at least 66% of units (50% 2 or 4 unit buildings) are eligible units or will become eligible within 180 days.
 - Weatherize shelters temporarily housing primarily low-income persons (excluding nursing homes, prisons and similar institutional care facilities).
 - Other (Please describe)
 - Mostly under DOE LI/WAP rules, with the following LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply)

**Statutory
References**

_____ Weatherization not subject to DOE LI/WAP maximum statewide average cost per dwelling unit.

_____ Other (please describe)

**2605(b)(6)
(agency
designation)**

The State or Tribe administers LIHEAP through the following agencies:

- county welfare offices
- community action agencies (weatherization component only)
- community action agencies (heating, cooling or crisis)
- charitable organizations
- _____ not applicable (i.e. state energy offices)
- _____ tribal office
- _____ other, describe:

▶ **Have you changed local administering agencies from last year?** Yes _____ No

▶ **If yes, please describe how you selected them.**

1. The LIHEAP provider for Highlands County was changed from Highlands County Homeless Coalition, Inc. (HCHC) to the Agricultural and Labor Program, Inc. (ALPI). This move was precipitated by a change in management at HCHC that resulted in an interim Executive Director and concerns related to the stability of the agency.

On March 4, 2011, HCHC was notified in writing that the Department would be seeking another LIHEAP provider(s) to serve Hardee and /or Highlands County.

In order to assure continuity of LIHEAP services, the Department continues to contract with ALPI on an interim basis until the process to secure permanent provider(s) is completed.

Statutory References

A public workshop was held in Highlands County after publication of notice (See Attachment E). Applications were received from all interested parties describing their qualifications and plan for services. The applications were reviewed by a scoring committee and a recommendation for the new provider(s) was submitted to the Secretary of the Department of Community Affairs for approval.

2. The LIHEAP provider for Wakulla County was changed from Wakulla County Board of County Commissioners to Capital Area Community Action Agency, Incorporated. This move was precipitated by the Department's concerns related to the stability of the program and the county's decision to no longer administer the LIHEAP program.

Capital Area Community Action Agency, Incorporated has assumed the LIHEAP responsibilities for Wakulla County on an interim basis until the process to secure a permanent provider is completed.

A public workshop was held in Wakulla County after publication of notice (See Attachment F). Applications will be reviewed by a scoring committee and a recommendation for the new provider will be submitted to the Secretary of the Department of Community Affairs for approval.

**2605(c)(1)(E) ►
(targeting of
assistance)**

Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. (This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)

All LIHEAP grantees are required to develop a Memorandum of Understanding (MOU) with all Weatherization Assistance Programs (WAP) and Emergency Home Energy Assistance for the Elderly Programs (EHEAP) in their service area. The Memorandum of Understanding must detail cooperative efforts and must describe the actions that will be taken by both parties

**Statutory
References**

to assure the coordination, partnership and referrals. The grantee in coordination with the local WAP agency must develop a system by which high priority LIHEAP and EHEAP clients are referred to the WAP.

**2605(b)(7)
(energy
suppliers)**

► **Do you make payments directly to home energy suppliers?**

Heating X yes ___ no
Cooling X yes ___ no
Crisis X yes ___ no

If yes, are there exceptions? X yes ___ no
If yes, please describe.

All vendor agreements and payments are processed at the grantee level. The Department prefers a vendor payment made in the name and account number of the applicant. A vendor agreement is required with all vendors receiving payments. The following payment methods are acceptable:

- Payments must be made to vendors unless it is not possible to do so.
- A two party check is acceptable, naming the vendor first and the applicant second if a vendor payment is impossible or if it would delay the resolution of a home energy crisis.
- A single party check to the client is acceptable only when the prior two methods of payment are not possible.

2605(b)(7)(A) ► If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

All grantees are required to give or mail a dated notice to each applicant following all approvals or denials.

**Statutory
References**

2605(b)(7) (B) & (C) ▶ How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

All grantees are required to obtained vendor agreements from all energy suppliers utilized under the LIHEAP program for all categories of assistance.

