

**Questions for Non-Utilities**  
**Case No. AW-2020-0356**

1. Please describe the Low Income Home Energy Assistance Program (LIHEAP) and please describe any COVID-19 related changes to the program. Please describe any final or proposed changes to LIHEAP for the 2020-2021 Cold Weather Rule period.

LIHEAP is a federal block grant program to assist low-income households, particularly those that pay a high proportion of household income for home energy, in meeting their immediate home energy needs. LIHEAP serves a vital, life-saving role, protecting families from brutal weather fluctuations, including increasingly hot and dangerously cold temperatures and enables Missouri to serve its most vulnerable citizens. The legal authority to implement the Low Income Home Energy Assistance Program (LIHEAP) is vested under Omnibus Budget Reconciliation Act of 1981 (Public Law (P.L.) 97-35) as amended by the Human Services Reauthorization Acts of 1984 (P.L. 98-558), 1986 (P.L. 99-425), 1990 (P.L. 101-502), 1994 (P.L. 103-252), 1998 (P.L. 105-285), and Subtitle B of the Energy Policy Act of 2005 (Public Law 109-58). The HHS regulations for the LIHEAP block grant are found in Title 45 (Public Welfare) of the Code of Federal Regulations, Part 96 (Block Grants), Subpart H, cited as 45 C.F.R. § 96. Subparts A-F of the HHS block grant regulations also pertain to LIHEAP. LIHEAP is also governed by the OMB Uniform Administrative Guidance as adopted by HHS in its regulations at 45 C.F.R. Part 75. For 2020-2021 Cold Weather Rule period LIHEAP has expanded the definition of the Energy Crisis Intervention Program (ECIP) to include the household is in threat of disconnection, but may not have received a disconnection notice. Federal Fiscal Year (FFY) 2020 LIHEAP Detailed Model Plan for report period 10/01/19 to 09/3/20 Section 4: Crisis assistance revision defines the program definition for determining a crisis.

2. Please describe any final or proposed COVID-19 related changes to the Low-Income Weatherization Assistance Program (LIWAP).

Federal Fiscal Year (FFY) 2020 State Plan Section 5: Weatherization to use LIHEAP rules to increase Average Cost Per Unit (ACPU) to \$8,750.

Governor's Recommended Amendment to House Bill 2006, Sections 6.345, FY 2020 recommends an additional \$1,996,764 federal funds for the Low Income Weatherization Assistance Program which represents 10% of the state's allocation for the Low Income Home Energy Assistance Program available through the Coronavirus Aid, Relief, and Economic Security Act.

3. Please explain if there is a state and/or federal policy regarding the loss of rental assistance (i.e. Section 8 voucher) and potential eviction if a tenant's utility service is disconnected for nonpayment.

**LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, as amended)**

**OTHER RELEVANT STATUTORY PROVISIONS (Sec. 927 and Sec. 308)**

Section 927 of the Housing and Community Development Act of 1992 (Public Law 102-550), as amended by Public Law 103-185 on December 14, 1993, applies to treatment under the Low-Income Home Energy Assistance Program of certain households that receive utility allowances under programs administered by the U.S. Department of Housing and Urban Development.

**Section 927. CLARIFICATION ON UTILITY ALLOWANCES**

(a) ELIGIBILITY.--Tenants who--

(1) are responsible for making out-of-pocket payments for utility bills; and  
(2) receive energy assistance through utility allowances that include energy costs under programs identified in subsection c; shall not have their eligibility or benefits under other programs designed to assist low-income people with increases in energy costs since 1978 reduced or eliminated except as provided in subsection (d).

