

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

DETAILED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2014

GRANTEE State of Maine, Maine State Housing Authority (MaineHousing)

EIN: 010312916

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Augusta, Maine 04330

NAME OF LIHEAP COORDINATOR Kathy L. Kinch, Interim Director of Energy & Housing Services

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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: 09/30/2011

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.

Assurances

The Maine State Housing Authority agrees to:
(Grantee Name)

(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 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 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: _____

Title: _____

Director, Maine State Housing Authority

Date: _____

8-22-13

*** 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.

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.)

		<u>Dates of Operation</u>
(use of funds)	<u>X</u> heating assistance	October 1, 2013 – April 30, 2014 (unless otherwise extended by MaineHousing)
	<u>X</u> cooling assistance	June 1, 2014 – September 30, 2014 Cooling assistance will be administered only if emergency funds are provided for cooling.
	<u>X</u> crisis assistance	November 1, 2013 – March 31, 2014
	<u>X</u> weatherization assistance	October 1, 2013 – September 30, 2014

2605(c)(1)(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)	<u>67 %</u> heating assistance
	<u>0 %</u> cooling assistance
	<u>6 %</u> crisis assistance
2605(k)(1)	<u>15 %</u> weatherization assistance
	<u>0 %</u> carryover to the following fiscal year
2605(b)(9)	<u>10 %</u> administrative and planning costs
2605(b)(16)	<u>2 %</u> services to reduce home energy needs including needs assessment (assurance 16)
	<u>0 %</u> 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).
	<u>100 %</u> TOTAL

statutory
references

OTHER BENEFITS – Subgrantees will provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance. Other benefits will be used to pay for the subgrantees’ costs associated with providing services to the applicants, such as needs assessments, counseling, and assistance with energy vendors.

PREPAID CLIENT BENEFITS: All funds advanced by MaineHousing will subsequently be credited to the accounts of eligible households by the participating vendors. Further, all funds advanced by MaineHousing will only be advanced subject to, and in accordance with, the terms and conditions of the applicable executed Vendor Agreement between MaineHousing and vendor.

EMERGENCY COOLING FUNDS: If Emergency funds are released by HHS for cooling, benefits will be issued to households determined eligible in the current program year. Benefits will be based on the number of households and amount of funds available.

2605(c)(1)(C)

(alternate use
of crisis assistance
funds)

→The funds reserved for winter crisis assistance that have not been expended by March 31 will be reprogrammed to:

X heating assistance

___cooling assistance

X weatherization assistance

_____ Other (specify):

→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)
2605(c)(1)(A)

➔What are your maximum eligibility limits?
(Please check the components to which they apply.)
Current year guidelines must be used.

(eligibility)

X 150% to 170% of the poverty guidelines:
heating X cooling _____ crisis X wx X

_____ 125% of the poverty guidelines:
heating _____ cooling _____ crisis _____ wx _____

_____ 110% of the poverty guidelines:
heating _____ cooling _____ crisis _____ wx _____

X 60% of the State's median income:
heating X cooling _____ crisis X wx X

_____ 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 _____)

**statutory
references**

Maine will use the following standards to determine income eligibility:

- i. the lesser of 150% of Federal poverty guidelines or 60% of State median income; or
- ii. the lesser of 170% of Federal poverty guidelines or 60% of State median income for households that have members who are elderly, twenty-four months of age or under, or susceptible to hypothermia as diagnosed by and documented by a statement from a physician.

MaineHousing will determine eligibility based on the availability of federal funding for the programs during each program year. MaineHousing strives to provide an average benefit in an amount to purchase at least 100 gallons of fuel. MaineHousing reserves the right to lower the percent of poverty criteria for HEAP eligibility to manage funding, benefit levels, and eligibility.

