

The Low Income Home Energy Assistance Program (LIHEAP)

Pennsylvania Advocates Manual 2022-2023 Edition

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Preface

PULP is pleased to provide you with the 2022-2023 electronic edition of ***The Low Income Home Energy Assistance Program (LIHEAP) Pennsylvania Advocates Manual***. The manual is developed and produced by the Pennsylvania Utility Law Project (PULP) for use by members of the Pennsylvania Legal Aid Network and others who assist low income individuals. We hope that you find it to be of value to you and the members of your staff. Please feel free to copy as needed, circulate, and maintain a copy in your reference library.

The updated 2022-2023 Manual is different from earlier editions circulated in prior years. Please replace any older version. This year’s edition reflects program changes, current forms, references, website links, as well as additional issues and advocacy suggestions pertaining to the COVID-19 pandemic. The footnotes contain citations to the 2022-2023 LIHEAP State Plan¹ and relevant legal authority for your reference. In the Appendices, you will find contact lists and resources to assist in your advocacy.

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

¹ All references to the State Plan in this manual refer to the Final 2022-2023 State Plan. PA. DEP’T OF HUMAN SERVICES, LIHEAP STATE PLAN (FY 2022-2023) (hereinafter 22-23 LIHEAP STATE PLAN), *available at* [https://www.dhs.pa.gov/Services/Assistance/Documents/Heating%20Assistance LIHEAP/FY23 LIHEAP-Approved State Plan.pdf](https://www.dhs.pa.gov/Services/Assistance/Documents/Heating%20Assistance%20LIHEAP/FY23%20LIHEAP-Approved%20State%20Plan.pdf)

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2022-2023 LIHEAP PROGRAM IN BRIEF

SUMMARY OF BENEFITS AND ELIGIBILITY FOR 2022-2023 LIHEAP PROGRAM YEAR²

Program Dates³

- | | | |
|--------------------|--------------------|-----------------------|
| • Cash Grant | opens Nov. 1, 2022 | closes April 28, 2023 |
| • Crisis Grant | opens Nov. 1, 2022 | closes April 28, 2023 |
| • Crisis Interface | opens Nov. 1, 2022 | closes April 28, 2023 |

The Department of Human Services (DHS)⁴ may extend or shorten program dates depending on availability of funds.⁵

Eligibility

Eligibility is set at 150% of the Federal Poverty Income Guidelines for Cash Grants, Crisis Grants, and the Crisis Interface Program.⁶

FY 22-23 LIHEAP Household Income Limits⁷

Household Size	150% FPL for Cash & Crisis
1	\$ 20,385
2	\$ 27,465
3	\$ 34,545
4	\$ 41,625
5	\$ 48,705
6	\$ 55,785

For each additional person add: \$7,080

² There may be modifications made during the 2022-2023 LIHEAP program year. Please be alert for any changes.

³ 22-23 LIHEAP STATE PLAN at ii.

⁴ The Department of Public Welfare changed its name to the Department of Human Services in November 2014.

⁵ 22-23 LIHEAP STATE PLAN at ii.

⁶ 22-23 LIHEAP STATE PLAN AT § 601.31(1). Also, households may be eligible for additional assistance through the Weatherization Assistance Program, some of which is funded by LIHEAP, run through the Pennsylvania Department of Community and Economic Development (DCED). This program provides comprehensive energy efficiency and weatherization for households with income up to 200% of the federal poverty income guidelines. More information about WAP can be found here: <https://dced.pa.gov/programs/weatherization-assistance-program-wx/>

⁷ *Id.* at vii.

Grant Amounts⁸

CASH Grants:

- o Minimum Cash grant will be \$300.
- o Maximum Cash grant will be \$1,000.

CRISIS Grants:

- o Minimum Crisis grant will be \$25.
- o Maximum Crisis grant will be \$1000.

POLICY CHANGES FOR 2022-2023 LIHEAP PROGRAM YEAR

Bar-Coded Preseason Applications and Compass Postcards: Before the program opens, DHS will mail applications to households who received LIHEAP benefits in the prior program year (2021-2022). Clients who have applied previously through the Commonwealth of Pennsylvania Access to Social Services (COMPASS) website will receive a postcard through the mail directing them to apply online. Applicants in select counties who have previously received LIHEAP will also receive COMPASS postcards, even if they have not previously applied through COMPASS. Paper applications are always available upon request.

Cash and Crisis Grant Maximums: The maximum Cash and Crisis grant amounts have decreased for the LIHEAP 2022-2023 program year. The minimum Cash grant was reduced to \$300, and the maximum Cash grant has decreased to \$1,000.⁹ The maximum Crisis grant has decreased to \$1,000 dollars.¹⁰ The Cash and Crisis grant amounts change each year based on available funding. The grant amounts were higher in the 2021-2022 program year due because Pennsylvania substantial supplemental funds through the American Rescue Act Plan.

Cash First Policy Eliminated:¹¹ When an applicant seeks Crisis assistance to stop a pending termination or reconnect to service before applying for a Cash grant, they will no longer be required to use their Cash grant to resolve the crisis before Crisis grant funds are applied. In other words, an applicant can receive a Crisis grant to resolve an imminent home heating emergency in addition to receiving a Cash grant – subject to minimum and maximum grant thresholds. The applicant may choose whether to designate their Cash grant to the same or different vendor.

⁸ 22-23 LIHEAP STATE PLAN at ii, v - vi.

⁹ 22-23 LIHEAP STATE PLAN at vii-viii.

¹⁰ Id.

¹¹ 22-23 LIHEAP STATE PLAN at B-10.

Crisis Grants May Issue During Temporary Hold:¹² The 2023 LIHEAP State Plan has been amended to explicitly allow households with a medical certificate or other short-term emergency hold that has temporarily stayed a pending termination will be considered to meet the criteria for a Crisis Grant.

Heat and Eat Initiative:¹³ To enhance participation and food security benefits for households enrolled in the Supplemental Nutrition Assistance Program (SNAP), and in accordance with federal requirements, DHS will issue a nominal heating assistance benefit to SNAP households that are responsible for heating costs and have not already been approved for LIHEAP during the current program year. SNAP applicants or recipients who are homeless or living in institutions are not eligible to receive the heating assistance benefit. Per federal SNAP regulation, receipt of a heating assistance benefit enables SNAP recipients to maximize the SNAP Standard Utility Allowance (SUA). Households receiving the heating assistance benefit that are recipients of SNAP will receive the highest SNAP SUA for the current federal fiscal year. Heat and Eat payments are typically issued in September.

¹² 22-23 LIHEAP STATE PLAN at ix-x; 601.62(2)(ii).

¹³ 22-23 LIHEAP STATE PLAN at x.

LIHEAP: PA Advocates Manual 2022-2023 Edition

Prepared by the Pennsylvania Utility Law Project

INTRODUCTION

This Manual is produced by the Pennsylvania Utility Law Project (PULP) for members of the Pennsylvania Legal Aid Network and others who assist low income individuals. It is intended as a general reference and information guide, and is not intended to be a substitute for legal analysis in individual cases – nor should the information contained herein be construed as legal advice. The footnotes contain citations for advocates and attorneys to reference for further context, and the Appendices contain additional resources and contact information.

The authors welcome your questions and comments on this manual. Contact PULP at pulp@pautilitylawproject.org for technical assistance and case consultation services.

LIHEAP IN BRIEF

The Low Income Home Energy Assistance Program (LIHEAP) provides low income households with assistance to help pay the costs of home energy consumption.

Pennsylvania’s LIHEAP program is primarily intended to assist with paying the cost of heating a residence during the cold weather months. While there has been increased attention in recent years to the need for cooling assistance in the summer months, the program is not currently funded to provide summer cooling assistance.

LIHEAP is funded by the Federal Government through a block grant administered by the states. While the program has been authorized and funded each year since 1981, it is not an entitlement program, and relies on the federal government to appropriate funds each year to remain operational. For the first time since 1988, the Pennsylvania legislature allocated \$25 million in supplemental funding to further support the issuance of benefits through the 2022-2023 LIHEAP program year.

In Pennsylvania, the Department of Human Services (DHS) administers the LIHEAP program through local County Assistance Offices and other agencies.

Assistance through the 2022-2023 LIHEAP season can take three different forms. A particular household may be eligible for more than one of these different forms of assistance, and advocates should consider each LIHEAP component for every household:

- **Cash Component**: a single grant to assist a household in meeting heating costs. A Cash grant is paid directly to a heating fuel vendor (oil, propane, wood, or coal); a gas or electric utility; or, in limited circumstances, an individual. The amount of the LIHEAP Cash grant to the household differs depending on various factors at the time of application, including household size and income, energy type, and geographic region.¹⁴ The set formula for the grant amount is discussed below. This year, all households may apply for the LIHEAP Cash component from November 1, 2022 until April 28, 2023.¹⁵ The grant amount will range from a minimum of \$300 to a maximum of \$1,000.¹⁶
- **Crisis Component**: grants of up to \$1,000 will be available to help qualified households resolve a home heating crisis caused by an active service termination, receipt of a pending utility termination notice, or an actual or imminent lack of a deliverable fuel (15 days or less of heating fuel such as oil, propane, wood, or coal).¹⁷ Any household requiring less than \$25 to resolve a home heating emergency will not be eligible to receive a Crisis grant.¹⁸ If a household experiences a second or subsequent home heating crisis during the program year, they may apply for an additional Crisis grant up to the maximum \$1,000 limit. As discussed further below, a Crisis grant may be issued to multiple fuel vendors or utilities in the same program year, depending on the configuration of the household's home heating system and provided the total amount of Crisis funds does not exceed the maximum limit.¹⁹
- **Crisis Interface/Weatherization Assistance Component**:²⁰ provides for the repair or replacement of a home heating system or furnace for households with an inadequate or inoperable heating system. Traditional weatherization and conservation services through the federal Weatherization Assistance Program may supplement the repairs to help improve home comfort, increase energy efficiency, and reduce household energy consumption.²¹

The same application form may be used to apply for each of the LIHEAP components.

¹⁴22-23 LIHEAP STATE PLAN at app. B § 601.41.

¹⁵ *Id.* at iii.

¹⁶ *Id.* at v-vi.

¹⁷ 22-23 LIHEAP STATE PLAN, at app. B § 601.62.

¹⁸ *See* 22-23 LIHEAP STATE PLAN, at viii.

¹⁹ 22-23 LIHEAP STATE PLAN, at app. B § 601.63.

²⁰ This component is the only component not administered completely within DHS. DHS makes the Crisis eligibility determination, but the Department of Community and Economic Development (DCED) administers the repair and replacement segment. *See* 22-23 LIHEAP STATE PLAN, at app. C § I.

²¹ *See id.*

An individual may be able to designate a different vendor to receive different types of grant payments; for example, a Cash grant may be designated to an oil vendor and a Crisis grant to the electricity provider.

LIHEAP is available to both renters and homeowners.²²

Renters who pay for heat for their residence indirectly as a part of rent (rather than directly to a fuel vendor or utility) will receive only 50% of the Cash benefit for which they would otherwise be eligible.²³

LIHEAP Cash grants are **not** available to renters who pay for their heat indirectly as part of rent **and** whose rent is based on a percentage of the household income, such as in certain public housing programs. The LIHEAP State Plan says that these households do not have home heating responsibility and, thus, are not eligible for LIHEAP Cash grants. There are, however, circumstances where such households would be eligible for LIHEAP Crisis grants. Specifically, if they pay for a secondary heating source directly (typically electricity) and that heating source is needed to run their primary heating source.

Eligible households may reapply for and receive Cash and Crisis assistance each program year.

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

RESOURCES AND AUTHORITY

DHS maintains a Heating Assistance/LIHEAP [website](#) with information and resources about the program and how to apply.²⁴

Every year, DHS must update the LIHEAP State Plan²⁵ with program guidelines and parameters, such as program opening and closing dates, funding levels, and eligibility criteria. DHS publishes a Proposed State Plan during the summer months which is subject to public comments and public hearings in which anyone may participate. After comments are received and reviewed, DHS publishes a Final State Plan that governs the LIHEAP operation for that program year. The LIHEAP Cash and Crisis rules for the program year are found in Appendix B of the Final State Plan.

²² See *id.* at app. B § 601.3.

²³ *Id.* at app. B § 601.42.

²⁴ The LIHEAP website address is: <https://www.dhs.pa.gov/Services/Assistance/Pages/LIHEAP.aspx>

²⁵ The link address for the 2022-2023 LIHEAP State Plan is: https://www.dhs.pa.gov/Services/Assistance/Documents/Heating%20Assistance_LIHEAP/FY23_LIHEAP-Approved_State_Plan.pdf

Information regarding Crisis Interface and the Weatherization Assistance Program may be found in Appendix C of the Final Plan. The current State Plan is found online at this [link](#).²⁶



Advocacy Tip: Advocates should use rules found in Appendix B of the 22-23 LIHEAP STATE PLAN when making arguments to County Assistance Offices and LIHEAP administrators, as these are the most up to date.

DHS also provides a [LIHEAP Policy Handbook](#) for its caseworkers. The Handbook includes Operations Memoranda which are issued periodically, and which indicate the most recent LIHEAP procedures and policies. The most recent publicly available Handbook is found online at: <http://services.dpw.state.pa.us/oimpolicymanuals/liheap/index.htm>.

The 2022-2023 [Cash grant benefit tables](#), which estimates Cash grant awards, may be found online at: https://www.humanservices.state.pa.us/LIHEAP_BENEFIT_TABLE/.

A LIHEAP application may be completed online through the COMPASS program at www.compass.state.pa.us, or a paper application may be mailed or hand delivered to the local County Assistance Office.²⁷ Social service providers and others can request LIHEAP flyers and blank paper applications in English and Spanish.

Application assistance is available.²⁸ Upon request, LIHEAP staff will mail an application form or take other steps such as referral to other agencies that make home visits to help homebound persons apply for LIHEAP benefits.²⁹

Applicants may get an automated eligibility determination if they apply on COMPASS and the applicant's income is already known to DHS because they receive other benefits, such as SNAP (food stamps), medical assistance, or TANF (cash).³⁰ Even with automated eligibility, applicants may still have to verify their home heating responsibility.³¹

The English version of the paper application may be downloaded from the DHS website at: https://www.dhs.pa.gov/Services/Assistance/Documents/Heating%20Assistance_LIHEAP/HSEA-1-6-22-Final-UF.pdf.

²⁶ *Id.*

²⁷ 22-23 LIHEAP STATE PLAN at app. B §§ 601.21, 601.22.

²⁸ *See id.* at app. B § 601.24.

²⁹ *Id.*

³⁰ *Id.* at app. B § 601.22.

³¹ *See id.*

The Spanish version of the paper application may be downloaded from the DHS website at: [https://www.dhs.pa.gov/Services/Assistance/Documents/Heating%20Assistance LIHEAP/HSEA-1-6-22-Final-UF.pdf](https://www.dhs.pa.gov/Services/Assistance/Documents/Heating%20Assistance%20LIHEAP/HSEA-1-6-22-Final-UF.pdf).

These applications are also appended to this manual at Appendix B.

The addresses and phone number for the local County Assistance Offices across Pennsylvania can be found online at: <https://www.dhs.pa.gov/Services/Assistance/Pages/CAO-Contact.aspx>. Also, appended to this manual as Appendix D is a list of the LIHEAP Supervisors for each county.

LEGAL AUTHORITY

LIHEAP is a Federal block grant program through the U.S. Department of Health and Human Services.³² It is authorized by the Low Income Home Energy Assistance Act (Pub. L. 97- 35, 42 U.S.C.A. §§ 8621-8629) as amended by the Human Services Reauthorization Act (Pub. L. 98-558, 98 Stat. 2878), the Human Services Reauthorization Act of 1986 (Pub. L. 99-425, 100 Stat. 966), the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. 101-501), the National Institutes of Health Revitalization Act of 1993 (Pub. L. 103-43), the Low Income Home Energy Assistance Amendments of 1994 (Pub. L. 103-252), the Coats Human Services Reauthorization Act of 1998 (Pub. L. 105-285), and the Energy Policy Act of 2005 (Pub. L. 109-58).³³

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

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

“Appendix C - Weatherization Assistance Program” contains information concerning the Crisis Interface component of LIHEAP, as well as other applicable weatherization-related pilot programs supported by LIHEAP funds and the federal Weatherization Assistance Program (WAP), administered in Pennsylvania by the Department of Community and Economic Development (DCED).