2605(b)(8)(B) (owners and renters) ▶ Is there any difference in the way owners and renters are treated?

If yes, please describe.

HEATING ASSISTANCE

___ yes X no

COOLING ASSISTANCE

___ yes X no

CRISIS ASSISTANCE

___ yes X no

WEATHERIZATION

X yes ___ no

In the Weatherization Assistance Program, owner-occupied homes have a higher priority. Rental homes are weatherized, but are given a lower priority. In order to ensure that no undue or excessive enhancement takes place on renter occupied units, the landlords of buildings with five or more units, or any combination of buildings with an aggregate total of five units or more, that receive WAP services are required to pay ten percent (10%) of the total cost of the work performed. The landlord's

Statutory References

participation may be waived or reduced if they can document in writing that they cannot afford to participate.

2605(b)(10) (program, fiscal, monitoring, and audit)

- ▶ **How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description how you monitor fiscal activities.)**

The Department conducts on-site monitoring of administrative, fiscal and program operations. A sampling of fiscal operations are reviewed on-site for compliance with OMB Circulars, contractual requirements and the grantee's fiscal policies and procedures. Monthly financial reports are received and reviewed to assure that funds are being expended according to contractual guidelines.

- ▶ **How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)**

Monitoring is done in accordance with the Department's guidelines for contract monitoring. A sample of client files are reviewed during the on-site visits to ensure that appropriate documentation was obtained by the grantee, i.e., proof of income, obligation of energy etc., to determine the client's eligibility to receive LIHEAP benefits. A formal monitoring instrument is completed and a report prepared. The report is sent to the grantee and any concerns or findings must be addressed by the grantee in a written report to the Department within 35 days of receipt of the monitoring report.

Monthly, a review of due reports is made. A letter is sent to agencies with delinquent items.

Quarterly program reports are received electronically and reviewed to assure that program goals are being met. A letter is sent to agencies with delinquent items.

**Statutory
References**

Priority in monitoring is given to agencies that: have not been monitored in the past two years; are newly designated entities; did not meet the prior year's goals, standards, or other requirements; have outstanding audit or monitoring concerns or findings from the previous year, or have been terminated for cause under other Federal, State or local grants.

► **How is your LIHEAP program audited?**

Under the Single Audit Act? yes ___ no
If not, please describe:

For States and Territories:

► **Is there an annual audit of local administering agencies?**

Yes ___ No If not, please explain.

An annual audit is required which meets the requirements of Sections 11.45 and 216.349, Fla. Stat., and Chapter 10.550 and 10.600, Rules of the Auditor General, and, to the extent applicable, the Single Audit Act of 1984, 31 U.S.C. ss. 7501-7507 and OMB Circular A-133 for the purposes of auditing and monitoring the LIHEAP funds. The audits are reviewed by the Office of the Inspector General. A report is provided to program staff and follow-up is conducted as needed. Program staff follows up on any issues raised by the audits.

**2605(b)(12)
(timely and
meaningful
public
participation)**

► **How did you get timely and meaningful public participation in the development of the plan? Use and distribution of your LIHEAP funds?**

The Department holds a public hearing on the state plan every year. This year's public hearing was published in the July 8, 2011, Florida Administrative Weekly (FAW). See Attachment B. All local administering agencies were notified by e mail. Copies of the plan were available at least two weeks prior to the hearing. Written comments were also accepted. All comments were reviewed prior to compiling the final version of the State Plan.

**Statutory
References**

- 2605(b)(12)
(public
hearings)** ▶ **Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds?**

 X Yes No When and where?

The hearing for the FFY 2012 state plan was held on July 26, 2011, at the Department of Community Affairs, in Tallahassee, Florida. See Attachment B.

- 2605(b)(13)
(fair hearings)** ▶ **Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?**

Denials

The LIHEAP Award Agreement (contract) requires that local LIHEAP agencies... "within 15 working days of receiving the client's application, furnish in writing, to all applicants a Notice of Approval which includes the type and amount of assistance to be paid on their behalf or a Notice of Denial which includes appeal information." The agreement also specifies that "the written Notice of Denial and Appeals shall contain the reason for the denial, under what circumstances the client may reapply, what information or documentation is needed for the person to reapply, the name and address to whom the re-application or appeal should be sent, and the phone number of the Recipient. Appeal provisions must also be posted in a prominent place within the office where it is on view for all applicants.

