

STEVE SISOLAK
Governor



RICHARD WHITLEY, MS
Director

STEVE H. FISHER
Administrator

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF WELFARE AND SUPPORTIVE SERVICES

1470 College Parkway
Carson City, NV 89706-7924
Telephone (775) 684-0500 • Fax (775) 684-0614
<http://dwss.nv.gov>

PUBLIC HEARING NOTICE AND AGENDA

June 17, 2019

NOTICE OF PUBLIC HEARING TO ADOPT LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) and NEVADA FUND FOR ENERGY ASSISTANCE AND CONSERVATION, 2020 STATE PLANS

The Nevada Division of Welfare & Supportive Services (DWSS) will hold a public hearing in Carson City and Las Vegas on June 17, 2019 via video-conference to obtain comment and input from interested persons on the Low-Income Home Energy Assistance Program (LIHEAP) and Nevada Fund for Energy Assistance and Conservation FY 2020 State Plans.

Date: **June 17, 2019**

Time: **1:00 p.m.**

Location: DWSS
Central Office
1470 College Parkway
Room 149
Carson City, Nevada

DWSS
Prof. Development Center
701 N. Rancho Drive
Training Room 5
Las Vegas, Nevada

Interested parties may join the meeting over the telephone.

Dial 775-684-0777 Access Code 4900# (Northern Nevada)
702-486-1777 Access Code 4900# (Southern Nevada)

AGENDA

***I. Low-Income Home Energy Assistance (LIHEAP)**

The U.S. Department of Health and Human Services (DHHS) provides federal block grant funds to states that administer a Low-Income Home Energy Assistance Program (LIHEAP). States must submit a State Plan to DHHS annually, which serves as an application for funds. See below for the proposed updates to the State Plan for FY 2020.

"Working for the Welfare of ALL Nevadans"

The benefit program year begins July 1, 2019. An FFY 2020 state plan is necessary to delineate the program benefits, eligibility criteria, available emergency/crisis assistance, and other policy in the Energy Assistance Program (EAP), administered by the Division of Welfare and Supportive Services, and the Weatherization Assistance Program (WAP), administered by the Housing Division.

FY 2020 federal funding is anticipated to come in lower than FY 2019 per the President’s Proposed Budget.

***II. Nevada Fund for Energy Assistance and Conservation**

Nevada Revised Statutes, Chapter 702, requires the Department of Health and Human Services, Division of Welfare and Supportive Services, and the Department of Business and Industry, Housing Division, to adopt regulations for the administration of Energy Assistance and Weatherization services to low-income Nevadans. See below for the proposed updates to the State Plan for FY 2020.

III. Public Comment

*Indicates items on which action may be taken at the Public Hearing.

A copy of each State Plan and related documentation are available at <http://dwss.nv.gov>. If you are unable to access these documents, please contact Kelly O’Meara at 775-684-0504 or by email at komeara@dwss.nv.gov.

Note: Testimony and written materials submitted during the Public Hearing will be considered. Persons wishing to comment on the LIHEAP or Nevada Fund for Energy Assistance and Conservation State Plans and/or policy changes may appear at the scheduled public hearing or address their comments in writing to:

Administrator
Nevada State Division of Welfare and Supportive Services
1470 College Parkway
Carson City, Nevada 89706

Written submissions should be received by June 1, 2019 to be given adequate time for copying and consideration at the Public Hearing. Persons wishing to comment may also appear at the Public Hearing on June 17, 2019.

A copy of this notice and the state plan/regulations/policy changes are available at the following locations for inspections and copying:

Division of Public and Behavioral Health	4150 Technology Way	Carson City
DWSS Southern PDC	701 N. Rancho Drive	Las Vegas
DWSS Central Office	1470 College Parkway	Carson City
Elko DWSS Office	1020 Ruby Vista Drive #101	Elko
Reno DWSS Office	4055 S. Virginia Street	Reno
Las Vegas Flamingo DWSS Office	3330 E. Flamingo, Suite 55	Las Vegas
Las Vegas Belrose DWSS Office	700 Belrose Street	Las Vegas

In addition, this notice is posted on the Division’s web site at <http://dwss.nv.gov>

Mailing Date: **May 1, 2019**

IMPORTANT NOTICE

Mailing a copy of the DWSS public hearing agenda to any person who has requested one will not be continued unless a request for reinstatement on the mailing list is made every six months. NRS 241.020.

Persons with disabilities who require special accommodations or assistance at the meeting are requested to notify Kelly O'Meara at the Nevada Division of Welfare and Supportive Services, 1470 College Parkway, Carson City, Nevada 89706, by calling (775) 684-0504 or by emailing komeara@dwss.nv.gov no later than five (5) working days prior to the public hearing.

