**LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

 **DETAILED MODEL PLAN**

 **PUBLIC LAW 97-35, AS AMENDED**

 **FISCAL YEAR (FY)2012**

**GRANTEE: Utah Department of Community and Culture**

**EIN: 87-6000545**

**ADDRESS: 324 South State Street, 5th FLOOR**

# Salt Lake City, Utah 84111

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**PLEASE CHECK ONE: TRIBE STATE X INSULAR AREA**

**Department of Health and Human Services**

**Administration for Children and Families**

**Office of Community Services**

**Washington, DC 20447**

**August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01**

**OMB Approval No. 0970-0075**

**Expiration Date: 10/31/2014**

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

GRANTEE UTAH FFY 2012

Assurances: The STATE OF UTAH 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 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 disbursal 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 Chief Executive Officer, 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.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.\*\*

Signature:

 **Gordon D. Walker**

Title: **Director, Division of Housing & Community Development**

Date: \_\_\_\_\_\_

**\* Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of $200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**\*\* If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

**\*\*\* HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe 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.

GRANTEE: **UTAH** FFY **2012**

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) X heating assistance 11/01/11 – 4/30/12

 **Year-Round Demonstration Program will be in operation 11/01/111 – 9/30/12 in TWO counties**

 cooling assistance \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 X crisis assistance 10/01/11 – 9/30/12

 X weatherization assistance 10/01/11 – 9/30/12

2605(c)(l)(C) 🡺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%.**

(use of funds)

 66 % heating assistance

 - % cooling assistance

 9 % crisis assistance

2605(k)(1) 9 % weatherization assistance

 7 % carryover to the following fiscal year

2605(b)(9) 8 % administrative and planning costs

2605(b)(16) 1 % services to reduce home energy needs including needs assessment (assurance 16)

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

 100% **TOTAL**

GRANTEE: UTAH FFY: 2012

statutory

references

2605(c)(1)(C) 🡺The funds reserved for winter crisis assistance

(alternate which have not been expended by March 15 will be use of crisis reprogrammed to:

assistance

funds)

 heating assistance

 cooling assistance

 X weatherization assistance

 X Other(specify): crisis assistance

 🡺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 X No

2605(b)(2) 🡺What are your maximum eligibility limits?

2605(c)(1)(A) (Please check the components to which they apply) **Current year guidelines must be used.**

(eligibility)

 x 150% of the poverty guidelines:

 heating X cooling X crisis X wx X\_\_

\_\_\_ 125% of the poverty guidelines:

 heating ­ cooling crisis wx ­­­­\_\_\_

 110% of the poverty guidelines:

 heating cooling crisis wx \_

 60% 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 )

GRANTEE: UTAH FFY: 2012

statutory

references

2605(c)(1)(A) 🡺Do you have additional eligibility requirements

2605(b)(2) for: **HEATING ASSISTANCE** yes X no)

(eligibility)

🡺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)

**The higher the energy burden the higher the benefit for the household and households with a young child, disabled, or elderly persons receive an additional $35 in HEAT benefits**.

GRANTEE: UTAH FFY: 2012

statutory

references

2605(c)(1)(A)

2605(b)(2) 🡺Do you have additional eligibility requirements for: **COOLING ASSISTANCE** ( yes x no)

(eligibility) **Utah does not have a cooling assistance program but households in counties where the Year-Round Demo is operating may apply for HEAT energy assistance only once during the Federal Fiscal Year and this may occur during the summer.**

🡺Do you use: Yes No

Assets test? X

🡺Do you give priority in eligibility to:

Elderly? X

Disabled? X

Young children? X

Other:

(If yes, please describe)

GRANTEE: UTAH FFY: 2012

statutory

references

2604(c)

2605(c)(1)(A) 🡺Do you have additional eligibility requirements for: **CRISIS ASSISTANCE** ( yes X no)

(eligibility)

 Yes No

🡺Do you use:

Assets test? X

Must the household have received a X
shut-off notice or have an empty tank?

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 (Please explain): \_\_

🡺What constitutes a crisis? (Please describe)

## See Tab 7, Section 200 K

GRANTEE: UTAH FFY: 2012

statutory

references

2605(c)(1)(A) 🡺Do you have additional eligibility requirements for: **WEATHERIZATION** ( yes X no)

(eligibility)

🡺Do you use: Yes No

Assets test? X

Priority groups? (Please list) **Households with the Elderly, Disabled, and/or Young Children and those with high energy burdens are given additional weight and moved up on the waiting list of homes to be weatherized.**

🡺Are you using Department of Energy (DOE) Low Income Weatherization Assistance Program (LIWAP) rules to establish eligibility or to establish priority eligibility for households with certain characteristics? X

🡺If yes, are there exceptions?