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

➔Do you have additional eligibility requirements for:
HEATING ASSISTANCE X Yes _____ No

→ Do you use:	<u>Yes</u>	<u>No</u>
Assets test?	_____	<u> X </u>
→ Do you give priority in eligibility to:		
Elderly?	<u> X </u>	_____
Disabled?	<u> X </u>	_____
Young children?	<u> X </u>	_____
Other: (If Yes, please describe)	<u> X </u>	_____

statutory
references

Priority is given to those groups that have a direct heating cost.

Tenants residing in subsidized housing with heat included in their rent are only required to apply for HEAP once every five (5) years beginning on the first day of the 2011-2012 program and ending on September 30, 2016. MaineHousing will issue a benefit in an amount which complies with Maine law to maximize Supplemental Nutrition Assistance Program (SNAP).

Subgrantees may begin taking applications on August 15th of each year or the date of receipt of funds from the Federal/State agency, whichever comes first.

Subgrantees submit budgets and work-plans that outline their processes for administering the program (i.e. outreach activities, intake, other benefits activities, certification of applications, and benefit determination).

The Subgrantee may use the telephone application process if a primary applicant was the primary applicant on an eligible household application in the prior program year. This process includes completing the application over the phone; the completed application and other appropriate documents are then mailed to the primary applicant for review, signature, and date.

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

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

(eligibility)

	<u>Yes</u>	<u>No</u>
→Do you use:		
Assets test?	_____	_____ <u>X</u>
→Do you give priority in eligibility to:		
Elderly?	_____	_____ <u>X</u>
Disabled?	_____	_____ <u>X</u>
Young children?	_____	_____ <u>X</u>
Other: (If Yes, please describe)	_____	_____ <u>X</u>

2604(c)
2605(c)(1)(A)

→Do you have additional eligibility requirements for:
CRISIS ASSISTANCE (X Yes _____ No)

(eligibility)

	<u>Yes</u>	<u>No</u>
→Do you use:		
Assets test?	_____	_____ <u>X</u>
Must the household have received a shut-off notice or have an empty tank?	_____	_____ <u>X</u>
Must the household have exhausted regular benefit?	_____ <u>X</u>	_____
Must the household have received a rent eviction notice?	_____	_____ <u>X</u>

Must heating/cooling be medically necessary? _____ X

Other (Please explain): _____ X

➔What constitutes a crisis? (Please describe)

An energy crisis is considered to be weather related or supply shortage emergency and other household energy related emergency, which poses a threat to the health or safety of one or more members of the household. A household may be eligible for crisis assistance if there is an imminent loss of heat due to:

- Less than 3-day supply of fuel (e.g. reading of 1/8 tank or less on a standard 275 gallon heating oil tank; reading of 25% or less on a propane tank; “3-day or less” supply standard applies to other delivered fuel types).
- Disconnection of service notice from electric utility if the household’s heating system requires electricity.

2605(c)(1)(A)

→Do you have additional eligibility requirements for:
WEATHERIZATION (X Yes No)

(eligibility)

→Do you use: Yes No

Assets test? X

Priority groups? (Please list) X

Subgrantees establish priorities in the following order when selecting income-eligible households for weatherization services:

1. Households with high energy consumption, as reported on a High User List provided by MaineHousing to subgrantees each year.
2. Households that have members who are elderly, twenty-four months of age or under, or susceptible to hypothermia as diagnosed by and documented by a statement from a physician.
3. Households where there are opportunities to leverage funds for providing weatherization services.
4. All other LIHEAP income-eligible households.

Subgrantees may also consider the demographics of their eligible population, if available, and attempt to correlate services with the percentages of households that have members who are elderly, twenty-four months of age or under, or susceptible to hypothermia as diagnosed by and documented by a statement from a physician.

→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.

X

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:

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

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

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.

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):

Each subgrantee develops and provides additional services and benefits for LIHEAP clients from various private agencies. Many of these agencies are unique to a particular area. Benefits range from transportation to an intake appointment to blankets to fuel.

Additionally, subgrantees supply program brochures and posters/flyers to energy vendors for placement/distribution in their customer service areas.