³² The U.S. Department of Health and Human Services website page dedicated to LIHEAP can be found at: <http://www.acf.hhs.gov/programs/ocs/programs/liheap>.

³³ 22-23 LIHEAP STATE PLAN, at app. B § 601.1.

ADMINISTRATION

The Department of Human Services administers LIHEAP in Pennsylvania.³⁴

Cash Grants: For the most part, DHS uses the County Assistance Office (CAO) as the administering agency for the Cash grant.³⁵ DHS coordinates the activities of several counties, and the State Processing Center typically processes LIHEAP applications for several counties.

Crisis Grants: DHS uses several different agencies to assist in the delivery of the Crisis program.³⁶ These agencies include CAOs, community action agencies, the Department of Community and Economic Development, and other local organizations.

Crisis Interface: DHS and the Department of Community and Economic Development (DCED) jointly administer the Crisis Interface/Weatherization Assistance component.³⁷ DHS makes the Crisis eligibility determination, and DCED administers the heating system repairs, furnace replacements where warranted, and any appropriate weatherization treatments.³⁸

County staff members administering LIHEAP may not always be fully aware of the details of the current year's program. LIHEAP is only one of many programs the CAOs implement; it is available only part of the year; and its operations and guidelines are often modified within the course of a single year. In addition, many of the CAOs hire temporary energy assistance workers to staff the LIHEAP program, and these workers often become familiar with program guidelines at the same time the first applicants enter the system. Application delays beyond the mandated 30-day determination period are therefore not surprising.



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

In the 2022-2023 Plan, DHS anticipates receiving \$210 million in federal funding, together with a supplemental \$25 million appropriation from the Pennsylvania legislature.³⁹

³⁴ 22-23 LIHEAP STATE PLAN at i.

³⁵ *Id* at app. B § 601.5.

³⁶ *See id.*

³⁷ *Id* at. app. C § I.

³⁸ *See id.*

³⁹ 22-23 LIHEAP STATE PLAN at ii.

An appeal process is available for individuals to challenge CAO decisions or failures to act on LIHEAP applications.⁴⁰ A Fair Hearing can be requested through the local LIHEAP office.⁴¹ Individuals have 30 days to file an appeal with their local CAO in a process that is further detailed in the “Appeals” section of this manual.⁴²

Timetable

In 2022-2023, DHS’s opening date for both the Cash and Crisis components, including Crisis Interface, is November 1, 2022 - with a closing date estimated to be April 28, 2023.⁴³ The length of the program is dependent on the availability of funds as the program year progresses, so DHS may shorten or extend the closing date.⁴⁴

GENERAL ELIGIBILITY

To qualify for and receive Cash or Crisis benefits, an individual must meet several eligibility requirements: household income, home heating responsibility, Pennsylvania residency, and immigration status.⁴⁵ Crisis eligibility additionally requires that there be an actual or imminent home heating emergency that will be resolved through receipt of grants, or in the case of the Crisis Interface program, through the repair or replacement of home heating equipment.⁴⁶

Household Income

For 2022-2023, Pennsylvania has set the income eligibility level for both Cash and Crisis at 150% of the 2022 Federal Poverty Guidelines.⁴⁷ The income eligibility level for the Crisis Interface program is 150% of the Federal Poverty Income Guidelines.⁴⁸ However, the income eligibility level for the Weatherization Assistance Program is 200% of the 2022 Federal Poverty Income Guidelines.⁴⁹ Income eligibility levels for the 2022-2023 LIHEAP program year can be found in Appendix A of this Manual or DHS eligibility charts.⁵⁰

⁴⁰ 22-23 LIHEAP STATE PLAN AT app. B § 601.123.

⁴¹ See *id.*

⁴² See 55 PA. CODE § 275.3(b)(1) (1981); PA. DEP’T OF HUMAN SERVICES, SUPPLEMENTAL HANDBOOK § 870.12 (Sept. 27, 2012), <http://services.dpw.state.pa.us/oimpolicymanuals/supp/index.htm>.

⁴³ 22-23 LIHEAP STATE PLAN AT iii.

⁴⁴ 22-23 LIHEAP STATE PLAN, AT app. B § 601.6(2).

⁴⁵ See *id.* at app. B § 601.31.

⁴⁶ See *id.* at app. B § 601.32 (details regarding the specific eligibility requirements for Crisis grants).

⁴⁷ *Id.* at app. B § 601.31(1).

⁴⁸ 22-23 LIHEAP STATE PLAN, at 2.

⁴⁹ *Id.*

⁵⁰ PA. DEP’T OF HUMAN SERVICES, LIHEAP ELIGIBILITY INCOME CHART (2022-2023), http://services.dpw.state.pa.us/oimpolicymanuals/liheap/index.htm#t=650_Income%2F650_Appendix_A.htm.

Income Calculation

Gross annual income is used to determine both a household's eligibility and Cash grant amount.⁵¹

The applicant is given the discretion to choose between two time periods to be used in calculating their gross annual income. The **applicant may choose** to: (1) use their income from the previous 12 months or (2) use their income from the calendar month immediately prior to the date of the application, multiplied by 12 (monthly amounts are converted to a yearly figure).⁵²



Advocacy Tip: Advocates should help the applicant determine which time frame (12 months or past calendar month) yields the income level most advantageous for the household.

In some cases, the selection of the time frame to be used, as well as the timing of the Cash grant application, may help lead to a determination of eligibility and can result in significantly different benefit amounts.

Applicants may opt for DHS to use the income already on file in the Client Information System for household members that are recipients of SNAP, Cash, or Medical benefits - without providing any further verification or documentation. An applicant may do so by checking a box on the application. If an applicant opts for DHS to verify their income with information on file, DHS will automatically annualize the applicant's income. Applicants with lower income based on the previous month's income can indicate that they do not want to use the income already on file for household members, and instead provide updated verification and documentation information for DHS to calculate household income based on the previous month. Applicants may opt out of using the income already on file if the system automatically calculates a benefit amount and the applicant believes that it should be a higher amount because of lower income based on a different method.⁵³

Household Size

For the purposes of LIHEAP, a household is defined as an individual or a group of individuals, including related roomers,⁵⁴ who live together as one economic unit and customarily pay for home heating energy.⁵⁵ However, an individual who has previously received a LIHEAP cash benefit as a member of another household during the program year is not included in the household size.⁵⁶ Neither are temporary visitors, institutional residents, individuals who do not

⁵¹ See 22-23 LIHEAP STATE PLAN at app. B §§ 601.81 – 84.

⁵² See *id.* at app. B § 601.83(1).

⁵³ *Id.*

⁵⁴ 22-23 LIHEAP STATE PLAN at app. B §§ 601.31 and 601.81. Note that unrelated roomers are treated as a separate household and may qualify for LIHEAP assistance separately – provided the other eligibility requirements (such as home heating responsibility) are met.

⁵⁵ 22-23 LIHEAP STATE PLAN, at app. B § 601.31.

⁵⁶ *Id.* at app. B § 601.41.

meet the immigration requirements, or individuals who are currently incarcerated or considered a fleeing felon.⁵⁷

Note: Certain individuals do not count for purposes of household size (i.e., fleeing felons, ineligible immigration status, etc.) but their income does count for the purposes of determining eligibility which may result in a household placing higher on the FPL scale, resulting in a lower grant amount.

Whose Income Counts?

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

- all household members, including noncitizens who do not qualify for LIHEAP benefits⁵⁸
- a roomer related by blood, marriage, or adoption to a household member,⁵⁹ and
- a person living with the applicant who, as a member of another household, has already received a LIHEAP Cash or Crisis grant during the present program year.⁶⁰

Gross income is the total earned and unearned income of the household, including:

- employee earnings,
- profit from self-employment,
- income from roomers, boarders or apartment renters, and
- unearned income.⁶¹

Note: Each of these categories of earnings has multiple subcategories.⁶² For example, DHS has specifically stated that funds withdrawn from Individual Retirement Accounts, Certificates of Deposit and proceeds from the sale of stock certificates are to be counted as unearned income.⁶³

Some income sources, such as educational assistance, food stamps, and cash or in-kind heating assistance from public or private agencies, are **excluded** from the calculation of household

⁵⁷ See *id.*

⁵⁸ Same sex marriage became legal in the Commonwealth of Pennsylvania on May 20, 2014, when a decision rendered by the United States District Court for the Middle District of Pennsylvania struck down Pennsylvania's 1996 law banning the recognition of same gender marriage as unconstitutional. According to the Operations Memorandum (#14-10-02) dated on October 9, 2014, LIHEAP policy has not changed regarding mandatory household members. Spouses are mandatory household members and must be included in the same LIHEAP household. Compass has been updated and allows applicants to input same-sex spouses.

⁵⁹ Roomers who are not related to a household member should not be counted in the household and are eligible on their own for a Cash grant if they meet LIHEAP's eligibility requirement. 22-23 LIHEAP STATE PLAN, at app. B § 601.3.

⁶⁰ *Id.* at app. B § 601.81.

⁶¹ *Id.* at app. B § 601.82.

⁶² See *id.*

⁶³ *Id.* at app. B § 601.82(4)(xi).

income for the purposes of establishing eligibility for LIHEAP.⁶⁴ DHS has clarified that *all* students, not just undergraduate students, are able to exclude from household income educational assistance from scholarships, grants and loans.⁶⁵

Other income exclusions include:⁶⁶

- Earned Income Tax Credits, even when paid throughout the year
- Wage earnings of a dependent child under 18
- Medicare premiums deducted from Social Security benefit payments
- Earned income from temporary census employment
- Payments for services or out-of-pocket expenses to volunteers serving as foster grandparents, senior health aids or companions, and to persons serving in programs under Title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. §§ 5001-5024)
- Payments, including stipends, to volunteers for VISTA, Service-Learning Programs, and Volunteer Programs under Title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C.A. §§ 4951 – 4994)
- Loans which can be verified with a statement from the lender or a loan document specifying the repayment plan

Note: Since 2017, the exclusion of loans from gross annual income no longer requires that the loans be designated for a specific purpose **or** be from an established financial institution.⁶⁷

Home Heating Responsibility

Applicants must have a home heating responsibility to receive LIHEAP. The following qualify as having a home heating responsibility:

- Homeowners or renters (including subsidized housing tenants) who pay for home heating fuel or utility service **directly to a vendor**.⁶⁸
 - o *Note:* If someone outside the household pays the bill because the household no or minimal income, the household is still considered to have a heating responsibility and is eligible to receive LIHEAP unless the bill is always paid by someone outside the household – such as in a transitional or supportive housing program.⁶⁹
- Renters who **pay for heat indirectly** as a part of their rent.⁷⁰

⁶⁴ *Id.* at app. B § 601.84(1)-(25).

⁶⁵ *Id.* at app. B § 601.84(1)-(2).

⁶⁶ *Id.* at app. B § 601.84.

⁶⁷ *Id.* at app. B § 601.84(13).

⁶⁸ *Id.* at app. B § 601.31(2)(i)(A).

⁶⁹ *Id.*

⁷⁰ *Id.* at app. B § 601.31(2)(i)(B).

- *Note:* if an applicant pays for heat as an undesigned portion of the rent they are considered to have a heating responsibility unless their rent is based on a percentage of their income.⁷¹
- Roomers⁷² who pay for their lodging in either a commercial establishment or in a private home which is their permanent and primary home.⁷³

Cash grant: To establish home heating responsibility for a Cash grant, the household must show responsibility for paying for the **primary fuel type** either directly to a vendor or to a landlord as a part of rent.⁷⁴ An applicant's primary fuel type is defined as the fuel consumed by the heating system used most by the household, or the heat source included with rent.⁷⁵

Note: Once an applicant demonstrates responsibility for the primary fuel type, the household can choose to have the Cash grant issued to its primary or secondary fuel type.⁷⁶

Crisis grant: To establish home heating responsibility for Crisis grant assistance, the household must show it pays for either its primary or secondary fuel type either directly to a vendor or indirectly through a third party as a part of rent.⁷⁷ For an important comparison of primary and secondary fuel types, as well as supplemental fuel types, please see the Special Issues section of this manual.

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

- Renters are ineligible if their rental charge includes an undesignated amount for heat AND their rental charge is based on a fixed percentage of their income or on their source of income.⁷⁸ This applies to subsidized-housing tenants whose heat is included in their rent.⁷⁹
 - Exception: If a renter in this situation pays for their secondary fuel type directly to a vendor AND that heating source is necessary for their primary fuel type to operate, then the household would be eligible for a Crisis grant for their secondary fuel type.

⁷¹ *Id.*

⁷² A roomer is defined as “[a]n individual who has an agreement with an unrelated landlord or property owner to rent a room whose payment for lodging includes heat and may include a private bathroom or one of the following: (i) Board. (ii) Kitchen or bathroom privileges on a shared basis. (iii) Light housekeeping facilities.” *Id.* at § 601.3 (emphasis added). DHS could request written verification from the property owner or landlord of the roomer’s occupancy. *Id.* at vi.

⁷³ *Id.* at app. B § 601.31(2)(i)(C).

⁷⁴ *Id.* at app. B § 601.31(2).

⁷⁵ *Id.* at app. B § 601.3.

⁷⁶ *Id.* at app. B § 601.41(4).

⁷⁷ *Id.* at app. B § 601.31(2).

⁷⁸ *Id.* at app. B § 601.31(2)(i)(B).

⁷⁹ *Id.*

- A roomer is ineligible if the charge for room or room and board includes an undesignated amount for the main fuel AND the charge for room and board is based on a fixed percentage of their income or on their source of income.⁸⁰

A household is ineligible if some other person or agency is always responsible for the heating bill (for example, people in subsidized housing who have the bill paid by the housing agency; students).⁸¹ However if the bill is paid by someone outside the household because the household has zero/minimal income, the household is still considered to have a heating responsibility and therefore eligible to receive LIHEAP.⁸²

Residency

Household members must permanently reside in Pennsylvania.⁸³ There is no requirement that an applicant reside in Pennsylvania for a certain period of time before they are considered a resident. As long as an applicant resides here and intends to stay, they are considered a resident.

Temporary Living Arrangements

Individuals in a temporary living arrangement, such as a visit, vacation, or education, generally do not qualify for LIHEAP.⁸⁴ People living in institutions, dormitories, fraternity or sorority houses, or boarding homes are ineligible.⁸⁵

College students can apply for and must not be denied LIHEAP eligibility solely on the basis of the temporary living arrangement section of the LIHEAP State Plan.⁸⁶ College students with year-round leases or for the school year only are considered residents of the county where they go to school and can qualify for LIHEAP. Generally, a temporary living arrangement is intended to last only for a few days or weeks, while a permanent living arrangement may last months or years.⁸⁷



Advocacy Tip: Individuals who have temporarily left their permanent residence as a result of a home heating crisis **are** eligible for a grant for their permanent residence.⁸⁸

Recreational Vehicles

Persons living in recreational vehicles (Campers and RVs) are only eligible for LIHEAP if they provide verification that the recreational vehicle is permanently located in Pennsylvania; they

⁸⁰ *Id.* at § 601.31(2)(i)(C).

⁸¹ *Id.* at app. B § 601.31(2)(i)(A).

⁸² *Id.*

⁸³ *Id.* at § 601.31(3).

⁸⁴ *Id.* at § 601.31(2)(ii).

⁸⁵ *Id.*

⁸⁶ See PA. DEP'T OF HUMAN SERVICES, LIHEAP HANDBOOK § 614.1 (Feb. 8, 2013), <http://services.dpw.state.pa.us/oimpolicymanuals/liheap/index.htm>.

⁸⁷ See *id.* at § 614.2.