PROPOSED REGULATIONS

LOW-INCOME HOME ENERGY ASSISTANCE (LIHEAP)

**SFY 2020 STATE PLAN
PUBLIC HEARING FOR ADOPTION**

June 17, 2019

NEED AND PURPOSE OF PROPOSED STATE PLAN:

The U.S. Department of Health and Human Services (DHHS) provides federal block grant funds to states that administer a Low-Income Home Energy Assistance Program (LIHEAP). States must submit a State Plan to DHHS annually, which serves as an application for funds. See below for the proposed updates to the State Plan for FY 2020.

The benefit program year begins July 1, 2019. An FFY 2020 state plan is necessary to delineate the program benefits, eligibility criteria, available emergency/crisis assistance, and other policy in the Energy Assistance Program (EAP), administered by the Division of Welfare and Supportive Services, and the Weatherization Assistance Program (WAP), administered by the Housing Division.

Funding for LIHEAP Block Grant is appropriated annually and has been known to vary significantly from year-to-year. For planning purposes, staff have projected an FFY 2020 award equal to that received for FFY17.

EFFECTIVE DATE: July 1, 2019

FINANCIAL IMPACT:

The Energy Assistance Program is solely funded by the federal LIHEAP block grant and the Nevada Fund for Energy Assistance and Conservation.

The Weatherization Assistance Program is primarily funded by the Nevada Fund for Energy Assistance and Conservation.

IMPACT ON LOCAL GOVERNMENT:

There is no financial impact upon local government.

PROPOSED UPDATE FOR FY 2020 LIHEAP STATE PLAN:

The LIHEAP State Plan draft with the proposed updates will be available for review on the Division's website at <http://dwss.nv.gov> no later than five days before the Public Hearing. The following is a summary of the proposed updates:

- The program year and other relevant dates will be updated throughout the document.
- Minor text changes intended to clarify existing policy have been incorporated throughout the document.

The Division of Welfare and Supportive Services proposes the following changes for the Energy Assistance Program:

- Under Section 1.2 -- *Estimate what amount of available LIHEAP funds will be used for each component that you will operate: The total of all percentages must add up to 100%.*
 - An attachment was added to:
 - Include in the LIHEAP State Plan to be able to adjust the Weatherization funding from 5% to 15% with the approval of the DWSS Administrator based on the funding received as long as most EAP recipients are hitting the current energy burden.
- Under Section 2.3 -- *Do you have additional/differing eligibility policies for*, Section 2.5 --*Check the variables you use to determine your benefit levels* and Section 4.7-- *Check the appropriate boxes below and describe the policies for each*
 - Add – Eligible household with a solar vendor are eligible for the minimum payment of \$180 for the solar vendor.
- Under Section 2.6, 3.6, 4.12 – *Describe estimated benefit levels for FY2020.*
 - The maximum benefit amount will be updated as soon as the cap table has been updated and approved by the Administrator.
- Under Section 4.10 -- *Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served?*, Section 8.2-- *How do you provide alternate outreach and intake for HEATING ASSISTANCE?*, Section 8.3-- *How do you provide alternate outreach and intake for COOLING ASSISTANCE?*, and Section 8.4-- *How do you provide alternate outreach and intake for CRISIS ASSISTANCE?*
 - Updated to 28 service provider contracts with 38 locations.
- Under Section 4.17 -- *Describe the terms of the moratorium and any special dispensation received by LIHEAP clients during or after the moratorium period.*
 - The moratorium period for all customers is temperature-based, above 105 degrees or below 15 degrees. *Add*—unless the household has an elderly or disabled person, the temperature-base is above 95 degrees or below 20 degrees.
- Under Section 6.1 -- *Select all outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:*
 - Updated outreach to all Welfare recipients (not just SNAP).
- Under Section 7.1 -- *Describe how you will ensure that the LIHEAP program is coordinated with other programs available to low-income households (TANF, SSI, WAP, etc.).*
 - *Other – Describe*

- 4. Other Programs – The Division of Welfare provides program brochures, posters and/or application --add-- that includes the Weatherization Assistance Program website for dissemination to their clients.

- *Under Section 11.2 -- What changes did you make to your LIHEAP plan as a result of this participation?*
 - At the Policy Advisory Council meeting on February 27, 2019, there was discussion about application counts for DWSS being low and outreach is going out to all Welfare programs. There was also discussion about transferring up to 15% of the LIHEAP funds to Weatherization, if DWSS meets the intent of the program, to get all households to the median energy burden as practicable, the DWSS Administrator would have the discretion to increase Weatherization's portion from 5% up to 15% of the funds.
 - Any public comment on the proposed changes received at this Public Hearing will be summarized in the State Plan as required.