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)

Subgrantees coordinate LIHEAP with the following programs: Social Security, TANF, Low-Income Weatherization, Maine Job Training System, State and local energy programs, Low Income Assistance Plan (LIAP), local municipalities, utility companies, and other public and/or private associations, as outlined in the Leveraging Activities (2607A). Other programs include but are not limited to Home Repair Programs, Homeless Shelters, and the Home Retrofit Program.

2605(b)(5)

2605(b)(2)

2605(b)(8A)

➔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.

(benefit
levels)

Subgrantees enter all LIHEAP applications into MaineHousing's centralized database (MERAC), which uses a standardized calculation for determining percent of poverty and benefit amounts for all households. Benefit amounts are based on the household's percent of poverty and actual consumption for the prior heating season or by the Design Heat Load formula as set forth in Section 2605 (c)(1)(B).

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)

- 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)
2605(c)(1)(B)

(benefit
levels)

→ 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.

Maine uses a tiered benefit calculation that assures the highest benefits go to households with the highest heating energy costs and the lowest income. Household applications are entered into MaineHousing’s centralized database (MERAC), which automatically calculates household benefit amounts. As set forth in Chapter 24 of MaineHousing’s Rules, the benefit calculation takes into account the following factors:

- Household’s actual fuel consumption data collected from energy vendors or estimated annual heating costs calculated by using the Design Heat Load formula;
- Household income;
- Household size; and
- Susceptibility to hypothermia.

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

X Yes No If Yes, please describe.

Subgrantees provide a number of in-kind and/or other benefits including:

- Extensive use of volunteers
- Coordination with utility benefits
- Private contributions for fuel assistance
- Blankets
- Free transportation to LIHEAP intake appointments

statutory references

2605(b)(5)
2605(c)(1)(B)

(determination of benefits)

COOLING 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 (% of income spent on home energy)
 - energy need
 - X other (describe)

If emergency funds are issued to Maine for cooling, benefits would be issued to households determined eligible in the previous heating season. Benefits would be based on the number of households and amount of funds available.

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.

To date, Maine has not received emergency cooling funds. If emergency funds are issued for cooling, Maine would implement a standardized methodology for calculating benefits (similar to the heating assistance benefit calculation).

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

___ Yes X No If Yes, please describe.

statutory
references

2605(b)(5)
2605(c)(1)(B)

(determination
of benefits)

CRISIS COMPONENT

→ How do you handle crisis situations?

X separate component _____ other (please explain)

Between November 1st and March 31st, a household may be eligible for crisis assistance if experiencing an energy-related emergency that poses a health and safety threat and the household is income eligible for one of the following time periods, or eligible for HEAP, whichever allows eligibility:

- i. The twelve (12) calendar months immediately preceding the Date of Application (use previous tax return period for self-employed applicants);
- ii. The three (3) calendar months immediately preceding the Date of Application;
- iii. The calendar month immediately preceding the Date of Application;
- iv. The thirty (30) days immediately preceding the Date of Application.

Crisis benefits may be paid to an electric utility to prevent disconnection of service if the Household's heating system requires electricity.

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

_____ amount to resolve crisis, up to maximum

X other (please describe)

The maximum (crisis) benefit amount is determined annually based on economic conditions, available funding, and the average cost for 100 gallons of oil.

(benefit levels)

➔Please indicate the maximum benefit for each type of crisis assistance offered.

heating \$ maximum (crisis) benefit amount is determined annually based on economic conditions, available funding, and the average cost for 100 gallons of oil. For FY2013, crisis benefit was up to maximum of \$400.

cooling \$ NA maximum benefit

year-round \$ NA maximum benefit

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

Yes X No If Yes, please describe.

statutory references

2605(b)(5)
2605(c)(1)
(B) & (D)

WEATHERIZATION & OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS

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

(types of assistance)

- Weatherization needs assessments/audits.
- Caulking, insulation, storm windows, etc.
- Furnace/heating system modifications/repairs
- Furnace replacement
- Cooling efficiency mods/repairs/replacement
- Other (Please describe)

(benefit levels)

➔ Do you have a maximum LIHEAP weatherization benefit/expenditure per household? Yes No

If Yes, what is the maximum amount? \$ 6,904
\$6,904 represents the maximum average expenditure per household/dwelling, which is consistent with DOE 2013 guidelines.