⁸⁸ See 22-23 LIHEAP STATE PLAN app. B § 601.105.

have no other permanent residence; and the heating appliance is being used in accordance with the heating manufacturer’s specifications.⁸⁹

Operators of a Licensed Business

Persons operating a licensed business out of the LIHEAP household’s residence are ineligible for LIHEAP if they use the home’s utilities as a deduction on their business’ tax return **and** a majority (more than 50%) of the home is used for business.⁹⁰ DHS will use line 30 of Schedule C of IRS Form 1040 (Profit or Loss from Business) and block 7 of IRS Form 8829 (Expenses for Business Use of Your Home) to determine LIHEAP eligibility for household business owners.⁹¹

Fleeing Felon

Persons who are currently incarcerated or fleeing to avoid prosecution, custody or confinement after a felony conviction (or high misdemeanor in New Jersey) are ineligible for LIHEAP.⁹²



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

Operation of Heating Appliance

The heating appliance must be installed and operating based on the manufacturer’s specifications or code requirements, whichever are more stringent.⁹³ If the household is not following applicable specifications and building codes, that household is ineligible for LIHEAP.⁹⁴

Non-Citizen Status

Lawfully admitted non-citizens are eligible to receive LIHEAP regardless of when they arrived in the United States, so long as they meet LIHEAP eligibility requirements.⁹⁵ Eligible non-citizens include: lawful permanent residents, asylees, refugees, parolees, conditional entrants, those withheld from deportation or removal, Cuban/Haitian entrants, and those who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States.⁹⁶ Appendix B to the State Plan contains a full list of eligible statuses and acceptable documentation.⁹⁷

⁸⁹ *Id.* at app. B § 601.31(2) (iii).

⁹⁰ *Id.* at § 601.31(2)(iv).

⁹¹ PA. DEP’T OF HUMAN SERVICES, POLICY CLARIFICATION OF LIHEAP ELIGIBILITY FOR HOUSEHOLD BUSINESS OWNERS (Nov. 7, 2011), http://services.dpw.state.pa.us/oimpolicymanuals/liheap/PLA15989605_.pdf.

⁹² 22-23 LIHEAP STATE PLAN at app. B § 601.31(2)(v).

⁹³ *Id.* at app. B § 601.31(2)(vi).

⁹⁴ *Id.*

⁹⁵ *Id.* at app. B § 601.31(4).

⁹⁶ *See id.*

⁹⁷ *Id.* at B-8. The last category (battered or subject to extreme cruelty) can be shown through collateral contacts, affidavits, and eyewitness accounts.

Household may still be eligible for LIHEAP even with household members who don't qualify.

The mere presence of non-eligible persons in the home does not disqualify the household from receiving LIHEAP. DHS has clarified that households with fleeing felons or members ineligible because of their immigration status, may still be eligible for LIHEAP if there are members of the household who meet the eligibility requirement. The caveat is that the income of all members of the household (even ineligible members) counts for income eligibility purposes, however, ineligible household members do not count for household size purposes. For example, if a household contains an undocumented father, a U.S. Citizen mother, and 2 U.S. citizen children, the income of all household members would count, but for determining whether the household meets the income eligibility guidelines, the household size would be three (3), not four (4).

Social Security Numbers

An applicant **does not** need a Social Security number to be eligible for LIHEAP. However, household members who do not provide a Social Security number must be listed on the Energy Assistance Affidavit.⁹⁸ This Affidavit is in the Certification section of the LIHEAP application.

APPLICATIONS

An individual must complete and submit an application to receive LIHEAP.⁹⁹ All households that received a LIHEAP grant in 2021-2022 should receive an application or a postcard informing them of how to apply on-line mailed to their home. Applications are generally available upon request from different sources in the community, such as CAOs, a LIHEAP administering agency, utility companies, or online at DHS's website.¹⁰⁰ Applications for the 2022-2023 program year are also attached in Appendix B.

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

An individual also may apply online through the COMPASS website.¹⁰¹ DHS strongly encourages applicants to apply online through COMPASS. Households using COMPASS may receive an automated eligibility determination, if the income is already known to and verified by DHS because of participation in other programs such as SNAP, MA, or TANF, and the household's address and composition matches the information already in DHS' system.¹⁰² The household will

⁹⁸ 22-23 LIHEAP STATE PLAN at app. B § 601.106.

⁹⁹ *Id.* at app. B § 601.21.

¹⁰⁰ See PA. DEP'T OF HUMAN SERVICES, LIHEAP BROCHURE - ENGLISH (2016); See also PA. DEP'T OF HUMAN SERVICES, LIHEAP BROCHURE - SPANISH (2016); PA Dep't of Human Services, *Heating Assistance/LIHEAP*, <https://www.dhs.pa.gov/Services/Assistance/Pages/LIHEAP.aspx> (last visited Oct. 25, 2022).

¹⁰¹ See www.compass.state.pa.us.

¹⁰² 22-23 LIHEAP STATE PLAN at app. B § 601.22.

still have to provide proof of home heating responsibility.¹⁰³ Please let PULP know if applicants experience any difficulties with the automated eligibility determination.

The same form is used to apply for each of the LIHEAP components, including the Crisis Interface Program.

An individual may need assistance to complete the application. Homebound individuals have the right to request that LIHEAP staff mail an application to them at their home and may also request help in filling out the form.¹⁰⁴

Timing of Application

The date of application is the date the County Assistance Office or administering agency receives the application.¹⁰⁵ Where an individual is assisted by a utility, community group, or another party in filling out and forwarding an application, **the formal date of application is when the local CAO or administering agency receives the application.**¹⁰⁶

DHS has indicated that all households submitting a LIHEAP Cash application in 2022-2023 will receive a system generated notice informing them that their application has been received. This notice will be triggered once the application has been data entered.

As noted above, households using COMPASS may receive an automated eligibility determination if income is already known to and verified by DHS because of participation in other programs such as SNAP, MA, or TANF, and the household's address and membership matches the information already in DHS' system.¹⁰⁷

DHS Response

The CAO must provide the applicant with a written determination within 30 days of receiving a complete application for a Cash grant.¹⁰⁸ If the Cash grant application is deemed incomplete, the administering agency must send the applicant a notice indicating what information is missing within 10 workdays of receipt.¹⁰⁹ The applicant will then have 15 days from the date of that notice to return the missing information in order to avoid rejection of the application.¹¹⁰



Advocacy Tip: If you have a client who has not applied by or near the end of the LIHEAP season (this year, April 28, 2023), they should proceed with the application even if they do not have all

¹⁰³ *Id.*

¹⁰⁴ *Id.* at § 601.24.

¹⁰⁵ *Id.* at § 601.21(3).

¹⁰⁶ *Id.*

¹⁰⁷ 22-23 LIHEAP STATE PLAN at app. B § 601.22.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* at app. B § 601.23.

¹¹⁰ *Id.*

their documentation with them at the time. An incomplete application is not rejected, it is deemed incomplete and the client will have 15 days from the date of the incomplete notice to submit the documentation. This will allow households nearing the end of the season to have their grant considered.

Although significant Cash grant processing delays have occurred in previous years, DHS's obligation to provide a determination of eligibility within 30 days of receiving a completed application continues to exist.¹¹¹ If County offices are routinely failing to comply with this deadline, please alert PULP so that we can bring it to the attention of DHS.

Documentation vs. Verification

DHS uses two different classifications for information submitted in association with LIHEAP: “verification” and “documentation.”¹¹² “Verification” includes “any form of convincing information, including oral statements or documentation.”¹¹³ “Documentation” includes “written or printed evidence, such as fuel bills, rent receipts, or pay stubs, which is needed to determine LIHEAP eligibility and the type and amount of the LIHEAP benefit.”¹¹⁴

Documenting Income

Applicants must **document** the amount and source of the income for: 1) all household members and 2) for anyone living in the residence who already received LIHEAP benefits during the program year as a member of another household.¹¹⁵

If an applicant claims little or no income for the household, the applicant will be required to provide **evidence** explaining how the household is meeting its financial obligations and basic living needs.¹¹⁶ While the Plan does not specify the form of this evidence, the 2022-2023 Application for LIHEAP requires applicants with no income in the past month, or with income that is less than the cost of the household’s monthly basic living needs (food, shelter, personal items, etc.), to explain in writing how the household is meeting its basic living needs.¹¹⁷ DHS generally applies a high level of scrutiny to applications of individuals who assert that they have no income. If an applicant cannot obtain income information, as the CAO to assist with third party verification. If third party verification is not possible, request that a CAO accept client statement!

¹¹¹ See *id.* at app. B § 601.22.

¹¹² See *id.* at app. B § 601.101.

¹¹³ *Id.* at app. B § 601.101(1).

¹¹⁴ *Id.* at app. B § 601.101(2).

¹¹⁵ *Id.* at app. B § 601.102(1).

¹¹⁶ *Id.* at § 601.103.

¹¹⁷ See PA. DEP’T OF HUMAN SERVICES, LIHEAP APPLICATION.

Documenting Heating Responsibility

Cash grant: applicants must **document** their responsibility for the primary fuel type for the household.¹¹⁸ A household that pays a vendor directly can satisfy this responsibility by submitting a fuel bill or receipt issued within the two months prior to the date of the LIHEAP application.¹¹⁹ Households can also submit receipts from vendors for fuel purchased since January 2022.¹²⁰

Note: Many utilities have established on-line portals that allow LIHEAP case workers to verify home heating responsibility directly through the portal. If a client does not have a bill from their primary heating source, they should still apply, and this can be verified by the utility through the portal or through a phone call. For deliverable fuel vendors, the household will have to document their responsibility by providing a receipt for the delivery of home heating fuel. Since the purpose of this documentation is to prove home-heating responsibility, the receipt can be from a different vendor than the one that the client is electing to designate as their current LIHEAP vendor.

Households that pay for heat indirectly as an undesignated part of their rent can provide verification or documentation from the landlord or rental agent to show home heating responsibility.¹²¹ Oral verification by the landlord is sufficient to meet this burden.¹²²

Note: If a household chooses to have a benefit paid to the vendor of a secondary fuel type, then the household must document its responsibility for both the primary and secondary fuel types.¹²³

Crisis grant: Applicants for Crisis grants must prove payment responsibility for *either* the primary or secondary fuel type.¹²⁴ If an applicant does not have a recent bill or receipt as a result of a prior service termination, the intended vendor must supply documentation that indicates the vendor will activate service upon a determination of LIHEAP eligibility.¹²⁵

Note: In certain situations, an applicant for a Cash or Crisis benefit can show proof of home heating responsibility despite the billing payment responsibility being in someone else's name.¹²⁶ This includes the death of the bill payer, credit problems of the applicant, and domestic violence safety concerns.¹²⁷ The applicant must then provide written proof that he/she lives at the residence address, and explain why the bill is in another person's name.¹²⁸ For example, if the

¹¹⁸ 22-23 LIHEAP STATE PLAN, at app. B § 601.104(1).

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.* at app. B § 601.104(3).

¹²² *Id.*

¹²³ *Id.* at app. B § 601.104(1).

¹²⁴ *Id.* at app. B § 601.104(2).

¹²⁵ *Id.*

¹²⁶ *Id.* at app. B § 601.104(4).

¹²⁷ *See id.*

¹²⁸ *See id.*

LIHEAP applicant continues to have the utility bill in the name of her deceased spouse, she may then provide a driver's license documenting that she resides at the residence.¹²⁹

Documenting Proof of Residence

Generally, an applicant must live at the residence being heated. However, an applicant temporarily living away from his or her actual residence can still apply for LIHEAP by providing some documentation of the emergency or extenuating circumstances requiring the household to live elsewhere.¹³⁰ The CAO is required, upon request, to assist in providing appropriate documentation for applicants in these situations.¹³¹

Documenting a Crisis

To receive a Crisis grant, the applicant must prove that there is a home heating crisis.¹³² Acceptable forms of proof include:

- A utility termination notice or verification of a scheduled termination,
- Verification that utility service has already been terminated, or
- A statement from the applicant that the household's deliverable fuel supply is depleted or will last less than 15 days.¹³³



Advocacy Tip: The 2023 LIHEAP State Plan was amended to explicitly note that households with a medical certificate or other short-term emergency hold that has temporarily stayed a pending termination will be considered to meet the criteria for a Crisis Grant.¹³⁴ Previously, a household with a medical certificate was not considered to be at risk of imminent termination and, thus, was not eligible for Crisis grant assistance.

Whether a crisis exists is fact specific. For example:

- A termination notice is generally sufficient proof to document a crisis for receipt of a Crisis grant.¹³⁵ Because regulated utility companies cannot terminate service to LIHEAP income-eligible households during the Winter Moratorium (December 1 through March 31), a termination notice issued by a regulated utility company during the Winter Moratorium is not, by itself, accepted by DHS as proof of a home heating emergency.¹³⁶ However, DHS will accept, as proof of a crisis situation, shut-off notices dated February 1, 2023 or later that are issued by regulated utilities.¹³⁷

¹²⁹ *Id.*

¹³⁰ *Id.* at app. B § 601.105.

¹³¹ *Id.*

¹³² *Id.* at app. B § 601.108.

¹³³ *Id.*

¹³⁴ 22-23 LIHEAP STATE PLAN at ix-x; 601.62(2)(ii).

¹³⁵ *E.g., Id.* at app. B § 601.62(2)(ii); 66 Pa C.S. § 1406(g).

¹³⁶ 22-23 LIHEAP STATE PLAN, AT app. B § 601.108.

¹³⁷ Shut-off notices are valid for sixty days from the date they are issued. 66 Pa. C.S. § 1406(b)(1)(i). As such, a shut-off notice issued after February 1st could be acted on by the utility in April, after the end of the winter moratorium.

- Subsidized housing tenants are not eligible for a Crisis grant if their rental charge includes an undesignated amount for heat AND is based on a fixed percentage of their income.¹³⁸ *However*, if a subsidized housing tenant who has heat included in their rent has a direct relationship with electric company and the electricity is necessary to operate their primary fuel type, then they would be eligible for a Crisis grant to their secondary fuel type (electricity).



Advocacy Tips - An advocate may need to address:

Social Security Numbers: A Social Security number is not required for eligibility, but if the applicant has a Social Security number and they are able to provide it, DHS has determined that it must be provided.¹³⁹ Regulated vendors often request social security numbers in order to match the grant to the appropriate account. An applicant who does not have a Social Security number or is unable to provide one can complete an Energy Assistance Affidavit.¹⁴⁰ The Energy Assistance Affidavit is printed in the certification section on page three of the LIHEAP application.

Immigration Status: Official documentation from the U.S. Citizenship and Immigration Services is generally sufficient to establish lawfully admitted non-citizen status.¹⁴¹ A chart of acceptable documents for proving eligible non-citizen status is provided in the State Plan, at the end of appendix B.¹⁴²

Verification Issues: If an applicant cannot obtain income information, as the CAO to assist with third party verification. If third party verification is not possible, request that a CAO accept the client's statement.

CASH GRANT

The LIHEAP Cash grant is available to all eligible individuals with a home heating responsibility.¹⁴³ An individual may be a renter or an owner and may use *any* type of fuel to provide heat to the residence, including but not limited to: gas, oil, electric, wood, propane.¹⁴⁴ The purpose of the Cash grant is to assist low income households with their financial home heating burden.¹⁴⁵ Therefore, to receive a Cash grant an individual:

¹³⁸ 22-23 LIHEAP STATE PLAN, at app. B § 601.31(2)(i)(B).

¹³⁹ *Id.* at app. B § 601.106.

¹⁴⁰ *Id.*

¹⁴¹ *See d.* at app. B § 601.109.

¹⁴² *Id.* at app. B.

¹⁴³ *See id.* at app. B § 601.31(2).

¹⁴⁴ *See id.*

¹⁴⁵ *See id.* at app. B § 601.2.

- Need **not** be threatened with termination of service;
- Need **not** have an outstanding bill or be in debt to a utility or energy vendor; and
- Need **not** have a direct relationship with a utility or energy vendor.

Grants are calculated based upon a number of household characteristics that impact affordability.¹⁴⁶

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

Based upon these household characteristics, Cash grants for 2022-2023 will range from \$300 to \$1,000 per household.¹⁴⁷ The LIHEAP Benefit Amount Table shows the size of the Cash grant a household may receive.¹⁴⁸

Note: The Benefit Amount Table only includes income levels up through \$79,620. However, households with incomes above \$79,620 may still be eligible, depending on household size. Refer to Appendix A of this Manual for 2022-2023 PA LIHEAP Income Guidelines.

If the household pays for fuel directly to a vendor or utility, then DHS will send the Cash grant to the fuel vendor or utility on behalf of the household.¹⁴⁹ The applicant receives the grant directly in the following situations: if the household pays for heat as an undesignated part of rent, the fuel vendor refuses to participate in the program or has been removed from the list of participating vendors, the heating bill is in the name of a non-household member, the applicant is a roomer, or the bill is paid to a third party such as in a master-metered situation.¹⁵⁰

Landlords, rental agents, housing authorities, or hotel or rooming house managers are not eligible to receive direct vendor payments.¹⁵¹ Thus, an unscrupulous landlord is not able to intercept or coerce a LIHEAP grant from a tenant.