- *Under Section 12.1, 12.2 – How many fair hearings did the grantee have in the prior Federal fiscal year and how many of those resulted in the initial decision being reversed.*
 - Update the section requiring a report of fair hearing activity and outcomes.

The Housing Division proposes the following changes for the Weatherization Assistance Program:

- *Under Section 4.2 – Provide you LIHEAP program's definition for determining a crisis.*
 - “Energy emergency” for the Housing Division purposes means – add –“household primary heating system is unsafe or inoperable during the winter months, or” the household's primary cooling system is unsafe or inoperable during the summer months.

- *Under Section 5.5 – Under what rules do you administer LIHEAP Weatherization?*
 - Moved from 5.8, Allowable countable income is based on DOE rules. DOE allows 200% of poverty but for LIHEAP customers client eligibility for those households at or below 150% of poverty.

PROPOSED REGULATIONS
**NEVADA FUND FOR ENERGY ASSISTANCE AND CONSERVATION
FY 2020 STATE PLAN**

**PUBLIC HEARING FOR ADOPTION
June 17, 2019**

NEED AND PURPOSE OF PROPOSED STATE PLAN:

Nevada Revised Statutes, Chapter 702, requires the Department of Health and Human Services, Division of Welfare and Supportive Services, and the Department of Business and Industry, Housing Division, to adopt regulations for the administration of Energy Assistance and Weatherization services to low-income Nevadans. See below for the proposed updates to the State Plan for FY 2020.

EFFECTIVE DATE: July 1, 2019

FINANCIAL IMPACT:

Nevada Revised Statutes, Chapter 702, established a Universal Energy Charge (UEC), which utilities collect from retail customers of electricity and natural gas. These funds are collected by the Public Utilities Commission of Nevada (PUCN) and deposited in the Nevada Fund for Energy Assistance and Conservation. Up to 3% of UEC monies collected may be retained by the PUCN for administration costs; the remainder is distributed to the Division of Welfare and Supportive Services (75%) and the Housing Division (25%).

The PUC estimates \$13.4 million in UEC revenues for SFY20.

IMPACT ON LOCAL GOVERNMENT:

There is no financial impact upon local government.

PROPOSED UPDATE FY 2019 STATE PLAN:

A Nevada Fund for Energy Assistance and Conservation State Plan draft with the proposed updates will be available for review on the Division's website at <http://dwss.nv.gov> no later than five days before the Public Hearing. The following is a summary of the proposed updates:

- Updated the Governor.
- The program year and other relevant dates will be updated throughout the document.
- Minor text changes intended to clarify existing policy or correct grammar have been incorporated throughout the document.

The Division of Welfare and Supportive Services proposed Energy Assistance Program changes for FY 2020:

- *Under Section 8 Client Eligibility*
 - 8.1.8 Add--Eligible households residing in residences with solar will receive a payment of \$180.

- *Under Section 10 Program Benefits*
 - 10.1.3 Update the median income and the energy burden as soon as the State Median Income is posted by the Administration for Children and Families.

 - 10.1.9 Eligible households may elect to have their FAC benefit: 1) go directly to their UEC heating provider, or 2) go directly to their UEC cooling provider, or 3) be split between their UEC heating and cooling provider(s) [REDACTED]

- *Under Section 15 Targeted Population Efforts*
 - 15.2.1 Notice of Decision Language---Remove
 - 15.2.2 Automatic Mailing of EAP Applications---Remove

The Housing Division's proposed Weatherization Assistance Program changes for FY 2020:

- *Under Section 10 Program Benefits*
 - 10.2.6 -- Increase the average per household expenditure from \$7, 261 to \$7,541 and the maximum cost per unit weatherized is \$10,000, [REDACTED]

 - 10.2.14 – New – The Housing Division shall provide Funds to Sub-grantees for administration, (maximum 10% of award), program operations including marketing, liability insurance, vehicles and equipment, and training and technical assistance necessary to conduct energy audits and install energy conservation measures and/or health and safety measures.

 - 10.2.15 – New -- The Housing Division shall annually conduct an application process to select Sub-grantees and their service areas. Preference will be given to Subgrantees that have administered or are administering an effective program of weatherization assistance. The Administrator of the Housing Division, or designee, shall make the final decision on the Sub-grantee contract awards after considering public comments for the annual state plan.
 - For FY 20, the following Sub-grantees have been selected to be awarded the corresponding service areas:
 - Service Area 1 (North Las Vegas and Northern Rural Clark County) -Nevada Rural Housing Authority
 - Service Area 2 Las Vegas, Henderson and Southern Rural Clark County) -HELP of Southern Nevada
 - Service Area 3 (Washoe County) – Community Services Agency
 - Services Area 4 (Eastern Rural Counties) – Rural Nevada Development Corporation
 - Service Area 5 (Western Rural Counties) – Nevada Rural Housing Authority