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

(types of rules)

- Entirely under LIHEAP (not DOE) 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)
- Mostly under DOE LIWAP rules, with the following LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply.)
 - Weatherization not subject to DOE LIWAP maximum statewide average cost per dwelling unit.
 - Other (Please describe.)

2605(b)(6) The state administers LIHEAP through the following local 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 office)
- tribal office
- other, describe:

Maine State Department of Health and Human Services is a designated subgrantee. MaineHousing continues to work with State DHHS on efforts to streamline the LIHEAP application process and Social Security Income verification interface between MaineHousing's LIHEAP system (MERAC) and State DHHS' benefit system (ACES).

➔ Have you changed local administering agencies from last year?
 Yes No

If Yes, please describe how you selected them.

Not Applicable

➔ What components are affected by the change?

Not Applicable

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)

1. Target weatherization to homes with high energy burden determined through MaineHousing’s centralized database (MERAC).
2. Repair/replace malfunctioning or inoperable heating systems.

statutory references

2605(b)(7) (energy suppliers)

→ Do you make payments directly to home energy suppliers?

Heating X Yes No

Cooling Yes X No

Crisis X Yes No

If Yes, are there exceptions? X Yes No

If Yes, please describe.

MaineHousing may issue direct checks to LIHEAP recipients who do not have a designated vendor in their area or who pay rent with heat included. MaineHousing and subgrantees encourage recipients to apply their benefits to their electric utility account if their benefit cannot be used for their primary heating source and the eligible household is responsible for their electric utility bill. Benefits are determined based on a household’s primary fuel source/type.

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)

Once the client’s application has been approved for payment, the subgrantee mails the client a benefit notification letter notifying them of the benefit amount being issued to their fuel vendor.

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.

Vendor performance is ensured through Vendor Agreements, annual reports provided by contracted vendors, and on-site monitoring. Vendor Agreement - Oil and Kerosene, Vendor Agreement - Propane, Electricity, Natural Gas and Coal, and Vendor Agreement - Wood Fuel are attached.

statutory
references

2605(b)(8)(B)

➔Is there any difference in the way owners and renters are treated? If Yes, please describe.

(owners
and
renters)

HEATING ASSISTANCE

_____ Yes X No

COOLING ASSISTANCE

_____ Yes X No

CRISIS ASSISTANCE

_____ Yes X No

WEATHERIZATION

___ Yes X No

CENTRAL HEATING IMPROVEMENT PROGRAM (CHIP)

X Yes ___ No

Owner Occupied Dwelling Units: A life-time maximum benefit of \$4,000 for an eligible household. The maximum allowed in an owner occupied multi-family building, when owner is eligible household, is \$4,000.

Rental Units Occupied By An Eligible Household: A life-time maximum benefit of \$300 for an eligible household. The maximum allowed in a non-owner occupied multi-family building is the lesser of \$300 times the number of heating systems that provide heat to eligible households or \$1,200.

statutory
references

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 of how you monitor fiscal activities.)

In order to ensure good fiscal accounting and tracking around HEAP/ECIP, HEAP WX and CHIP, MaineHousing performs an on-site annual review of each subgrantee which includes a review of agency fiscal policies and procedures; a reconciliation of billings submitted to agency general ledger detail and supporting documentation; and an examination of each subgrantee's A-133 Federal Compliance Audit. Additional on-site reviews may be required in the event MaineHousing identifies significant compliance concerns with an individual subgrantee.