With the advent of competition in electric and natural gas utility service, some households may be purchasing their energy generation from an entity other than their local regulated distribution

¹⁴⁶ *Id.* at app. B § 601.41(1-4).

¹⁴⁷ See 22-23 LIHEAP STATE PLAN, at ii.

¹⁴⁸ See PA. DEP'T OF HUMAN SERVICES, LIHEAP BENEFIT AMOUNT TABLE (2022), https://www.humanservices.state.pa.us/LIHEAP_BENEFIT_TABLE/.

¹⁴⁹ 22-23 LIHEAP STATE PLAN, at app. B § 601.44(1).

¹⁵⁰ *Id.* at app. B § 601.44(2).

¹⁵¹ *Id.* at app. B § 601.44(3).

company. LIHEAP grants can only go to the local regulated distribution company. If a supplier bills the customers separately for generation service, those customers cannot designate their LIHEAP grant to pay the generation bill.¹⁵² However, in most cases, residential customers who use a supplier are billed through the distribution company. In that circumstance, LIHEAP grant assistance can be applied to the entire bill.

Crediting a Cash Grant to a CAP Customer's Account

The purpose of LIHEAP is to help low income households meet their home heating needs. The LIHEAP Federal statute and regulations and Pennsylvania's approved State Plan require that LIHEAP funds be applied in full to the account of LIHEAP eligible households.

Customer Assistance Programs (CAPs)

Each large regulated electric and natural gas distribution company in Pennsylvania must provide a Customer Assistance Program (CAP) for low income consumers within its service territory.¹⁵³ CAPs generally serve households with income at or below 150% of the Federal poverty level, similar to the LIHEAP eligibility level. The Pennsylvania Public Utility Commission (PUC) oversees and approves funding levels, benefits, and program rules for CAPs, which are administered by the individual utility companies. CAP programs protect consumers' health and safety by helping low income customers maintain affordable utility service.¹⁵⁴ In CAP, monthly utility bills are lowered by providing a reduced rate through either a Percentage of Income Payment Program (PIPP or PIP), a rate discount, or some other PUC approved model. Entry into CAP may also generally freeze any collection activity of pre-program arrears and allow a participant to earn forgiveness on their pre-program arrears over time by making payments on their discounted bill.

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

Intersection of LIHEAP and CAP

Generally, customers enrolled in a utility Customer Assistance Program (CAP) are required or encouraged to apply for LIHEAP assistance.

¹⁵² Note, however, that almost all competitive electric suppliers sell their receivables to the utility company and have that utility company bill the customer for the supply charges. In this case, applicants who direct their LIHEAP grant to the utility will indirectly pay for the competitive supply. This is because the utility retains the ability to terminate service for nonpayment of the energy costs that it purchases from the competitive supplier. It is only in those cases where a supplier separately bills the customer that the customer cannot direct the LIHEAP grant to the supplier.

¹⁵³ 66 Pa. C.S. §§ 2803 (electric), 2203 (gas).

¹⁵⁴ 52 PA. CODE §§ 54.73 (electric), 62.3 (gas).

LIHEAP Crisis recipients not already enrolled in CAP must be offered entrance into the CAP of the utility company designated to receive that Crisis grant, or a budget plan, depending on which is the most advantageous.¹⁵⁵

However, PUC policy, which governs utility accounting practices, had permitted utilities not to credit a CAP participant’s LIHEAP Cash grant specifically to that individual customer’s current bill. Instead, utilities could apply the grant to cover the general costs of the Customer Assistance Program, to frozen pre-program arrears or to the difference between the CAP “Asked to Pay” amount and the amount that the customer actually consumed.

To address this questionable application of the CAP payment by utilities, DHS formulated a policy **requiring utilities to apply the LIHEAP Cash grant to the individual CAP customer’s asked-to-pay amount.**¹⁵⁶ The Vendor Agreement for the 2022-2023 program year¹⁵⁷ states the following:

Public utilities that operate Customer Assistance Programs (CAP) will apply the LIHEAP Cash grant in full to the customer’s account:

- a) To resolve any past-due CAP payments;
- b) To the current CAP payment; and
- c) Any remaining funds credited to future CAP payments.

NOTE: A CAP payment is the amount the customer is required to pay under the terms of the utility’s CAP agreement.

DHS continues to require that LIHEAP Cash grants be applied to a CAP household’s “asked to pay” amount. The vendor agreement does not use that phrase, but instead talks about a household’s “CAP payment”, defined as “the amount the customer is required to pay under the utility’s CAP agreement.” Since each of the CAP programs operates slightly differently, advocates are encouraged to contact PULP staff with questions. Additionally, each of the utility’s CAP plans can be found on the Public Utility Commission’s website.¹⁵⁸



Advocacy Tip: Advocates should remain vigilant and carefully review each customer’s account to be certain that the LIHEAP Cash grant has, in fact, been credited properly to the “Asked to Pay” amount. The review process may be daunting since it is often difficult to trace how utilities are applying LIHEAP payments. If you have questions, please contact PULP staff.

¹⁵⁵ 22-23 LIHEAP STATE PLAN at app. B § 601.61.

¹⁵⁶ *Id.* at app. B § 601.45.

¹⁵⁷ See Appendix F attached hereto.

¹⁵⁸ See http://www.puc.pa.gov/consumer_info/electricity/energy_assistance_programs.aspx. Scroll down on the page to the section titled “Universal Service Plans and Evaluations.”

Policy Aftermath

In reaction to this policy change, many utilities have sought novel means to recover the value of the LIHEAP grants which formerly covered general operating costs of the Customer Assistance Program. One method, called “CAP-Plus,” adds a flat fee to each customer’s account based on the total value of LIHEAP grants obtained in the previous program year. The legality of this process had been challenged; however, the Commonwealth Court of Pennsylvania has affirmed the adoption of the CAP-Plus program.¹⁵⁹ LIHEAP clients participating in CAPs at utilities that have implemented CAP-Plus are required to pay this additional charge and advocates should be aware that other companies may also petition the Commission to implement a CAP-Plus payment.

CRISIS GRANT

The LIHEAP Crisis grant assists households with a home heating related emergency, such as: loss of heat due to a heating system failure; actual or scheduled service shut-off; lack of fuel; or imminent depletion of fuel.¹⁶⁰ Crisis grants may be applied to either the primary or secondary heat source, or a supplemental heat source where the main source of heat is inoperable.¹⁶¹ Although households should apply for both Cash and Crisis grants if they are eligible for both, the LIHEAP State Plan is clear that households may apply for and, if eligible, receive a Crisis grant regardless of whether they apply for and receive a Cash grant.¹⁶²

When an applicant seeks Crisis assistance to stop a pending termination or reconnect to service before applying for a Cash grant, they will no longer be required to use their Cash grant to resolve the crisis before Crisis grant funds are applied. The applicant will be able to choose whether to designate their Cash grant to the same or different vendor.

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

- Pipe thawing,
- Gas/fuel line repair,
- Purchase of a new furnace/heating system,
- Furnace repair,
- Water-heating system repair,

¹⁵⁹Pa. Communities Org. for Change, Inc. v. Pa. Pub. Util. Comm’n, 89 A.3d 338 (Pa. Commw. Ct. 2014).

¹⁶⁰ See 22-23 LIHEAP STATE PLAN at app. B § 601.4(2).

¹⁶¹ *Id.* at app. B § 601.61.

¹⁶² *Id.* at app. B § 601.32.

- Broken window repair,¹⁶³ or
- Payment of utility bills or for fuel delivery.¹⁶⁴

The State Plan notes these examples, but other heat related emergencies can also be addressed.

Other grants, such as from a regulated utility’s Hardship Fund or other public or private sources of funding, can also be used in combination with LIHEAP to resolve a crisis.¹⁶⁵

In response to **an advocate’s request, or pursuant to individual utility company policy, a utility may also accept less than the amount due to resolve a crisis.** For instance, in 2020, PECO announced that it will accept a Crisis grant as sufficient to resolve a crisis and prevent termination of service or restore service for all households with balances of \$3,000 or less. After application of the Crisis grant, PECO agreed to place the balance of the arrears on a payment agreement.

Advocates are encouraged to be creative in braiding grants and other assistance and requesting that utilities reduce up-front payment amounts for the purpose of resolving a utility crisis.

Expedited Processing

The CAO or other administering agency must expedite processing of Crisis grant applications. Households that qualify for a Crisis grant must receive assistance within **48 hours** of submitting the application.¹⁶⁶ In life-threatening situations, assistance must be provided within **18 hours** of the application.¹⁶⁷



Advocacy Tip: CAOs and administering agencies often fall behind on the processing of applications due to the volume of applications within a limited time period. If an applicant does not get a decision from the CAO within the 48 hour/18 hour Crisis deadlines (as well as the 30-day Cash deadline), the advocate should contact the CAO. Each CAO has a LIHEAP coordinator who can troubleshoot missed Crisis deadlines.¹⁶⁸ Have your CAO identify that individual and contact them immediately when an application is not processed within the 48 hour/18 hour window. We have provided the list of LIHEAP Coordinators as Appendix D of this document.

¹⁶³ Broken windows alone do not meet the definition of a home heating emergency unless their repair is necessary to ensure the effectiveness of other repairs or improvements. *Id.* at app. B § 601.62(vi).

¹⁶⁴ 22-23 LIHEAP STATE PLAN, at app. B § 601.62.

¹⁶⁵ Each regulated electric and gas utility has a hardship fund. *See* http://www.puc.state.pa.us/consumer_info/electricity/energy_assistance_programs.aspx. Some of those hardship fund programs – such as PPL’s Operation HELP – allow utility customers to use those funds for other fuel types.

¹⁶⁶ 22-23 LIHEAP STATE PLAN, at app. B § 601.4(2).

¹⁶⁷ *Id.*

¹⁶⁸ A list of LIHEAP contacts at each CAO is attached to this manual as Exhibit D.

Crisis Grant Eligibility

Crisis applicants must meet distinct eligibility criteria to receive a grant:

- The household must meet all the general eligibility requirements regarding income, home heating responsibility, residency, and citizen status.¹⁶⁹
- The household must be without heat or in imminent danger of being without heat due to a weather-related event, a home heating system breakdown, a utility shut-off or an energy supply shortage.¹⁷⁰ **A household that heats with a deliverable fuel will be considered to be in a home heating emergency if their heating fuel supply will last less than 15 calendar days.**¹⁷¹
- The Crisis benefit must alone, or in conjunction with other resources, resolve the home heating emergency.¹⁷²
- The household must provide proof of the home heating emergency.¹⁷³

Grant Features

The amount of a Crisis grant is the amount needed to resolve the crisis subject to the minimum allowable Crisis grant of \$25 and the maximum allowable Crisis grant of \$1,000.¹⁷⁴ The amount of the Crisis grant cannot exceed whatever amount is needed to resolve the crisis, either by itself or combined with other resources, such as hardship grants provided through utilities.¹⁷⁵

Crisis grants are paid directly to the approved LIHEAP vendor or utility.¹⁷⁶ Exceptions in which Crisis grants are paid directly to the applicant are rare but may arise situations when direct payment to the vendor cannot be made. In this case, DHS will pay the Crisis benefit to the applicant as a reimbursement after the purchase has been verified.¹⁷⁷

Crisis funds can pay reconnection fees, re-start fees, and reasonable delivery charges.¹⁷⁸ **They may not be used to pay security deposits or late fees.**¹⁷⁹ Advocates should note that as of January 2015, regulated utilities can no longer require CAP eligible customers to pay a security deposit and should advise PULP of any utilities that attempt to do so.¹⁸⁰ Most CAP programs use

¹⁶⁹ 22-23 LIHEAP STATE PLAN, at app. B § 601.32(1).

¹⁷⁰ *Id.* at app. B § 601.32(2).

¹⁷¹ *See id.* at app. B § 601.62(2)(i).

¹⁷² *Id.* at app. B § 601.32(3).

¹⁷³ *Id.* at app. B § 601.32(4).

¹⁷⁴ *Id.* at ii.

¹⁷⁵ *See id.* at app. B § 601.61.

¹⁷⁶ *Id.* at app. B § 601.64.

¹⁷⁷ *Id.*

¹⁷⁸ *See id.* at app. B § 601.62(2)(i-ii).

¹⁷⁹ *Id.* at app. B § 601.45.

¹⁸⁰ 66 Pa. C.S. § 1404(a.1).

the same income guideline as LIHEAP - 150% of Federal Poverty and below - however, CAP programs may count income and household members that LIHEAP does not, and vice versa.

Heating System Repairs

Weather-related heating emergencies may include heating system repairs or heating system replacements.¹⁸¹ A household can use a Crisis grant to pay for the repairs,¹⁸² but PULP recommends that clients access the Crisis Interface/Weatherization Assistance Program for assistance in making the necessary repairs or replacing their heating system free of charge, provided the household is income eligible. This program is discussed in greater detail below.

Deliverable Fuels

Special rules apply to the payment of a Crisis grant for a shortage of deliverable fuels (e.g., oil, propane, kerosene, wood). In this situation, **an applicant's statement** that their fuel supply has been exhausted or will last fewer than 15 days is acceptable proof of an energy crisis.¹⁸³

In the case of deliverable fuels, the LIHEAP Crisis grant can include the cost of delivery up to the \$1,000 maximum payment.¹⁸⁴ If the fuel is not delivered by the vendor, the household will receive the amount needed to resolve the crisis or the maximum amount of fuel that can be transported by the household in one trip; again subject to the \$1,000 maximum Crisis payment.¹⁸⁵ A prior statement from the vendor is required to verify the cost of the non-vendor pick-up.¹⁸⁶

DHS requires deliverable fuel vendors to charge the lowest price if the vendor has a variable pricing structure (i.e., one price for cash deliveries and one for credit deliveries), and requires that the household be charged the same amount as a non-LIHEAP household for an identical delivery based on quantity. In other words, if there is a minimum delivery fee (or a higher per unit price for a lesser amount of fuel) it must be assessed for LIHEAP and non-LIHEAP households equally.¹⁸⁷

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

¹⁸¹ 22-23 LIHEAP STATE PLAN at app. B § 601.62(1).

¹⁸² *See id.*

¹⁸³ *Id.* at app. B § 601.108.

¹⁸⁴ *See id.* at app. B § 601.61.

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ *See* Vendor Agreement – Liquid or Solid Fuels ¶ 5a.

Crisis Resolution

A LIHEAP Crisis grant must resolve the crisis.¹⁸⁸ Households are **ineligible** for a Crisis grant if the grant, alone or combined with other resources available to the household, will not resolve the crisis.¹⁸⁹ Given the fragile economic condition of LIHEAP Crisis applicants and the current cost of energy, an \$1,000 Crisis grant alone could very likely be insufficient to resolve the crisis.



Advocacy Tip: Applicants will still be eligible for Crisis grants if the grant will resolve the crisis **in combination with other resources**. Advocates should work with applicants, reach out to community organizations, and negotiate with utilities to identify additional resources that will complement the Crisis grant in resolving the home heating crisis. Resources can include, but are not limited to, supplemental funds from community organizations or friends and family, utility hardship funds, and negotiating a lower amount owed with the utility or a payment arrangement or deferral of debt by the utility.

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

Maintenance of Service: When a regulated electric or natural gas vendor accepts a Crisis payment to prevent termination or reconnect service to the household, then that vendor must maintain ongoing service to the household for at least 30 calendar days following the resolution of the crisis.¹⁹⁰ When a household receives a Crisis grant approval up to 30 days before the Winter Moratorium or during the Winter Moratorium period, then service may not be terminated until either 30 days after the Crisis is resolved, or May 1st, whichever is later.¹⁹¹

Enrollment in CAP: If a utility accepts a Crisis grant, then that utility *must offer* that individual the opportunity to enroll in that utility's Customer Assistance Program (CAP) or into a budget billing plan, whichever is more beneficial to the applicant.¹⁹²

LIHEAP Crisis Grants and the Winter Moratorium

There are conflicting legal principles at work during the Winter Moratorium. In general, customers of regulated electric and natural gas utilities with a household income at or below 250% of the Federal Poverty Level are protected from service termination from December 1 through March 31 of each year, unless the utility is specifically given permission to terminate by

¹⁸⁸ 22-23 LIHEAP STATE PLAN, at app. B § 601.61.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.* at app. B § 601.61.