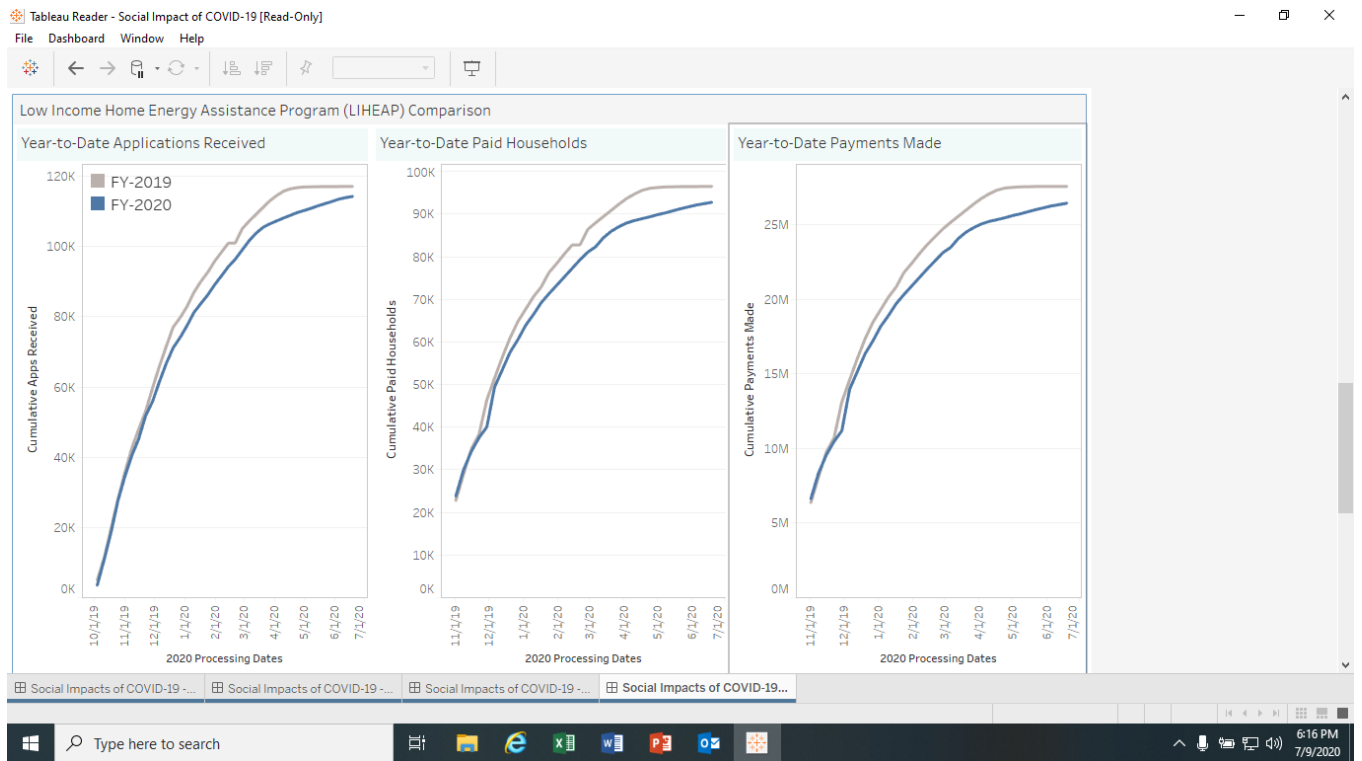
(b) EQUAL TREATMENT IN BENEFIT PROGRAMS.--Tenants described in subsection (a) shall be treated identically with other households eligible for or receiving energy assistance, including in the determination of the home energy costs for which they are individually responsible and in the determination of their incomes for any program in which eligibility or benefits are based on need, except as provided in subsection (d).

(c) APPLICABILITY.--This section applies to programs under the United States Housing Act of 1937, the National Housing Act, section 101 of the Housing and Urban Development Act of 1965, section 202 of the Housing Act of 1959, and title V of the Housing Act of 1949.

(d) SPECIAL RULE FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.--For purposes of the Low-Income Home Energy Assistance Program, tenants described in subsection (a)(2) who are responsible for paying some or all heating or cooling costs shall not have their eligibility automatically denied. A state may consider the amount of the heating or cooling component of utility allowances received by tenants described in subsection (a)(2) when setting benefit levels under the Low-Income Home Energy Assistance Program. The size of any reduction in Low-Income Home Energy [Assistance] Program benefits must be reasonably related to the amount of the heating or cooling component of the utility allowance received and must ensure that the highest level of assistance will be furnished to those households with the lowest incomes and the highest energy costs in relation to income, taking into account family size, in compliance with section 2605(b)(5) of the Low-Income Home Energy Assistance Act of 1981.

(42 U.S.C. 8624(b)(5)).

4. Please explain how utilities may best collect past due accounts without unduly burdening their vulnerable customers. Additionally, share other relevant concerns arising from the COVID-19 pandemic; please include how the pandemic is effecting your organization and the people your organization serves.



LIHEAP has received fewer applications in FFY 2020, which follows a national decline in applications. Even with the extension of the Energy Assistance Program end date from March 31, 2020 to May 31, 2020, there has not been an increase in LIHEAP applications due to the utilities extending their moratorium for disconnections. The expectation is request for LIHEAP assistance will increase over the next few weeks due to the ending of the moratoriums and the economy.