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

On-site program monitoring will begin at the start of the program year. MaineHousing will conduct at least one on-site visit of each agency during the year with additional monitoring (either desk reviews or on-site visits) as deemed necessary. Each on-site visit will include an entrance and exit interview. On-site monitoring includes, but is not limited to: review of the previous audit report to identify focus areas for the review; analyzing the data used by each subgrantee to determine client income eligibility and benefit determination; observation of the applicant intake process; and other monitoring steps to ensure overall program compliance. Additionally, desk reviews may be completed periodically and would include such things as checking agency LIHEAP data residing in the centralized database (MERAC) for anomalies using pre-determined indicators or specific data points (i.e. duplicate addresses, certification outside the required 30 day period, etc).

The fair hearing process in place at MaineHousing provides an opportunity to conduct additional in-depth client file monitoring because a thorough analysis is completed by the MaineHousing Compliance Officer of each filed complaint to ensure that the subgrantee followed program rules in determining client eligibility and benefit determination.

The monitoring of energy suppliers is conducted in a number of ways:

- On-site visits to vendors (those deemed high risk as well as a sampling of others);
- Desk reviews of vendors to include a review of a random sample of client accounts providing us a glimpse of the vendor practices so a determination can be made on their risk rating;
- Review of submitted annual vendor reports using data points to identify anomalies.

After each conducted monitoring, MaineHousing issues a written report containing all findings to the subgrantee/vendor. The report will establish a reasonable time period for comment and the required corrective action(s) by the subgrantee/vendor.

Upon request from the subgrantee/vendor, MaineHousing will provide technical assistance in all areas needing corrective action.

Depending upon the significance of the issue(s), failure to comply with the required corrective action plans could result in a Notice of Termination.

➔How is your LIHEAP program audited?

Under the Single Audit Act? Yes No

If not, please describe:

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

If not, please explain.

Audit – A compliance and fiscal audit is conducted annually by an independent auditor and shall be conducted in accordance with the Comptroller General's Standards for Audit of Governmental Organizations, Programs, Activities and Functions and A-133.

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 participation) MaineHousing meets monthly with subgrantees at their Housing and Energy Council meetings to discuss program concerns, policy, and best practices/procedures.

A notice of Public Hearing was published on June 7-8, 2013 to receive public comment on the proposed State Plan and Program Integrity Assessment at the June 18, 2013 public hearing. Written comments were accepted through July 1, 2013. Copies of the draft State Plan were sent to all interested parties who requested copies prior to the public hearing.

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

Yes No

(Not required for Tribes and tribal organizations)

(public hearings)

As required, MaineHousing held a Public Hearing regarding the 2013/2014 Low Income Home Energy Assistance Program (LIHEAP). The hearing was held on June 18, 2013 at 11:00am at MaineHousing offices located at 353 Water Street, Augusta, Maine. There was one organization that spoke in favor of the plan; there were none that spoke against the plan and none that spoke neither for nor against the plan. Written comments were allowed through July 1, 2013; there were no written comments.

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)

FAIR HEARINGS

Fair hearings will be conducted by MaineHousing, in accordance with the Maine Administrative Procedures Act, Title 5, Chapter 375, upon request of any applicant in accordance with the Maine State Housing Authority, Home Energy Assistance Program Rule, Chapter 24, as amended.

Applicants are notified of their fair hearing rights at the time of application and through the benefit determination process. Fair hearing rights information is provided to the applicant on the application form, the benefit notification, and the denial notice.

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 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:

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

The "Other Assistance or Benefits" category is defined in subgrant agreements and is contractually limited. Subgrantees must budget and report this category separately from fuel assistance administration. MaineHousing enforces the limit through its budget review/approval process and by performing on-site fiscal monitoring to ensure (subgrantee) compliance. Any costs in excess of the allowable percentage must be borne by other funds.

statutory
references

2607A

(leveraging)

→ Please describe leveraging activities planned for the fiscal year. **(This entry is optional.)*** Complete this entry if you plan to apply for 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).

* 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.