¹⁹¹ *Id.*

¹⁹² *Id.*

the PUC.¹⁹³ A request for such permission by the utility is exceptionally rare. Customers of PGW have separate guidelines.¹⁹⁴

On one hand, Chapter 14 (the Pennsylvania statute that governs terminations) specifically states that a notice of termination is sufficient proof of a crisis to enable a low income household to qualify for a Crisis grant.¹⁹⁵ However, since the basis for receiving a Crisis grant rests with the household demonstrating the existence of an *imminent or actual crisis*, DHS does not generally consider a low income household protected by the Winter Moratorium to be in an imminent crisis and will not authorize a Crisis grant to such a household.

As a result, some confusing scenarios arise:

- **Scenario #1:** A regulated utility issues a termination notice, to take effect during the Winter Moratorium period. Because the Winter Moratorium prevents terminations, before the utility may act on that termination notice, it must petition the PUC for permission to do so.¹⁹⁶ In the extraordinarily rare case that the PUC grants permission to act on the notice and terminate the household, then a crisis exists, and the household will be eligible for a Crisis grant. DHS does not consider the household to be in crisis until the PUC has given permission for the utility to act.¹⁹⁷
- **Scenario #2:** Same facts as Scenario #1. The utility either does not seek PUC permission to act on the notice or seeks PUC permission and is denied. In either case, the applicant is not in an actual crisis, but Chapter 14 would appear to authorize the grant anyway.

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

Note: The applicant may receive a notice from DHS informing her that she is not presently eligible for a Crisis grant because there is no imminent or immediate crisis, but that she may receive a grant if, towards the end of the program year, she remains in a crisis situation and there is sufficient funding available. This could cause confusion for LIHEAP Crisis applicants.

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

¹⁹³ 66 Pa. C.S. § 1406(e)(1).

¹⁹⁴ 66 Pa. C.S. § 1406(e)(2).

¹⁹⁵ 66 Pa. C.S. § 1406(g).

¹⁹⁶ 66 Pa. C.S. § 1406(e)(1).

¹⁹⁷ 22-23 LIHEAP STATE PLAN, at app. B § 601.62(2)(ii)(A).



Advocacy Tip: Whether DHS will provide a Crisis grant may depend on a number of factors, such as the availability of funds, the actual closing date of the Crisis component, or other policy determinations. Because the notice will still be in effect after the moratorium, advocates should argue the Crisis grant will resolve an imminent crisis.

Vendors not regulated by the PUC are not subject to Chapter 14 or to the Winter Moratorium.¹⁹⁸ Therefore, DHS will examine crisis applications for customers of those vendors on a case by case basis. For example, some Rural Electric Cooperatives or municipal utilities preclude termination during certain winter months, while others do not.

CRISIS INTERFACE

The Crisis Interface/Weatherization Assistance Program component of LIHEAP is designed to help low income households who are in a crisis situation due to inoperability or faulty functioning of a heating source as a result, for example, of a heating system or furnace breakdown. The program provides a household with necessary repairs to a furnace or to replace the furnace outright. However, the Crisis Interface Policy of the State Plan states that if the furnace has not been operating within past two heating seasons, it may not be eligible for Crisis services, as a furnace that has not been working for that long of a period of time may not be considered to be a weather-related emergency. The State Plan allows for some consideration on a case by case basis. The program is open from November 1, 2022 until April 28, 2023.

The measures for which Weatherization Agencies will be responsible under the LIHEAP Crisis program are as follows:¹⁹⁹

- Repair of heating system
- Loan of auxiliary heater
- Repair of gas or other fuel lines
- Replacement of un-repairable heating systems
- Repair of hot water heating system
- Heating system pipe thawing service
- Repair of broken windows²⁰⁰
- Provide blankets

¹⁹⁸ See 66 Pa. C.S. § 1406(e)(1).

¹⁹⁹ PA. DEP'T OF CMTY. & ECON. DEV., WEATHERIZATION ASSISTANCE PROGRAM STATE PLAN, at app. C § IV (2016).

²⁰⁰ DHS policy states that broken windows alone do not meet the definition of a home-heating emergency but can be repaired if the heating system is also being repaired or replaced. 22-23 LIHEAP STATE PLAN, at app. C § IV.

Because situations like the loss of a heat source represent crises, remedial action must be taken within an appropriate time frame of 48, or 18 hours in the case of life-threatening situation.²⁰¹ Initially, a non-permanent action, such as the provision of space heaters, may temporarily help to ameliorate the situation.²⁰² A more permanent solution should follow the temporary measure within a reasonable amount of time.²⁰³ Unlike the Cash and Crisis components, the Crisis Interface program component provides services rather than grants.²⁰⁴ It is administered jointly by DHS and the Department of Community and Economic Development (DCED) in the following manner:

- The applicant must be determined to be in a crisis and eligible for a Crisis Interface referral by the DHS administering agency (such as the CAO);
- The DHS administering agency refers the applicant to the appropriate local weatherization agency;
- The weatherization agency conducts a home visit to assess the heating system, proceeds to take appropriate action to resolve the crisis, and if appropriate, initiates additional weatherization measures.²⁰⁵

Special eligibility rules apply for renters:

- In all cases, prior written permission must be granted by the landlord for the agency to enter the premises to provide Crisis or Weatherization Services; and
- The landlord and tenant must sign an agreement, witnessed by the agency, that the tenant will not be evicted or suffer a rent increase for a reasonable time (not less than 18 months), unless the landlord can show the eviction or increase is not related to the weatherization work performed.²⁰⁶

APPEALS

Individuals can request fair hearings to challenge decisions of the CAO, such as being improperly denied LIHEAP benefits; unjust delay of benefits; insufficient grant amount; or improper assessment of an overpayment.²⁰⁷ Individuals can complete and sign the appeal section of any notice, send a written or faxed request to the CAO, or tell the CAO they are appealing. In the case of an oral appeal, there must be a written follow-up within 3 days.

²⁰¹ PA. DEP'T OF CMTY. & ECON. DEV., WEATHERIZATION ASSISTANCE PROGRAM STATE PLAN, at app. C § IV (2016).

²⁰² *Id.* at § III.

²⁰³ *Id.* at § IV.

²⁰⁴ *Id.* at § I.

²⁰⁵ *Id.*

²⁰⁶ 22-23 LIHEAP STATE PLAN, at app. C § VII.

²⁰⁷ *Id.* at app. B § 601.123(a).

Note: LIHEAP is not an entitlement program. Unlike other public benefits programs, an applicant cannot appeal if they applied after the program closed or if the program runs out of funds.²⁰⁸

Detailed procedures for the appeal process are found in Chapter 870 of DHS’s Supplemental Handbook, posted online at DHS’s website.²⁰⁹



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

An appeal must be taken within 30 days of the date of written notice from the CAO.²¹⁰

An appeal must be taken within 60 days of the CAO’s failure to act on a request or application.²¹¹

An appeal must be taken within 6 months of the date of the CAO’s failure to send a required written notice or where there is an administrative error.²¹²

As long as the program is open, failure to adhere to these time frames, as well as other appealable issues, may be resolved by an individual simply filing a new application. In these situations, an applicant may benefit from direct advocacy to CAO staff to ensure proper application processing.



Advocacy Tip: If a LIHEAP application is deemed incomplete, the administering agency must send the applicant a notice indicating what information is missing within 10 workdays of receipt.²¹³ The applicant will then have 15 days from the date of that notice to return the missing information in order to avoid rejection of the application.²¹⁴

If the applicant does not submit the missing information within 15 days and the application is rejected, the applicant may still submit the missing information within 60 days from the date of the original application, and the CAO will re-determine eligibility based on the information provided. After 60 days, the applicant must submit a new application.²¹⁵

²⁰⁸ *Id.*

²⁰⁹ See <http://services.dpw.state.pa.us/oimpolicymanuals/supp/index.htm>.

²¹⁰ *E.g.*, 55 Pa Code § 275.3(b)(1); PA. DEP’T OF HUMAN SERVICES, SUPPLEMENTAL HANDBOOK § 870.12 (Jul. 21, 2015), <http://services.dpw.state.pa.us/oimpolicymanuals/supp/index.htm>.

²¹¹ *Id.*.

²¹² *Id.*

²¹³ *Id.* at app. B § 601.23.

²¹⁴ *Id.*

²¹⁵ *Id.*

SPECIAL ISSUES FOR LIHEAP ADVOCATES

Primary, Secondary and Supplemental Fuel Types

LIHEAP designates three fuel types: primary, secondary, and supplemental.²¹⁶

The **primary fuel type** is “the type of energy consumed by the primary heat source to create heat.”²¹⁷

A **primary heat source** is the heating system most used by the household. Note that the primary heat source *may* be a source other than the household’s main furnace or home heating system if the household uses the other source more than their main furnace.

The **secondary fuel type** is “the source of energy that is necessary, in addition to the primary heat source, to operate the primary heating source.”²¹⁸ For example, electricity is a secondary fuel source for households with a natural gas furnace because electricity is required to operate a natural gas furnace.

A **supplemental fuel type** is “[a] source of energy that a household uses to provide additional heat beyond the residence’s primary heat source.”²¹⁹



Advocacy Tip: These definitions of secondary and supplemental fuel type can be helpful for a household. For example, if a household’s oil or gas furnace heating system needs electricity to operate, the loss of electric service to the residence will result in the shut-down of the furnace, and, therefore, loss of heat. In this instance, a household can apply for a LIHEAP grant citing electric as a “secondary fuel type.” The LIHEAP application specifically asks for information about secondary fuel types used to run primary fuel type.²²⁰ LIHEAP cash or Crisis grants can be directed to secondary fuel type.

To establish home heating responsibility for a Cash grant, the household must show responsibility for paying for the **primary fuel type** either directly to a vendor or to a landlord as a part of rent.²²¹

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ *Id.*

²²⁰ See PA. DEP’T OF HUMAN SERVICES, LIHEAP APPLICATION § 8.

²²¹ *Id.* at app. B § 601.31(2).

Once an applicant demonstrates responsibility for the primary fuel type, the household can choose to have the Cash grant issued to its primary **or** secondary fuel type.²²²

To establish home heating responsibility for Crisis grant assistance, the household must show it pays for either its primary **or** secondary fuel type either directly to a vendor or indirectly through a third party as a part of rent.²²³

Note: that DHS has issued an Operations Memorandum indicating that it does not consider water as a secondary heating source. However, advocates have been able to convince DHS in the past to issue grants for water if they are necessary for the operation of the primary heating source – such as through steam radiators or other such system. Advocates should contact PULP if they run into this situation.

Restrictions on use of LIHEAP funds

LIHEAP benefits may be used to pay reconnection fees and late fees but may **not** be used for security deposits.²²⁴ When attempting to reconnect a household's utility service, advocates may need to look to other resources or to the utility itself to help generate funds for security deposits or late fees. However, as of January 2015, CAP-eligible customers cannot be charged security deposits.²²⁵ Most low income households that are eligible for LIHEAP will also be CAP eligible, subject to variations in household and income definitions between the utilities and DHS. PULP is interested in hearing about cases of LIHEAP recipients being charged security deposits for reconnection.



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

Transfer of Service or Initiation of Service at a new Address

For customers whose service has been disconnected at their previous address and who need services to be connected at their new address, a regulated utility may use a LIHEAP grant to cover 50% of the customer's back balance from the previous address plus a reconnection fee in order

²²² *Id.* at app. B § 601.41(4).

²²³ *Id.* at app. B § 601.31(2).

²²⁴ 22-23 LIHEAP STATE PLAN, at app. B § 601.45.

²²⁵ 66 Pa C.S. § 1404 (a.1).

to restore service.²²⁶ If a LIHEAP Cash grant is more than this amount, the regulated utility must apply the remainder of the Cash grant to the household's future bills, and not to the remaining back balance.²²⁷ Utilities must also agree to keep service on through the moratorium and enroll the applicant in a CAP or budget program if eligible.²²⁸ The choice of CAP or budget program is to be based upon which is most beneficial to the applicant.

Earned Income Incentive for Amount of Cash Grant

An individual with earned income is eligible to receive a larger Cash grant than an individual with unearned income. When calculating a household's total income for *eligibility* for a Cash grant, all income is included. However, once a household is deemed eligible to receive a Cash grant, the administering agency will reduce by 20% the amount of income earned from employment in order to determine the *grant amount*.²²⁹ The effect is to reward those households that have earned income from employment.

Improper Counting of Lump Sum Annual Payments

Sometimes, households receive an annual pension or annuity in one large annual payment, rather than smaller monthly payments. The 22-23 LIHEAP State Plan clearly gives the applicant the option to choose the most favorable time period to use in calculating income for LIHEAP eligibility – the past calendar month or a 12 month period.²³⁰ However, DHS will often count the annual payment as part of the household income, regardless of when that payment is received. As a result, an eligible household will inappropriately be deemed ineligible and denied a LIHEAP grant or, if found eligible, that household will receive a lower Cash grant. Advocates should look out for this income counting practice and prepare to challenge it.

Refunds and Second Payments

Vendors receiving a LIHEAP grant must apply that grant to a customer's account within two program years.²³¹ The two-year period ends no later than June 30th of the year *following* the year in which the grant was awarded.²³² For example, if grants were awarded in the 2022-2023 program year, the two-year period to use those funds will end on June 30, 2024.

Public utilities that operate Customer Assistance Programs (CAPs) may only apply LIHEAP Cash funds to a customer's monthly "Asked to Pay" amount (e.g., the amount due that the customer

²²⁶ 22-23 LIHEAP STATE PLAN, at app. B § 601.31(2)(vii). See also 66 Pa C.S. § 1407 for general rules related to reconnection of service for regulated utilities.

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ *Id.* at app. B § 601.41(2).

²³⁰ *See id.* at app. B § 601.83.

²³¹ *Id.* at app. B § 601.46.

²³² *See id.*

must pay). LIHEAP funds may not be applied to CAP unbilled usage amounts, or to pre-program arrearages until the 2-year mentioned above.²³³

Prior to a public utility refunding any remaining LIHEAP Cash funds at the end of the two-year period, such funds may be applied towards any remaining CAP pre-program arrearages, so long as the utility does not alter its CAP forgiveness policy during the federal fiscal year.²³⁴ However, LIHEAP Cash funds may not be applied to any pre-program arrearages previously forgiven by the public utility.²³⁵

Any funds not used by the vendor or the grantee in that time period must be sent back to DHS.²³⁶ In addition, if an applicant is awarded a grant and then subsequently dies, changes vendor, or moves from the vendor’s service area, the vendor must refund unexpended grant amounts.²³⁷

DHS will reissue these refunded amounts to a grantee within that same two-year period if:

- the grantee’s whereabouts are known,
- the grantee continues to reside in the Commonwealth, and
- where the grantee retains heating responsibility²³⁸ or where the crisis for which benefits were authorized continues to exist.”²³⁹

A vendor can sometimes receive an overpayment that is not the result of fraud, error, or misrepresentation by the applicant. In those situations, the error is considered an administrative error for which the applicant cannot be held responsible.²⁴⁰

Master Metering

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

Where the landlord passes along the utility costs through a specific fee or charge, the utility charge is **not** an undesignated portion of the rent. Some CAOs in past years have concluded that

²³³ See *id.* at app. B § 601.45.

²³⁴ *Id.*

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ *Id.* at app. B §§ 601.46(1), 601.65(1).

²³⁸ *Id.* at app. B § 601.46(2).

²³⁹ *Id.* at app. B § 601.65(2).