Please list below.

GRANTEE: UTAH FFY: 2012

statutory

references

2605(b)(3) 🡺Please check the outreach activities that you

2605(c)(3)(A) conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:

 (outreach)

 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.

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

 X 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.

 \_ execute interagency agreements with other low‑income program offices to perform outreach to target groups.

 other (Please specify):

GRANTEE: UTAH FFY: 2012

statutory

references

2605(b)(4) 🡺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.

(coordination) **LIHEAP funds are targeted via an intradepartmental agreement to weatherize households with high energy usage and lowest incomes of 150% of poverty and below. We also sub-contract with non-profit and local governmental entities to do outreach and intake statewide. These entities in turn also coordinate with other anti-poverty programs and agencies and make the necessary referrals for service to those programs (e.g., food stamps, SSI, TANF, etc.) when the need is identified**

2605(b)(5) 🡺The statute requires that there be no difference

2605(b)(2) in the treatment of households eligible because of

2605(b)(8A) 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.

 (benefit levels)

**UTAH will not differentiate between households in which one or more individuals are receiving TANF, SSI, Food Stamps, or VA Benefits and households whose incomes do not exceed 150% of the poverty level. Utah uses an income eligibility table. See Tab 7-Table I, 2011-12 Income Table.**

**HEAT benefit amounts are based on the household’s percent of poverty, energy burden, and whether it contains a young child, an elderly person, and/or a disabled person. (See Tab 8, Table IV) It also includes consideration for fuel cost factors of the primary heating source for those households unable to provide their actual utility bill (See Tab 8, Table II). The fuel type factors are based on costs of fuel types oil, kerosene, propane, electricity, natural gas, wood, and coal recorded in the state. Otherwise the actual utility bill will be used to determine the household’s Energy Burden. The highest payment is provided to households with the lowest income and the highest Energy Burden. Benefits may be exceeded by up to $75.00 if necessary or when determined necessary by the LIHEAP Manager. Overpayments over $75 will be pursued for collection when the result of client error but they will not be collected when it is the result of Agency error.**

GRANTEE: UTAH FFY: 2012

statutory

references

 **HEATING COMPONENT**

2605(b)(5) 🡺Please check the variables you use to determine your benefit levels (check all that apply):

(determination

 of benefits)

 X income

 X family (household) size

 X home energy cost or need

 X fuel type

 climate/region

 X individual bill

 X dwelling type

 X energy burden

 (% of income spent on home energy)

 energy need

 X other (describe)

**An additional amount is given to households with young children, elderly, and disabled**

2605(b)(5) 🡺Describe how you will assure that the highest

2605(c)(1)(B) benefits go to households with the lowest incomes and the highest energy costs or needs in relation

(benefit to income, taking into account family size.

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

 **See Tab 8, Table IV; and Tab 7, Section 500.**

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

 Yes X No If yes, please describe.

GRANTEE: UTAH FFY: 2012

statutory

references

2605(b)(5) **COOLING COMPONENT**

2605(c)(1)(B)

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

(benefit

determination) **UTAH does not have a cooling assistance program.**

 income

 family (household) size

 home energy cost or need

 fuel type

 climate/region

 individual bill

 dwelling type

 energy burden

(% of income spent on home energy)

 energy need

 other (describe)

2605(b)(5) 🡺Describe how you will assure that the highest

2605(c)(1)(B) benefits will go to households with the lowest

incomes and the highest energy costs or needs

(benefit in relation to income, taking into account

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

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

 Yes No If yes, please describe.

GRANTEE: UTAH FFY: 2012

statutory

references

2605(b)(5) **CRISIS COMPONENT**

2605(c)(1)(B)

(benefit

determination

🡺How do you handle crisis situations?

 X separate component other (please explain)

🡺If you have a separate component, how do you determine crisis assistance benefits?

 X amount to resolve crisis, up to maximum

 X other (please describe)

**Crisis Assistance may also be used for other home or residential emergencies such as home repairs to relieve energy loss.**

(benefit

levels) 🡺Please indicate the maximum benefit for each type of crisis assistance offered.

heating $500 maximum benefit

cooling $ maximum benefit

year-round $500 maximum benefit

The local HEAT Office may call the State HEAT Office for permission to authorize over $500.