Applications Not Acted On In a Timely Manner

Each agency determines its own hearing procedures.

- 2605(b)(15)
(alternate
outreach and
intake)** ▶ **For States and Puerto Rico only (not applicable to Tribes and tribal organizations, or to territories whose annual and regular LIHEAP allotments are \$200,000 or less):**

**Statutory
References**

- ▶ **Does the State agency that administers the following LIHEAP component also administer the State's welfare program?**

No.

HEATING ASSISTANCE

___ Yes X No

If yes, describe alternate process for outreach and intake:

COOLING ASSISTANCE

___ Yes X No

If yes, describe alternate process for outreach and intake

CRISIS ASSISTANCE

___ Yes X No

If yes, describe alternate process for outreach and intake:

2605(b)(16)

- ▶ **Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)**

X Yes ___ No

If yes, please describe these activities.

**Statutory
References**

DCA proposes that .5 percent of the LIHEAP funds be used for assurance 16 activities. The Department will explore ways to assist LIHEAP customers reduce their energy usage. This may include contracting with a local LIHEAP provider, a state association or consultant to conduct customer needs assessments, develop energy education materials, or enhanced energy education efforts with utility vendors or other energy conservation programs. Participants will be encouraged to review past effective REACH program designs and to incorporate partnerships with other community resources.

If yes, how do you ensure that you don't use more than 5 percent (statutory ceiling) of your LIHEAP funds for these activities? We will budget only .5 percent of the LIHEAP funds for this purpose.

**2607A
(leveraging)**

- ▶ **Please describe leveraging activities planned for the fiscal year. (This entry is optional.)* Complete this entry if you plan to apply for (leveraging) LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2).**

Provide the following information for each:

**Statutory
References**

- (1) Identify and describe each resource/benefit;
- (2) Identify the source(s) of each resource; and
- (3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

There are no leveraging activities planned for FY 2012.

ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- Lobbying certification, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. **(Tribes and tribal organizations are EXEMPT)**
- Debarment and suspension certification, which must be filed by all grantees.
- Drug-free workplace requirement certification, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services.

STATES ONLY: If you have filed a statewide certification for the drug-free workplace requirement, please check here: X

- One of the new requirements included in the 1994 reauthorization of the statute is that grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

All Tribes and those territories with allotments of less than \$200,000 need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the LIHEAP Household Report is covered by OMB approval number 0970-0060.

- Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106.

**CERTIFICATION REGARDING LOBBYING
DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES**

Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

William A. Buzzett
Secretary
Department of Community Affairs

Date

Low-Income Home Energy Assistance Program FY 2012

**Certification Regarding Debarment, Suspension, and Other
Responsibility Matters - Primary Covered Transactions**

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services' (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when HHS determined that the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The prospective primary participant shall provide immediate written notice to the HHS agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549: 45 CFR Part 76. See the attached definitions.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by HHS.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," provided by HHS, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Non-procurement List (of excluded parties).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by as prudent person in the ordinary course of business dealings.

- 10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, HHS may terminate this transaction for cause or default.

**Certification Regarding Debarment, Suspension, and Other
Responsibility Matters - Primary Covered Transactions**

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
 - (d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Grant No. FY 2012 Low Income Home Energy Assistance Program

William A. Buzzett
Secretary
Department of Community Affairs

Date

DRUG FREE WORKPLACE**U.S. Department of Health and Human Services
Certification Regarding Drug-Free Workplace Requirements
Grantees Other Than Individuals**

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government-wide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If know, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Non-procurement Suspension of Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substance Act (21 USC 812) and as further defined by regulations (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact

or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the statement; and,
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or,
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)

Check if there are workplaces on file that are not identified here.

William A. Buzzett
Secretary
Department of Community Affairs

Date

Low-Income Home Energy Assistance Program FY 2012