²⁴⁰ *Id.* at app. B § 601.144(3).

these tenants do not have a home heating responsibility as it is defined in the State Plan.²⁴¹ While it may, on a superficial review, appear that the tenant is ineligible for LIHEAP that conclusion may not be accurate. DHS has clarified in previous years that “Households that are renting with heat included and have a specific portion of their rent used for their heating costs are considered to have a heating responsibility and are therefore eligible for benefits.”²⁴²

Landlords are not approved vendors for the purposes of LIHEAP.²⁴³ This means that the tenant here is making a utility payment to a non-vendor, and will qualify for a direct grant.²⁴⁴ The Plan specifically excludes landlords from the definition of vendors and precludes landlords from receiving a vendor payment.²⁴⁵ DHS may also provide Crisis grants directly to tenants or mobile home park residents in master-meter situations based upon a case by case review.²⁴⁶ “If DHS determines that crisis benefits cannot be paid directly to the vendor, DHS pays the crisis benefit to the applicant as reimbursement after verification of the purchase has been provided.”²⁴⁷



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

CONCLUSION

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

²⁴¹ See *id.* at app. B § 601.31(2)(i)(B) (2016).

²⁴² See *id.* at app. B § 601.3 (defining household).

²⁴³ See *id.* at app. B § 601.44(3).

²⁴⁴ See *id.* at app. B § 601.44(2).

²⁴⁵ *Id.* at app. B § 601.44(3).

²⁴⁶ *Id.* at app. B § 601.44(2).

²⁴⁷ *Id.* at app. B § 601.64.

APPENDICES

Appendix A: 2022-2023 Pennsylvania LIHEAP Income Guidelines

Appendix B: Online Resources and Forms

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Appendix A: 2022-2023 Pennsylvania LIHEAP Income Guidelines

Household Size	Household Income 150% FPL for Cash & Crisis
1	\$19,320
2	\$26,130
3	\$32,940
4	\$39,750
5	\$46,560
6	\$53,370
7	\$60,180
8	\$66,990
9	\$73,800
10	\$80,610
For each additional person add	\$ 6,810

* Eligibility information from <https://www.dhs.pa.gov/Services/Assistance/Pages/LIHEAP.aspx>

Appendix B: Online Resources and Forms

Attached are Application Forms (HSEA-1 and HSEA-1S) and the LIHEAP Vendor Agreement.

Online Resources:

DHS's Heating Assistance Web Page	PA Department of Human Services	https://www.dhs.pa.gov/Services/Assistance/Pages/LIHEAP.aspx
2023 Final State Plan for PA LIHEAP	PA Department of Human Services	https://www.dhs.pa.gov/Services/Assistance/Documents/Heating%20Assistance LIHEAP/FY23 LIHEAP-Approved State Plan.pdf
COMPASS	PA Department of Human Services	www.compass.state.pa.us
LIHEAP Cash Benefit Table for PA	PA Department of Human Services	https://www.humanservices.state.pa.us/LIHEAP_BENEFIT_TABLE/
LIHEAP Clearinghouse	U.S. Dept. of Health & Human Services Admin. For Children & Families	https://liheapch.acf.hhs.gov/
HHS LIHEAP Homepage	U.S. Dept. of Health & Human Services Admin. For Children & Families	https://www.acf.hhs.gov/ocs/programs/liheap/about
NEADA	National Energy Assistance Directors Association	http://neada.org/
PA PUC Homepage	Pa Public Utility Commission	https://www.puc.pa.gov/
DHS LIHEAP Handbook	PA Department of Public Welfare	http://services.dpw.state.pa.us/oimpolicymanuals/liheap/LIHEAP_Handbook.htm
PULP	Pennsylvania Utility Law Project	http://www.pautilitylawproject.org/

DHS Online Forms:*

<u>HSEA 1 - LIHEAP Application Form (English)</u>	Application - English
<u>HSEA 1-S - LIHEAP Application Form (Spanish)</u>	Application - Español
<u>HSEA 18 – LIHEAP English Brochure*</u>	LIHEAP Brochure - English
<u>HSEA 18-S– LIHEAP Brochure Spanish</u>	LIHEAP Brochure- Español
<u>HSEA 4*</u>	Energy Assistance Affidavit
<u>HSEA 4-S</u>	Energy Assistance Affidavit (Español)
<u>HSEA 6*</u>	Zero Income Statement
<u>HSEA 6-S</u>	Zero Income Statement (Español)
<u>PWEA 32</u>	Request for Additional Information
<u>PWEA 32-S</u>	Request for Additional Information (Español)
<u>PWEA 35</u>	LIHEAP Computation Worksheet
<u>HSEA 36*</u>	Landlord Statement

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

***These are the forms or publications available and online as of November 1, 2022. Forms are available in the following languages: English, Spanish, Chinese, Russian , Vietnamese, Arabic, and Cambodian.**

Appendix C: Glossary of Common Terms and Abbreviations

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

CAP – Customer Assistance Programs assist eligible utility customers who are having difficulty paying their utility bills through provision of a special rate and the forgiveness of past debts by the utility. CAP customers must comply with program responsibilities in order to remain eligible for CAP.

Cash Grant (Component) – A onetime annual grant to assist eligible households with their regular heating costs. The amount of the grant is based upon household income, number of household members, fuel type, and geographic location.

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

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

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

DHS – Department of Human Services (formerly the Department of Public Welfare) administers the LIHEAP program and other programs in Pennsylvania that are designed to assist low income households, including Medical Assistance, Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance to Needy Families (TANF).

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

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

Primary Fuel Type – The type of energy consumed by the primary heat source to create heat.

Primary Heat Source – The heating system used most by the household.

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

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

Secondary Fuel Type – The source of energy that is necessary, in addition to the primary fuel type, to operate the primary heat source. For example, electricity is a secondary fuel type when it is necessary to enable the operation of an oil furnace when oil is the household’s primary heating source.

Supplementary Fuel – A source of energy that a household uses to provide additional heat beyond the residence’s primary heat source.

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

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

Vendor – An agent or company that directly distributes home-heating energy or services. Vendors do not include landlords, hotel managers or proprietors, rental agents, energy suppliers or generators, or housing authorities.

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

Weatherization Assistance Component (Crisis Interface) – This component addresses crises through repair or replacement of heating systems in cases of heating source malfunction or failure.

Winter Moratorium – Period from December 1st through March 31st that prohibits regulated gas and electric utilities from terminating residential service to households at or below 250% of the Federal Poverty Guidelines, unless granted specific permission by the Public Utility Commission.

Appendix D: County Coordinator Contact Information

County	LIHEAP Coordinator	Telephone Number	Email Address @pa.gov	Alternate Coordinator	Telephone Number2	Email Address @pa.gov
Adams	Vicki Miller	717-338-2329	vicmiller@	Brandi Cole	717-338-2357	brcole@
Allegheny	Richard Galinowski	724-339-6817	rgalinowsk@	Dorothy McCarthy	724-337-5618	dormccarth@
				Sharon Hutfles	724-339-6815	shutfles@
Armstrong	Stephanie Equihua	724-548-0231	sequihua@	Kimbel Kovatch	724-548-0238	kkovatch@
Beaver	Carrie Schurr	724-773-7466	cshurr@	Christina Steiner	724-773-7466	csteiner@
Bedford	Leslie Ritchey	814-624-4007	lritchey@	Denton McLaughlin	814-310-3054	dentmclaug@
Berks	Vicki Strause	610-736-4040	VSTRAUSE@	Robin Miley-Johnson	610-736-4169	rmiley-joh@
	Berks CAO		c-BerksCAO@	Alicia Reid	610-736-4252	alreid@
Blair	Dawn Briggs	814 946-7171	dabriggs@	Stephen Zupon	814 946-7176	szupon@
Bradford	Suzette O'Neil	570-268-1902	soneil@	Terri Johnson	570-946-8255	terrijohns@
Bucks	Diane Haas	215-781-3385	dhaas@	Maureen Hahn	215-781-3388	mhahn@
	Bucks CAO		C-Bucksbri@			
Butler	Melissa Eppinger	724-284-8842	mepfinger@	Nathan Statzer	724-284-8829	nstatzer@
Cambria	Judi Letzo	814-533-2328	jletzo@	Holly Burkhart	814-533-2341	hburkhart@
	Mike Petrunak	814-274-4106	mvalenti@	Carolyn Gibson		cgibson@
Cameron	Michelle Valenti	814-916-4112	mvalenti@	Victoria Phillips	814-205-1101	viphillips@
Carbon	Kristi Bower	570-271-3601	krbower@	Stacy Netznik	610-577-9040	snetznik@
Centre	Emily Gette-Doyle	814-861-1934	egettetdoyl@	Jarrod Stahlman	814-861-1933	jstahlman@
Chester	Bradley Canan	610-466-1111	bcanan@	Erica Dixon	610-466-1024	erdixon@
Clarion	Diane Guntrum	814-266-1789	diguntrum@	Amy Ortz	814-226-1795	aortz@
Clearfield	Victoria Phillips	814-205-1101	viphillips@	Jennifer Holt	814-205-1086	jeholt@
	Toni Rowles	814-205-1139	tonirowles@			
Clinton	Tara Hough	570-893-4503	tahough@	Stacey Shay	570-8934552	stshay@

Columbia	Roxanne Yurkiewicz	570-271-3602	ryurkiewic@	Tammy Feudale	570-912-1145	tfeudale@
	Wendy Townsend	570-912-1132	wtownsend@			
Crawford	Renee Colinear	814-333-3447	rcolinear@	Fredrick Oakman	814-333-3526	froakman@
	Crawford CAO		C-CRAWFORD@pa.gov			
Cumberland	Kim Showaker	717-240-2772	kshowaker@	Carol Dunkle	717-240-2747	cdunkle@
Dauphin	Britain Roda	717-787-4555	broda@	Melisa Dzihic	717-783-0162	mdzihic@
	Betzaida (Betsy) Rios	717-787-8124	brios@	Alexis Reid	717-787-2999	alereid@
Delaware	Sharon White Turner	610-447-3226	swhiteturn@	Tia Belton-Robinson	610-447-3234	tbeltonrob@
	Andrea Bryant	610-461-3856	andbryant@	Joshua Lewis	610-461-3810	joshlewis@
Elk	Pamela Freeburg	814-955-3057	pfreeburg@	Barbara Hetrick	814-955-3058	bahetrick@
Erie	Tamara Ganzer	814-461-2074	tganzer@	Angela Snyder	814-461-2071	angelsnyde@
Fayette	Scott Patterson	724-439-7047	scopatters@	Desiree Colgan	724-852-3526	dcolgan@
Forest	Sandra Zacherl	814-755-2105	szacherl@	Meghan Dahl	814-726-8853	mdahl@
	Forest CAO		C-FOREST@pa.gov			
Franklin	Tom Walsh	717-262-6570	thowalsh@	Wayne Campbell	717-262-6530	wacampbell@
Fulton	Danelle Flood	717-325-1212	dflood@	Wendy Clevenger	814-624-4008	wclevenger@
Greene	Mary Yoders	724-288-9732	myoders@	Desiree Colgan	724-288-9733	dcolgan@
Huntingdon	Sarah Shaffer	814-641-6442	sarahshaff@	Brad Norris	814-641-6449	bnorris@
Indiana	Jennifer Polisky	724-357-1935	jpolisky@	Drew Curley	724-357-4659	dcurley@
Jefferson	Stacy Volchko	814-955-3096	svolchko@	Anastasia Weiss	814-955-3093	anweiss@
Juniata	Lance Musser	717-996-8476	lmusser@	Nichole Keiter	717-320-1074	nkeiter@
Lackawanna	Jareth Rickaby	570-963-3246	jrickaby@	Brittany Colon	570-963-4479	brcolon@
Lancaster	Matthew Ducca	717-199-7454	mducca@	Shannon Wolpert	717-391-6901	swolpert@
Lawrence	Timothy Quigley	724-656-3044	timquigley@	Robert Beichner	724-656-3266	rbeichner@
	Lawrence CAO		c-lawrence@			

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Lebanon	Erin Fickes	717-270-3645	erfickes@	Mario Luciotti	717-270-3606	mluciotti@
Lehigh	Ashley Swank	570-271-3681	ashswank@	Denise McGowan	610-821-6522	denmcgowan@
	Crisis send to: PW, A6 LIHEAP Project – Crisis Apps		-	Skralim Gomez	610-871-0262	sgomez@
Luzerne	Deanne Reese	570-826-2180	dereese@	Brian McElwee	570-826-2175	cmcelwee@
	Brian McElwee	570-826-2175	cmcelwee@			
Lycoming	Patricia English	570-327-3305	penglish@	Alisia Troxell	570-327-3332	atroxell@
Mckean	Kimberly Hahn	814-362-5340	kihahn@	<u>Dusty Carl</u>	814-362-5312	ducarl@
Mercer	Scott Pellis	724-983-5091	spellis@	Jamey Wise	724-983-5013	jamwise@
				Lori Gill	724-983-5175	logill@
Mifflin	Jamie Morrison	717-242-6075	jamimorris@	Joelle Gilbert	717-242-6087	joegilbert@
Monroe	Kristi Bower	570-271-3601	krbower@	Charles Deubler	570-424-3900	cdeubler@
	Mozella McClendon	570-424-3519	mmcclendon@			
Montgomery	April Mocarsky	610-270-3557	amocarsky@	Teresa Murphy	610-270-3579	temurphy@
Montour	Roxanne Yurkiewicz	570-271-3602	ryurkiewicz@	Hope Enright	570-849-2073	mailto:henright@
Northampton	Patricia Lum	610-250-1714	plum@	Tameka Towns	610-250-1752	ttowns@
Northumberland	Sheila Ruiz	570-271-3623	sruiz@	Kristopher Willard	570-988-5950	krwillard@
	Christian Lepley	570-988-5978	clepley@			
Perry	Charlotte Noel-Klunk	717-582-5018	cnoelklunk@	Lance Musser	717-996-8476	lmusser@
Philadelphia	Linda Alvarado	215-560-4733	lalvarado@	Melvin Neal	215-560-4713	meneal@
Philadelphia	Stephane Scott	215 560 1181	stscott@	PW, PCAO LIHEAP VM		
Pike	Kari Woodland	570-271-3665	kwoodland@	Corie Brubaker	570-415-3319	cobrubaker@
	Sarah Minassian	570-415-3320	sminassian@			
Potter	Elizabeth Sigafos	814-274-4107	esigafos@	Tara Hough	570-893-4503	tahough@
Schuylkill	Christina Bright	570-271-3637	chbright@	Kristine Barron	570-621-3090	krbarron@
	Joseph Cuthie	570-621-3018	jcuthie@			

Snyder	Christine Beaver	570-372-1722	chbeaver@	Leroy Yoder	570-415-3325	lyoder@
Somerset	Michele Peters	814-445-1114	mipeters@	Jessica Traup	814-445-1170	jtraup@
Sullivan	Terri Johnson	570-415-3407	terrijohns@	Suzette O’Neil	267-831-2833	soneil@
Susquehanna	Roxanne Yurkiewicz	570-271-3602	ryurkewic@	D A Moyer	570-278-5623	d-moyer@
	Dianna Wayman	570-415-3340	diwayman@			
Tioga	Brenda Kline	570-724-9502	brkline@	Maria Eckart	570-724-9543	meckart@
Union	Kathy Smith	570-522-8708	kathysmith@	Kelly Ramsey	570-522-8709	kramsey@
Venango	Kimberly Hart	814-437-4360	kihart@	Jamie King-Rider	814-437-4409	jkingrider@
	Venango CAO		C-VENANGO@			
Warren	Meghan Dahl	814-726-8853	mdahl@	Brenda Ruhlman	814-726-8802	bruhlman@
	Warren CAO		C-WARREN@			
Washington	Andrew Hartt	724-223-4419	ahartt@	Deborah Barr	724-223-4588	debarr@
Washington	Gary Ailes	724-379-1511	gailles@	Travis Michaux	724-379-1512	tmichaux@
Wayne	Sheila Ruiz	570-271-3623	sruiz@	Shaun Hall	570-253-7123	hshaun@
	Pat Werner	570-253-7120	pwerner@			
Westmoreland	Mike Enick	724-832-5238	menick@	Jon Shogan	724-832-7991	jshogan@
Westmoreland				Jen Corleto	724-261-3556	jcorleto@
Westmoreland	Mike Enick	724-832-5238	menick@	Holly Vargulish	724-832-5278	hvargulish@
Wyoming	Kristi Bower	570-271-3601	krbower@	Linda Greene	570-996-5403	lingreene@
	Tierra Shortt	570-415-3389	tshortt@pa.gov			
York	Gina Burrows	717-996-8338	gburrows@	Cathy Kioussis	717-966-8343	ckioussis@
York	Latoya Carter	717-996-8483	lacarter@	Jaqueline Almeida	717-996-8354	jalmeida@
OIM-PC Director	Sulhei Fitzgerald	717-787-8205	sufitzgera@			
OIM-PC- Blair	Krista Murphy	814-201-9940	krmurphy@	Bill Berryman - OIM PC- Manager Blair	814-201-9961	wberryman@
OIM-PC - Butler	Krystal Rivera	724-234-3318	krivera@	Jennifer Weaver	724-234-4015	jeweaver@
OIM-PC - Cambria	Karen Wright	814-534-4416	karwright@	Jody Hyjurick - OIM PC- Manager Cambria	814-792-6191	jhyjurick@
OIM-PC - Clearfield	Mark Hoover	814-205-1082	marahoov@	Bill Berryman - OIM PC-	814-205-1038	wberryman@