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

 Yes X No If yes, please describe.

GRANTEE: UTAH FFY: 2012

statutory

references

2605(b)(5) **WEATHERIZATION &**

2605(c)(1) **OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS**

 (B) & (D)

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

(types of X Weatherization needs assessments/audits.

assistance) X Caulking, insulation, replacement windows, etc.

 X Furnace/heating system modifications/repairs

 X Furnace replacement

 X Cooling efficiency mods/repairs/replacement

 X Other (Please describe) **All other DOE weatherization improvements allowed. Also, fuel switching and appliance replacement is allowed but under tight controls. Plus lighting and other electrical base-level reduction measures including refrigerator replacements.**

(benefit 🡺Do you have a maximum LIHEAP weatherization levels) benefit/expenditure per household? yes X no

If yes, what is the maximum amount? $\_\_\_\_\_\_\_\_\_\_\_

🡺Under what rules do you administer LIHEAP weatherization? (Check only one.)

(types of Entirely under LIHEAP (not DOE) rules

 rules) Entirely under DOE LIWAP rules

 Mostly under LIHEAP rules with the following DOE LIWAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply):
 Weatherize buildings if at least 66% of units (50% in 2- & 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)

 X Mostly under DOE LIWAP rules, with the following LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply.)

 X Weatherization not subject to DOE LIWAP maximum statewide average cost per dwelling unit.
 X Other (Please describe.) **Allocation of funds to local weatherization agencies.**

GRANTEE: UTAH FFY: 2012

2605(b)(6) The state administers LIHEAP through the following local agencies:

 \_\_\_county welfare offices

 \_ \_community action agencies (weatherization component only)

 \_X\_community action agencies (heating, cooling or crisis

 \_X\_charitable organizations

 \_\_\_not applicable (i.e. state energy office)

 \_\_\_other, describe:

 🡺Have you changed local administering agencies from last year? X Yes \_\_ No

If yes, please describe how you selected them.

(agency **Through the Request For Proposal process.**

 designation)

🡺What components are affected by the change?

**Heating and Crisis**

2605(c)(1)(E) 🡺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.)**

 (targeting of assistance)

**Households with high home energy usage are identified by the utility companies and forwarded to the Weatherization Program where they are given priority for weatherization services by income level. Local HEAT Offices also identify high energy users and make direct referrals to Weatherization.**

GRANTEE: UTAH FFY: 2012

statutory

references

2605(b)(7) 🡺Do you make payments directly to home energy suppliers?

(energy

 suppliers) Heating X yes no

Cooling yes no

Crisis X yes no

If yes, are there exceptions? X yes no

If yes, please describe.

**When there is no contract agreement with the fuel vendor or when the cost of energy is included with the rent we make payments directly to the eligible household.**

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)

**Computer notices are mailed to each applicant notifying them of their eligibility or denial. Notices specify to whom the benefit will be paid: either applicant, fuel vendor, or combination of both, and the amount to each. The notice is generated upon entry of the application into the state computer system. See Tab 12 for copies of notices.**

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.

**Only those home energy suppliers who have signed an agreement with the department will be paid directly from program funds. The agreement stipulates that suppliers will charge the households in the normal billing process and that there will be no discrimination as to amounts charged for home energy services and that households will not be treated adversely because of participation in this program. See Tab 10.**

GRANTEE: UTAH FFY: 2012

statutory

references

2605(b)(8)(B) 🡺Is there any difference in the way owners and renters are treated? If yes, please describe.

(owners **HEATING ASSISTANCE**

 and

 renters)

 yes X no

**COOLING ASSISTANCE**

 yes no

**CRISIS ASSISTANCE**

 yes X no

**WEATHERIZATION**

 yes X no

**Renter’s landlords are responsible for 50% of the cost of weatherization.**

GRANTEE: UTAH FFY: 2012

statutory

references

2605(b)(10) 🡺How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

(program, fiscal

 monitoring,

 and audit)

**Fiscal accounting and tracking shall be completed in accordance with the Single Audit Act requirements. The department will utilize computer edit capabilities to insure that duplicate payments are not made. This edit function will check name, social security number, address, account number, and date of birth for each household member age 18 or older.**

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

**The state agency’s finance staff will monitor expenditures and reconciliation of program funds and assist in the compilation of data to meet federal reporting requirements. We will conduct case file reviews. The reviews will take place at least once a year and will depend on the number of approved applications. The data from the reviews is analyzed to determine reasons for defective actions and to determine the best methods of corrective action.**

🡺How is your LIHEAP program audited?