The subgrantees (nine Community Action Agencies) partner with local organizations to provide additional resources/funding for fuel assistance. The subgrantees appropriate and distribute these funds to low-income households as supplements and/or alternatives to the LIHEAP program. The type and amount of assistance provided by the resource may be directly affected by the LIHEAP benefit amount received by the households. These resources include but are not limited to churches, United Way, fuel vendors, and other organizations.

Participating oil and K-1 vendors provide home heating fuel to LIHEAP clients at a discounted price. The terms and conditions are set forth in the Vendor Agreements.

Maine's public utility companies assist LIHEAP-eligible households with various options including discount rates and debt forgiveness. These programs are coordinated through the utility companies and the subgrantees.

Subgrantees also partner with local church groups and other organizations that provide donated materials or volunteer labor for the installation of winterization measures in dwellings occupied by LIHEAP recipients.

Various fund-raising initiatives and drives provide items – such as blankets, sleepers, snow suits, and sweatshirts – intended to improve client comfort and reduce heating costs. Subgrantees ensure all LIHEAP clients are aware of and have access to these benefits. Examples include Project Santa and American Red Cross.

statutory
references

2605(b)

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

(performance)
goals and
measures)

Maine will continue to focus on the following areas:

- Provide fuel assistance benefits to 65,000 households.
- Provide the highest benefits to those with a combination of the highest energy consumption and the lowest incomes.
- Intake/Application Process: give priority to those households most susceptible to hypothermia (elderly, those with special needs, and families with children 24 months of age or under).
- Make a reasonable and good-faith effort to conduct outreach activities for, and process and serve, any eligible household that is the recipient of benefits for wood fuel within ninety (90) days of the commencement of the program year.
- Provide the most effective use of program funds by setting aside the maximum amount allowed to provide long term weatherization benefits to high energy users.

Date Carryover and Reallotment Report submitted through OLDC: August 1, 2013

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 requirements included in the 1994 reauthorization of the statute is that state 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.

**PUBLIC COMMENT REGARDING THE
PROPOSED 2013-2014 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM
(LIHEAP) STATE PLAN**

Process

MaineHousing held a public hearing on June 18, 2013 to receive testimony on the proposed 2013-2014 Low Income Home Energy Assistance Program (LIHEAP) Detailed Model State Plan and Program Integrity Assessment.

Mr. Rick McCarthy, representing the Maine Community Action Association, provided testimony in support of the proposed LIHEAP 2014 State Plan and Program Integrity Assessment, stating that the Plan was reasonable and practical. No other testimony was presented at the public hearing.

MaineHousing held the comment period open until Monday, July 1, 2013. MaineHousing did not receive any written comments.

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS****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. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an 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 the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which 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. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

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 proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

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 Transaction," provided by the department or agency entering into this covered transaction, 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 proposed for debarment under 48 CFR part 9, subpart 9.4, 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 List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment 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 a 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 proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency 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 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 a 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 or 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.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. 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 meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. 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 proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, 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 List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment 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 a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards 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, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, 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.
6. 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).
7. If the workplace identified to the agency 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 paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and 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 Substances Act (21 U.S.C. 812) and as further defined by regulation (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 or non-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).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

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, dispensing, 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 paragraph (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 number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (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).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

353 Water Street

Augusta, Maine 04330

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

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

CERTIFICATION REGARDING LOBBYING

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 an 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.

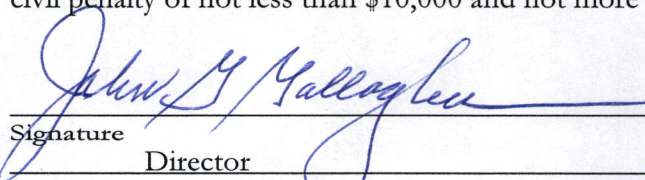
(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this 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 subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients 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. Submission of this statement 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 statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Signature

Director

Title

Maine State Housing Authority (MaineHousing)

Organization