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				Manager Clearfield		
OIM-PC Director	Deborah Miller	717-743-0328	deboramill@			
OIM-PC- Fayette	Leonard Metts	724-415-3264	lmetts@	Noelle Sampson - OIM PC Manager Fayette	724-415-3232	nsampson@
OIM-PC Director Philadelphia	Kiana Norfleet	215-789-3138	kinorfleet@	Shawnise Blocker - OIM PC Manager Philadelphia	215-789-3142	shblocker@
OIM PC Central Unit	Barbara Burton	717-265-8994	bburton@	Scott Umstead - OIM PC- Manager CU	717-772-2592	sumstead@
OIM-PC - Columbia	Teresa Wagner	570-912-1130	Tewagner@	Megan Conahan	570-387-4220	mconahan@
				Sabrina Williams	570-912-1131	sabwilliam@
OIM-PC - Lycoming	Amanda English	570-505-7904	aenglish@	Jessica Mutchler -OIM PC- Manager Lycoming	570-271-3620	jmutchler@
OIM-PC- Philadelphia	Kiana Norfleet	215-789-3138	kinorfleet@	Shawnise Blocker - OIM PC Manager Philadelphia	215-789-3142	shblocker@
OIM-PC- Somerset	Adam Lasure	814-289-4919	alasure@	Frank Kolonich	814-289-4096	frkolonich@
Danville OIM-PC	Jake Plocinski, Manager, SWPC	570-271-3615	PW, A6 LIHEAP Project-Cash Apps			
OIM CSC Director East	Ryan Robertson	717-874-3232	ryrobertso@			
Lancaster CSC	Alan Geiger	717-874-3020	ageiger@	Shelly Ewing	717-874-3207	shewing@
OIM CSC Director West	Deborah Miller	717-743-0328	deboramill@			
Allegheny CSC	Nell Marshall	412-565-2665	elmarshall@	Kristen Jones	412-770-2986	kristjones@
Blair CSC	Jody Hyjurick	814-792-6191	jhyjurick@	Joel Miller	814-505-1531	joemiller@
	Marie Hanabeck	724-415-3313	marhanabec@	Norman Wellington	724-415-1131	nwellingto@
Fayette CSC	Christopher D’Andrea	724-415-1260	chrlandrea@	Norman Wellington	724-415-1131	nwellingto@
Westmoreland CSC	John Salton	724-832-6282	jsalton@	Zach Ward	724-858-1741	zward@

OIM CSC Director Philadelphia	Tynishia Gardner	215-399-5503	tygardner@			
Market CSC	Christine Leader	267-858-3799	cleader@	Michelle Turner	267-858-3819	micheturne@
Montgomery CSC	Kristin Davidson	610-327-5652	krdavidson@	Joell McDuffy	610-906-1647	jmcduffy@
				Christina Tibbs	484-363-2312	ctibbs@
South CSC	Towanna Santiago	215-218-4401	tsantiago@	Deanna Reynolds	215-218-4402	deanreynol@

Appendix F: LIHEAP Vendor Agreements (Liquid and Solid Fuel, and Utility)



Pennsylvania Department of Human Services
LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM
2021 VENDOR AGREEMENT - LIQUID OR SOLID FUEL

Vendor Name and Address

Vendor Number

This agreement is entered for the purpose of facilitating the provision of Low-Income Home Energy Assistance Program (LIHEAP) benefits to low-income households through the delivery or providing fuel for pickup of solid or liquid fuel products for heating purposes, from a participating LIHEAP vendor. The Commonwealth of Pennsylvania defines a LIHEAP vendor as a company or agent of the company that supplies home heating energy or service in exchange for payment. The term does not include landlords, housing authorities, hotel managers or proprietors, rental agents, and other parties who are not direct suppliers of home heating, energy, or service.

A new LIHEAP Vendor Agreement is required every two years unless changes require this time frame to be shortened. **This agreement will terminate June 30, 2023, unless superseded by a new agreement, or terminated for convenience upon 30-day written notice by either DHS or by the vendor. Failure to comply with any of these conditions may result in removal from the approved vendor file and suspension of further payments to the vendor for client services.**

LIHEAP consists of two components. Eligible LIHEAP households receive one Cash grant based on the size, region, income, and fuel type of their household. LIHEAP Crisis grants are available to LIHEAP recipients who encounter a heating emergency. Data entry is required to receive payment for a Crisis grant. Subject to the availability of funds, the Department of Human Services (DHS) may opt to provide eligible LIHEAP households with additional LIHEAP grants.

By signing this agreement, the vendor agrees to communicate with DHS by phone and email and be responsive to DHS requests so that a customer's LIHEAP application or request for Crisis can be processed timely. The vendor also agrees to accept all LIHEAP grants and apply them to customer accounts according to the conditions of this vendor agreement and DHS instructions.

Participating LIHEAP vendors are paid through the Pennsylvania Treasury by check or direct deposit. A list of corresponding payments is posted to the LIHEAP Crisis Claim data entry system, identifying customer names, addresses, and the amount of LIHEAP Cash and Crisis payments each customer will receive, associated with a specific Treasury pay date.

The business or company written above, herein referred to as the "vendor," cannot enter into any subcontracts under this agreement with other subcontractors who are currently suspended or debarred by the commonwealth or other state or federal government. If any vendor enters into any subcontracts under this agreement with any subcontractors who become suspended or debarred by the commonwealth or other state or federal government during the term of this agreement or any extensions or renewals thereof, the commonwealth shall have the right to require the vendor to terminate such subcontracts to remain a LIHEAP vendor.

Vendors will adhere to LIHEAP policy and procedures as defined in the LIHEAP State Plan, will report any discovery of fraud, and address any questions regarding participation in LIHEAP to the LIHEAP Vendor Unit. A copy of the current LIHEAP State Plan can be obtained on the LIHEAP Vendor website at www.dhs.pa.gov/providers/Providers/Pages/LIHEAP-Vendors.aspx.

Vendors will adhere to the guidance provided by the Department of Agriculture's Division of Weights and Measures as it relates to the sale of energy products to protect consumers from unfair business practices and assure equity in the marketplace. See www.agriculture.pa.gov/consumer_protection/weights_measures/Pages/default.aspx. The Weights and Measures Division is responsible for regulating an array of products and services, including those that pertain to coal, firewood, home heating oil, and liquid propane gas, as defined in Section 23.106 and 23.107 of Title 70 of the Pennsylvania Weights, Measures and Standards, and the Consolidated Weights and Measures Act of December 18, 1996, P.L. 1028, No. 155 (3 Pa.C.S.A. §§ 4101-4194).

By fully completing and submitting the signature page of the 2021 LIHEAP Vendor Agreement by July 1, 2021, the vendor agrees to comply with the following conditions to remain a LIHEAP vendor in good standing and receive LIHEAP payments through the commonwealth.

1. LIHEAP Cash grants received on behalf of a LIHEAP customer require no data entry by the vendor. LIHEAP Cash grants:
 - a) May only be used for purchases made on or after October 1st of the heating season for which they were authorized; and

- b) Are available as a credit to the customer to cover the cost of fuel for the season in which they are authorized through the end of the following heating season. See also, Condition 7: Vendor Refunds.
2. Apply LIHEAP grants to customer accounts in the following manner only:
- a) Apply the full amount of each LIHEAP benefit to the respective account of each designated LIHEAP customer.
 - b) Late payment charges must be frozen at the amount they are at the time notification of eligibility for LIHEAP is received by the vendor and may not be increased for the remainder of the LIHEAP program year, defined as the date that applications for LIHEAP benefits are no longer accepted.
 - c) LIHEAP Cash and Crisis grants may be used for tank setting, connection and reconnection fees, minimal costs (\$100 or less) to restart a furnace or leak-test propane tanks when deemed necessary.
 - d) LIHEAP Cash and Crisis grants will not be used for security deposits, service maintenance contracts, tank leases, rental payments, or other finance charges.
 - e) Any LIHEAP credits, **including the LIHEAP Cash grant that was authorized and not yet received**, is considered to be available and will be used first to resolve a customer's request for Crisis.
 - f) LIHEAP credits must be entered in the Crisis Claim data entry system when submitting a claim.
3. Pricing considerations for deliveries or pickups paid with LIHEAP Cash and/or Crisis grants:
- a) If the vendor offers a "cash price" or other discounted pricing associated with paying for fuel in a shortened time frame, this "lowest price" discount must apply to all fuel paid with LIHEAP funds, since the payment time frame is beyond the customer's control.
 - b) Pricing based on quantity and fees associated with a delivery made with LIHEAP funds must not be greater than those charged for an identical delivery to a non-LIHEAP household.
 - c) A Crisis delivery that includes credits from the LIHEAP Cash grant must be on the same delivery ticket to ensure the customer receives quantity pricing based on the total amount delivered.
4. LIHEAP Crisis grants and Cash grants that are used to resolve a Crisis may be used in the following manner:
- a) To provide solid or liquid fuel to a household that is out of fuel or who reports they are within 15 days of being without fuel with consideration of the following time frames:
 - Before the customer is without heat;
 - Within 48 hours if the customer is already without heat; or
 - Within 18 hours if a medical emergency or life-threatening situation exists.

If the vendor's supply is insufficient or other circumstances prevent the vendor from resolving the heating emergency in these designated time frames, the vendor must tell the DHS representative immediately, so DHS can evaluate other ways to remediate the customer's heating emergency.
 - b) Deliveries made to resolve a Crisis to customers may include connection/reconnect fees, or off-hour or off-route delivery charges.
 - c) Are authorized by DHS or its representatives who provide the vendor with a maximum "up to" dollar amount that is available to the household to resolve the heating emergency with consideration of previous Crisis authorizations and the LIHEAP season's maximum Crisis amount.
 - d) Resolving the heating emergency is defined as providing:
 - The amount of solid or liquid fuel needed to fill the tank; or
 - The amount of solid or liquid fuel that the customer can haul (pick up) in one trip.
 - e) Every request for Crisis **must be made by the LIHEAP household to its designated DHS office**, who evaluates eligibility and determines the amount the household has available to resolve the Crisis. A DHS representative will contact the vendor to convey eligibility.
 - LIHEAP Crisis grants are only guaranteed for authorizations approved by DHS or its representatives.
 - Customers who call the vendor to request delivery paid with LIHEAP funds should be told to contact DHS.
 - **Vendors who make a delivery without prior DHS authorization understand that LIHEAP may not pay for the delivery.**
5. An active work list of Crisis authorizations awaiting vendor action is available on the Crisis Claim data entry system.
6. To receive payment for a delivery or pickup paid in full or in part with **LIHEAP Crisis funds**, Crisis claim data must be entered into a web-based program and documentation of the transaction must be submitted by mail, fax, or electronic upload. Payment may be rejected if appropriate documentation is not provided.

- a) Claims must be processed **within 30 calendar days** of the date a Crisis delivery or pickup is authorized by DHS, as prompt data entry allows DHS to process a subsequent Crisis Authorization if requested by the household. Exceptions to the 30-day rule may be granted for claims entered on or after the 31st day and up to 30 days after the close of the LIHEAP season if funds are available.
- b) Data entry in the Crisis Claim data entry system must:
 - Include the total amount of the delivery or pickup of solid or liquid fuel;
 - Include any LIHEAP credits. These credits will be subtracted from the delivery or pickup;
 - Be recorded in exact amounts and never rounded;
 - Never be entered for the season maximum amount to keep the excess as a credit on the customer's account;
 - Not include processing fees or late payment as a result of a vendor's failure to comply with conditions of this agreement.
- c) Acceptable Crisis documentation for solid or liquid fuels is based on fuel type and whether the fuel was delivered or picked up from the vendor. In compliance with the Department of Agriculture's Division of Weights and Measures, documentation must include:
 - The vendor's name and address;
 - Date and time of delivery or transaction;
 - The purchaser's name and address;
 - Product identification; and
 - The price per unit or weight/volume such as gallon, ton, pound, cord.

In addition to the items above, **oil, propane, kerosene, and blended fuel** deliveries must be recorded on a metered delivery ticket that includes:

- The driver's signature or employee number;
- The delivery vehicle's permanently assigned company truck number; and
- The volume to the nearest one-tenth of a gallon or other quantity if not measured in gallons.

- 7. Refund LIHEAP credits to DHS as required, by check or expedited recoupment, within 30 days from the date of discovery. A LIHEAP Refund Form (HSEA 37) must accompany payment. **It is also important to indicate the individual number of the customer that was provided on the LIHEAP Provider Payment List when payment was received** and a description of the reason the funds are being returned. A user-friendly form is located on the LIHEAP Vendor website. The commonwealth cannot return vendor funds or any portion thereof to the vendor. **For this reason, LIHEAP vendors should accurately evaluate their records and ensure the accuracy of LIHEAP refunds before submitting them to the commonwealth.** Vendors may contact the Vendor Unit at 1-877-537-9517 to verify dates and amounts of LIHEAP grants received by the households before sending a refund check.

NOTE: Vendors will never give or refund LIHEAP funds to a customer.

LIHEAP refunds will be sent by check payable to the **COMMONWEALTH OF PENNSYLVANIA, directed to:**

**DHS-LIHEAP Vendor Refunds
P.O. Box 2675 (WOB Room 224)
Harrisburg, PA 17105-2675**

- a) **Examples of when the vendor will return LIHEAP credits include, but are not limited to:**
 - A customer's whereabouts are unknown;
 - A customer changes vendors;
 - A customer dies, departs the area serviced by the vendor, or the customer no longer has a heating responsibility;
 - The vendor receives a duplicate payment;
 - The vendor is deactivated and is no longer a participating LIHEAP vendor;
 - A LIHEAP Cash grant is received in error;
 - An overpayment is caused by vendor error. Vendor error includes but is not limited to: the vendor failing to provide appropriate or accurate customer account information, non-equitable pricing, LIHEAP funds were erroneously applied toward a security deposit, a billing error or other application of LIHEAP funding is detected, failure to provide service or using a communal account for LIHEAP funds. If this occurs, the vendor is responsible for reimbursement from the vendor's funds, not by removing LIHEAP credits from the customer's account;

- The end of each LIHEAP program year. LIHEAP funds are available for two heating seasons, which includes the heating season of receipt and heating season immediately following. LIHEAP funds not expended must be returned to DHS by July 31 of that year. **DHS will send an email to remind vendors to review/identify accounts and return LIHEAP funds.**

b) DHS is authorized to recoup past-due LIHEAP balances by debiting any current or future LIHEAP payment for an amount equal to the outstanding un-refunded balance that is due to DHS from the vendor. A record of the balance of funds owed is established by DHS, who contacts the vendor to request a refund and confirm the amount. DHS will send the vendor up to three dunning letters requesting payment of the funds. If the vendor fails to respond after the third notice, the amount of the balance of funds owed to DHS will be deducted from the vendor's next payment(s) until the funds are repaid. The vendor acknowledges that DHS will reduce vendor payments by the amount of the balance of funds owed to allow for the expeditious collection of these debts. If funds are unable to be recouped, outstanding balances will be referred to the Attorney General's Office for collection proceedings and all other legal remedies.

NOTE: Vendors have the option to set up expedited recoupment to return LIHEAP funds.