Under the Single Audit Act? X yes no

If not, please describe:

For States and Territories:

🡺Is there an annual audit of local administering agencies? X Yes No

If not, please explain.

GRANTEE: UTAH FFY: 2012

statutory

references

2605(b)(12) 🡺How did you get timely and meaningful public participation in the development of the plan? (Please describe)

(timely and

meaningful

 public

 partici-

 pation)

**The Utah State Energy Assistance Advisory Council, made up of members from utility companies, advocacy and community agencies, other state agencies, etc., have an on-going opportunity to review the plan and changes in program policy and operations and participate in their development. (See Tab 13 for a list of members.)**

2605(a)(2) 🡺Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds?

\_\_X\_\_Yes \_\_\_\_No

(public

 hearings)

 When and where? **A Public Hearing was held on August 9, 2011 (See Tab 5)**

**(Not required for Tribes and tribal organizations)**

GRANTEE: UTAH FFY: 2012

statutory

references

2605(b)(13) 🡺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?

(fair

 hearings)

 **All applicants are provided with the opportunity for administrative hearing and are advised of such by certifiers and through each notice of decision. The state’s hearing procedures are included in Tab 7, Section 100, H and I, page 4 and 5. All notices of decisions contain the notice of fair hearing rights. Denials and applications not acted on in a timely manner are included in this process.**

🡺Denials

🡺Applications Not Acted On In a Timely Manner

GRANTEE: UTAH FFY: 2012

statutory

references

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

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

(alternate

outreach

and intake) **HEATING ASSISTANCE**

 Yes X No

If yes, describe alternate process for outreach and intake:

**COOLING ASSISTANCE**

 Yes No

If yes, describe alternate process for outreach and intake:

**CRISIS ASSISTANCE**

 Yes X No

If yes, describe alternate process for outreach and intake:

GRANTEE: UTAH FFY: 2012

statutory

references

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.

**About $70,000 will be budgeted to provide Energy Conservation Education, weatherization materials (e.g., caulking, heat deflectors, tape, etc.), and activities such as needs assessments, counseling, and assistance with utility vendors for households found eligible for LIHEAP.**

If yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

**Less than one percent of the state’s LIHEAP funds is set aside for Assurance 16 activities statewide and is a limited line item in each sub-contractor’s budget which will not allow them to go over that set amount.** **Invoices are checked each time to assure this amount is not exceeded.**

**Case Management where workers provide budget counseling, negotiate with utilities, refer to weatherization, etc.**

GRANTEE: UTAH FFY: 2012

statutory

references

2607A 🡺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:

(1) Identify and described 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).

**The following leveraging activities are currently underway in the State of Utah.**

1. **Home Electric Lifeline Program (HELP) is a fuel fund program approved by the Utah Public Service Commission that provides for $8 to $11 per month discount for HEAT eligible low-income households who are PacifiCorp customers. The resource is derived through surcharge placed on the monthly bills of all PacifiCorp customers. The resource meets the requirements contained in 96.87(d)(2)(iii)(D). Eligibility for or receipt of HEAT assistance is necessary to receive this discount.**
2. **The Energy Assistance Program is a gas fund program approved by the Utah Public Service Commission that provides for $32 - $52 per year discount for HEAT eligible low-income households who are Questar Gas customers. The resource is derived through a surcharge placed on the monthly bills of all Questar Gas customers. The resource meets the requirements contained in 906.87(d)(2)(iii)(D). Eligibility for or receipt of HEAT assistance is necessary to receive this discount.**

\* Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

GRANTEE: UTAH FFY: 2012

statutory

references

2605(b) 🡺Please describe performance goals and measures planned for the fiscal year. **(This entry is optional.)**

(performance)

 goals and

 measures)

**I certify that the Sate of Utah will comply with the follow 16 assurances:**

(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 1 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 vendored 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 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 disbursal 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;

(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 intake 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; and

(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.

**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: \_\_\_\_\_\_

**\*** 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. This approval number expires June 30, 2000.

Though not a part of this application, the report on funds to be carried over or available for reallotment 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/reallotment report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallotment** **Report** is covered by OMB approval number 0970-0106. This approval number expires September 30, 2001.