

PROPOSED REGULATIONS

**LOW-INCOME HOME ENERGY ASSISTANCE (LIHEAP)
SFY 2021 STATE PLAN**

PUBLIC HEARING FOR ADOPTION

June 23, 2020

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 2021.

The benefit program year begins July 1, 2020. An FFY 2021 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 2021 federal funding is anticipated to come in at the base rate received in FY 2020.

EFFECTIVE DATE: July 1, 2020

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 2021 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 1.9 -- *Select all the applicable forms of countable income used to determine a household's income eligibility for LIHEAP.*
 - Under 'Other' add -- **If a state of emergency is declared by the Governor, the DWSS Administrator has the authority to exempt income used to determine eligibility and benefit amount.**
- Under Section 2.6, 3.6, 4.7, 4.12 – *Describe estimated benefit levels for FY2020.*
 - The minimum benefit will be increased from \$180 to **\$240.**
- Under Section 4.2 -- *Provide your LIHEAP program's definition for determining a crisis.*
 - Updated -- In the event of an unexpected 'emergency' **or an emergency declared by the Governor that threatens the health and safety of a household member or members** the DWSS Administrator has the discretion to authorize use of LIHEAP funding to assist eligible recipients with in-kind and energy related needs.
- Under Section 4.8 – *How do you handle crisis situation?*
 - Updates – An eligible household may receive an arrearage payment once **every five years based on the program year the prior arrearage payment was received.**
- 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 -- **Identified staff to go out into the community for outreach.**
- *Under Section 11.2 -- What changes did you make to your LIHEAP plan as a result of this participation?*
 - This will be updated with the comments made at the Policy Advisory Council meeting on February 20, 2020.
 - 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 when data is available.

The Housing Division has no recommended changes.

PROPOSED REGULATIONS

**NEVADA FUND FOR ENERGY ASSISTANCE AND CONSERVATION
FY 2021 STATE PLAN**

PUBLIC HEARING FOR ADOPTION
June 23, 2020

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 2021.

EFFECTIVE DATE: July 1, 2020

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 \$14.2 million in UEC revenues for SFY 2021.

IMPACT ON LOCAL GOVERNMENT:

There is no financial impact upon local government.

PROPOSED UPDATE FY 2021 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:

- 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 2021:

- *Under Section 2 Other Definitions*
 - 2.2 Update—Arrearage Payment Component definition from once in a lifetime to **an assistance payment once every five years.**
 - 2.15 Add – a fourth meaning to “Energy emergency” for the Division of Welfare and Supportive Services means an unexpected emergency or an emergency declared by the Governor that threatens the health or safety of Nevada households related to the cost or availability of natural gas or electricity; the DWSS Administrator has the authority to approve assistance for eligible households with in kind and energy related needs.
- *Under Section 8 Eligibility Criteria*
 - 8.1.4 Updated annual income to include: **Note: If a state of emergency is declared by the Governor, the DWSS Administrator has the authority to exempt income used to determine eligibility and benefit amount.**
- *Under Section 8.1.6, 8.1.8, 10.1.4,,10.1.5, and 11.1*
 - Update the minimum payment from \$180 to **\$240**
- *Under Section 10 Program Benefits*
 - 10.1.2.1 move to 10.1.11
 - Added 10.1.12 **DWSS has the authority to render emergency assistance to a household if an emergency related to the cost or availability of natural gas or electricity threatens the health and safety of one or more of the members of the household.**
- *Under Section 11 Provisions of Emergency Assistance*
 - 11.1.3 2) Updated – an arrearage payment once in a lifetime to **once every five years.**

The Housing Division’s proposed Weatherization Assistance Program changes for FY 2021:

- *Under Section 10 Program Benefits*
 - 10.2.6 -- Increase the average per household expenditure from \$7, 541 to **\$7,669.**
- *Under Section 12 Appeal Process for Denied/Terminated Benefits*
 - Updated the Nevada Housing Division Sub Grantee Administrative Manual to **Weatherization Administrative manual.**