8. Provide all requested information established in DHS policies and procedures. This could include information on the annual heating usage and cost incurred by LIHEAP households necessary for compliance with federal reporting requirements if this information is gathered by customer name or account number and the customer has been served by the vendor at the same address for the entire annual period.
9. Vendors are holding, on DHS' behalf, federal money for the benefit of recipient customers. Vendors are prohibited from using LIHEAP funds for purposes other than home heating. This requirement does not supersede the provisions of the Federal Bankruptcy Act, 11 U.S.C., Section 366.
10. To promptly notify the LIHEAP Vendor Unit whenever discrepancies in approved fuel applications are found. Examples include a vacant residence, a request to deliver to an address other than what was indicated on the Remittance Advice, a request to provide a fuel type other than what was authorized or other situations when the vendor is aware of potentially fraudulent activity.
11. To not discriminate against any eligible household regarding terms and conditions of sale, credit, delivery, or price, nor treat adversely any household receiving LIHEAP because of such assistance.
12. To ensure the retention of LIHEAP customer confidentiality in the use of social media.
13. To notify DHS at least 120 days before filing for bankruptcy and return all funds not expended on LIHEAP clients at least 91 days before filing for bankruptcy.
14. To resolve any crisis payment disputes with DHS' Bureau of Hearings and Appeals if disputes cannot be resolved informally with DHS staff.
15. To present for review or reproduction records maintained by the vendor concerning overall pricing, conditions of sale, credit, and delivery, upon request by DHS for audit or investigation purposes, as provided in this agreement.
16. If DHS receives a notice of levy, DHS will turn over rights to property such as money, credit and deposits in accordance to the notice.
17. Vendors will retain all books, records and documents pertaining to LIHEAP payments **for four years from the receipt of payment** or until all questioned costs or activities have been resolved to the satisfaction of the commonwealth, or as required by applicable federal laws and regulations. All records must be maintained in a legible, readable condition. If records are maintained in a computer, the vendor must cooperate in providing printed versions of such records. Recipient-specific records should clearly identify both Cash and Crisis payments from LIHEAP, charges to the account, and documentation supporting these entries by individual household.

The commonwealth reserves the right for state and federal agencies or their authorized representatives to perform financial and compliance audits if deemed necessary by commonwealth or federal agencies. If an audit of this agreement will be performed, the vendor will be given 60 days advance notice.

LIHEAP VENDOR HELPLINE
Toll Free Number 1-877-537-9517
Fax 717-231-5516
Email Address: RA-LIHEAPVendors@pa.gov

LIHEAP VENDOR WEBSITE
www.dhs.pa.gov/providers/Providers/Pages/LIHEAP-Vendors.aspx



Pennsylvania Department of Human Services
LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM
2021 VENDOR AGREEMENT - UTILITY

Vendor Name and Address

Vendor Number

This Agreement is entered into for the purpose of facilitating the provision of Low-Income Home Energy Assistance Program (LIHEAP) benefits to low-income households through the delivery of utility service from a participating LIHEAP vendor to the LIHEAP beneficiary who is a customer of the vendor. The Commonwealth of Pennsylvania defines a LIHEAP vendor as a company or agent of the company that supplies home heating energy or service in exchange for payment. The term does not include landlords, housing authorities, hotel managers or proprietors, rental agents and other parties who are not direct suppliers of home heating, energy or service.

A new LIHEAP Vendor Agreement is required every two years unless changes require this time frame to be shortened. **This agreement will terminate June 30, 2023, unless superseded by a new agreement, or terminated for convenience upon 30-day written notice by either DHS or by the vendor. Failure to comply with any of these conditions may result in removal from the approved vendor file and suspension of further payments to the vendor for client services.**

LIHEAP consists of two components. Eligible LIHEAP households receive one LIHEAP Cash grant based on the size, region, income and fuel type of their household. Receipt of a customer's LIHEAP Cash grant requires no data entry by the vendor. LIHEAP Crisis grants are available to LIHEAP recipients who encounter a heating emergency. Vendor data entry is required to receive payment for a Crisis grant. Subject to the availability of funds, the Department of Human Services (DHS) may opt to provide eligible LIHEAP households with additional LIHEAP grants.

By signing this agreement, the Vendor agrees to communicate with DHS by phone and email and be responsive to DHS requests so that a customer's LIHEAP application or request for Crisis can be processed timely. The vendor also agrees to accept all LIHEAP grants and apply them to customer accounts according to the conditions of this vendor agreement and DHS instructions.

Participating LIHEAP vendors are paid through the Pennsylvania Treasury by check or direct deposit. A list of corresponding payments is posted to the LIHEAP Crisis Claim data entry system, identifying customer names, addresses and the amount of LIHEAP Cash and Crisis payments each customer will receive, associated with a specific Treasury Pay Date.

The business or company written above, herein referred to as the "vendor," cannot enter into any subcontracts under this agreement with other subcontractors who are currently suspended or debarred by the commonwealth or other state or federal government. If any vendor enters into any subcontracts under this agreement with any subcontractors who become suspended or debarred by the commonwealth or other state or federal government during the term of this agreement or any extensions or renewals thereof, the commonwealth shall have the right to require the vendor to terminate such subcontracts to remain a LIHEAP vendor.

The vendor agrees to be responsible for reimbursing the commonwealth for all necessary and reasonable costs and expenses incurred by the Office of the Inspector General or the Attorney General relating to an investigation of the vendor's compliance with the terms of this or any other agreement between the vendor and the commonwealth which results in the suspension or debarment of the vendor.

Vendors will adhere to LIHEAP policy and procedures as defined in the LIHEAP State Plan, will report any discovery of fraud, and address any questions regarding participation in LIHEAP to the LIHEAP Vendor Unit. A copy of the LIHEAP State Plan can be found on the LIHEAP Vendor Website at: www.dhs.pa.gov/providers/Providers/Pages/LIHEAP-Vendors.aspx.

By fully completing and submitting the signature page of the 2021 LIHEAP Vendor Agreement by July 1, 2021, the vendor agrees to comply with the following conditions to remain a LIHEAP Vendor in good standing and receive LIHEAP payments through the commonwealth:

1. Apply LIHEAP grants to customer accounts in the following manner only:
 - a) Apply the full amount of each LIHEAP benefit to the respective account of each designated LIHEAP customer. For customers who have chosen their own supplier, the entire LIHEAP grant must be applied to cover the costs of both the distribution and supply portion of the bill each month until the LIHEAP benefit has been exhausted.
 - b) Any existing LIHEAP credit, **including the LIHEAP Cash grant that has been authorized and not yet received**, is considered to be available and will be used to resolve a customer's request for Crisis. LIHEAP credits must be entered in the Crisis Claim data entry system when submitting a claim.
 - c) Late payment charges must be frozen at the amount they are at the time notification of eligibility for LIHEAP is received by the vendor and may not be increased for the remainder of the LIHEAP program year, defined as the date that applications for LIHEAP benefits are no longer accepted.
 - d) LIHEAP Cash and Crisis grants may be used for reconnection fees but will not be used for security deposits, service maintenance contracts, or other finance charges.
2. Public utilities that operate Customer Assistance Programs (CAP) will:
 - a) Contact customers and attempt to enroll in CAP (if not already enrolled) when the utility becomes aware that the household is low-income, validated by receipt of a LIHEAP Cash or Crisis grant.
 - b) Apply the LIHEAP Cash grant to the customer's account in the following manner:
 - To resolve any past-due CAP payments,
 - To the current CAP payment,
 - Remaining LIHEAP funds will be credited to future CAP payments.

NOTE: A CAP payment is the amount the customer is required to pay under the terms of the utility's CAP agreement.
3. Public utilities that operate a CAP will not consider the customer's LIHEAP benefit as an available resource in the computation that determines the amount of household's monthly CAP payment.
4. LIHEAP Cash grants received on behalf of a LIHEAP customer are available to cover utility costs for the season in which they are authorized through the end of the following heating season. See Section 8: Vendor Refunds.
5. LIHEAP Crisis grants and Cash grants that are used to resolve a Crisis may be used in the following manner:
 - a) To prevent termination or restore home-heating service to a household that is without heat due to termination of the main or secondary source of heat by a utility company.
 - b) Are authorized by DHS or its representatives **in the minimum amount needed to resolve the Crisis** based on the amount listed on a utility termination notice, subject to the minimum and maximum LIHEAP Crisis benefits allowed.
 - c) The existence of a Crisis must be validated by a DHS representative, including the minimum amount needed to resolve the utility emergency. A utility's plan to terminate service is considered to be valid for 60 days from the date of the termination notice, even if service was not terminated after the 10-day period indicated on the notice.
 - d) Are only guaranteed for authorizations approved by DHS or its representatives. Every request for Crisis must be made by the LIHEAP household to its designated DHS office, which will evaluate eligibility and determine the amount the household has available to resolve the Crisis. A DHS representative will contact the vendor to convey eligibility.
 - e) A Crisis authorization number is issued to resolve a specific Crisis situation.
 - f) Vendors must maintain service to such households for no less than 30 calendar days from the date of the resolution of the Crisis. In some circumstances the 30-day hold may not begin until the end of winter moratorium.
 - g) Utility companies governed by the Public Utility Commission will adhere to the winter termination procedure referred to in §601.62(2) (ii)(A) of Appendix B of the LIHEAP State Plan.
 - h) Customers approved for a LIHEAP Crisis grant related to the LIHEAP Term Program (including the Utility File Transfer Program) are not eligible to receive a duplicate LIHEAP Crisis grant pledged at the request of the household for the same 30-day pledge period.
 - i) Regulated utilities that accept a Crisis grant during the winter moratorium period (12/1- 3/31) must maintain service until at least May 1. In most instances, this precludes the issuance of an additional Crisis grant to the same utility for the same household for the remainder of the season, since the 30-day hold on the account begins on April 1.
 - j) Vendors will make every attempt to resolve the customer's heating emergency with consideration of the following time frames:

- Before the customer is without heat;
 - Within 48 hours if the customer is already without heat; or
 - Within 18 hours if a medical emergency or life-threatening situation exists.
6. An active worklist of Crisis authorizations awaiting vendor action is available on the Crisis Claim data entry system.
 7. To receive payment paid in full or in part with **LIHEAP Crisis funds**, the vendor must perform Crisis Claim data entry into a web-based program and submit documentation of the termination by mail, fax, or electronic upload. Payment may be rejected if appropriate documentation is not provided.
 - a) Claims must be processed **within 30 calendar days** of the date a Crisis grant is authorized by DHS. Exceptions to the 30-day rule may be granted for claims entered on or after the 31st day and up to 30 days after the close of the LIHEAP season if funds are available.
 - b) The amount paid with Crisis funds will be no more than the amount authorized by a DHS representative to resolve the emergency.
 - c) Any available LIHEAP credits on the customer's account must be entered in the Crisis Claim data entry system.
 - d) Acceptable Crisis documentation includes a termination or restoration notice confirming the dollar amount needed to restore service or prevent service interruption. Failure to provide adequate documentation will delay payment.
 - e) LIHEAP recipients cannot be billed for services or late payment fees as a result of a vendor's failure to comply with the conditions of this agreement.
 8. Refund LIHEAP credits to DHS as required, by check or expedited recoupment, within 30 days from the date of discovery, after the basis for return is known. A LIHEAP Refund Form (HSEA 37) must accompany payment. **It is also important to indicate the individual number of the customer that was provided on the LIHEAP Provider Payment List when payment was received** and a description of the reason the funds are being returned. A user-friendly form is located on the LIHEAP Vendor website. The commonwealth cannot return vendor funds or any portion thereof to the vendor. **For this reason, LIHEAP Vendors should accurately evaluate their records and ensure the accuracy of LIHEAP refunds before submitting them to the Commonwealth of Pennsylvania.** Vendors may contact the Vendor Unit at 1-877-537-9517 to verify dates/amounts of LIHEAP grants received by the households before sending a refund check.

NOTE: Vendors will never give or refund LIHEAP funds to a customer.

LIHEAP refunds will be sent with a check payable to the **COMMONWEALTH OF PENNSYLVANIA**, directed to:

**DHS-LIHEAP Vendor Refunds
P.O. Box 2675 (WOB Room 224)
Harrisburg, PA 17105-2675**

- a) **Examples when the vendor will return LIHEAP credits include, but are not limited to the following:**
 - A customer's whereabouts are unknown,
 - A customer changes vendor,
 - A customer dies, departs the area serviced by the vendor, or the customer no longer has a heating responsibility,
 - The vendor receives a duplicate payment,
 - The vendor is deactivated and is no longer a participating LIHEAP vendor,
 - LIHEAP Cash grants received in error,
 - An overpayment caused by vendor error. Vendor error includes but is not limited to: the vendor failing to provide appropriate or accurate customer account information, non-equitable pricing, LIHEAP funds were erroneously applied toward a security deposit, a billing error or application of LIHEAP funding is detected, failure to provide service, or using a communal account for LIHEAP funds. If this occurs, the vendor is responsible for reimbursement from the vendor's funds, not by removing LIHEAP credits from the customer's account.
 - The end of each LIHEAP program year. LIHEAP funds are available for use for two heating seasons, which includes the heating season of receipt and the heating season immediately following. LIHEAP funds that have not been expended must be returned to DHS by July 31 of that year. DHS will send an email to remind vendors to review/identify accounts and return LIHEAP funds.
- b) DHS is authorized to recoup past-due LIHEAP balances by debiting any current or future LIHEAP payment for an amount equal to the outstanding un-refunded balance that is due to DHS from the vendor. A record of the balance of funds owed is established by DHS who contacts the vendor to request a refund and confirm the amount. DHS will send the vendor up to three dunning letters

requesting payment of the funds. If the vendor fails to respond after the third notice, the amount of the balance of funds owed to DHS will be deducted from the vendor's next payment(s) until the funds are repaid. The vendor acknowledges that DHS will reduce vendor payments by the amount of the balance of funds owed to allow for the expeditious collection of these debts. If funds are unable to be recouped, outstanding balances will be referred to the Attorney General's Office for collection proceedings and all other legal remedies.

NOTE: Vendors have the option to set up expedited recoupment to return LIHEAP funds.

9. Provide all requested information established in DHS policies and procedures. This could include information on the annual heating usage and cost incurred by LIHEAP households necessary for compliance with federal reporting requirements if this information is gathered by customer name or account number and the customer has been served by the vendor at the same address for the entire annual period.
10. Vendors are holding, on DHS' behalf, federal money for the benefit of recipient customers. Vendors are prohibited from using LIHEAP funds for purposes other than home heating. This requirement does not supersede the provisions of the Federal Bankruptcy Act, 11 U.S.C., Section 366.
11. To promptly notify the LIHEAP Vendor Unit whenever discrepancies in approved applications are found. Examples include a vacant residence, a request for service at an address other than what was indicated on the Remittance Advice (payment voucher) or other situations when the vendor is aware of potentially fraudulent activity.
12. To not discriminate against any eligible household in regard to terms and conditions of sale, credit, service or price, nor treat adversely any household receiving LIHEAP because of such assistance.
13. To ensure the retention of LIHEAP customer confidentiality in the use of social media.
14. To notify DHS at least 120 days before filing for bankruptcy and return all funds not expended on LIHEAP clients at least 91 days before filing for bankruptcy.
15. To resolve crisis payment disputes with DHS' Bureau of Hearings and Appeals if not resolved informally with DHS staff.
16. To present for review or reproduction records maintained by the vendor concerning overall pricing, conditions of sale, credit, and service upon request by DHS for audit or investigation purposes, as provided in this agreement.
17. If DHS receives a notice of levy, DHS will turn over rights to property such as money, credit and deposits in accordance to the notice.
18. Vendors will retain all books, records and documents pertaining to LIHEAP payments **for four years from the receipt of payment** or until all questioned costs or activities have been resolved to the satisfaction of the commonwealth, or as required by applicable federal laws and regulations. All records must be maintained in a legible, readable condition. If records are maintained in a computer, the vendor must cooperate in providing printed versions of such records. Recipient-specific records should clearly identify both Cash and Crisis payments from LIHEAP, charges to the account, and documentation supporting these entries by individual household.

The commonwealth reserves the right for state and federal agencies or their authorized representatives to perform financial and compliance audits if deemed necessary by commonwealth or federal agencies. If an audit of this agreement will be performed, the vendor will be given 60 days advance notice.

LIHEAP VENDOR HELPLINE
Toll Free Number 1-877-537-9517
Fax 717-231-5516
Email Address: RA-LIHEAPVendors@pa.gov

LIHEAP VENDOR WEBSITE
www.dhs.pa.gov/providers/Providers/Pages/LIHEAP-Vendors.aspx