

BRIAN SANDOVAL  
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  
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<http://dwss.nv.gov>

**PUBLIC HEARING NOTICE AND AGENDA**

**July 19, 2018**

**NOTICE OF PUBLIC HEARING TO ADOPT LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) and NEVADA FUND FOR ENERGY ASSISTANCE AND CONSERVATION, 2019 STATE PLANS**

The Nevada Division of Welfare & Supportive Services (DWSS) will hold a public hearing in Carson City and Las Vegas on July 19, 2018 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 2019 State Plans.

Date: **July 19, 2018**

Time: **9:00 a.m.**

Location:	DWSS Central Office 1470 College Parkway Room 148 Carson City, Nevada	DWSS Prof. Development Center 701 N. Rancho Drive Training Room 5 Las Vegas, Nevada
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Interested parties may join the meeting over the telephone.  
Dial 775-684-0777 Access Code 4600 (Northern Nevada)  
702-486-1777 Access Code 4600 (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 an application for funds (annual state plan) to DHHS

*"Working for the Welfare of ALL Nevadans"*

## Public Hearing Notice & Agenda

July 19, 2018

Page 2

each year. See below for the proposed updates to the State Plan for Fiscal Year (FY) 2019.

The benefit program year begins July 1, 2018. A FY 2019 state plan is necessary to delineate the program benefits, eligibility criteria, available emergency/crisis assistance, and other policy changes occurring in the Energy Assistance Program (EAP), administered by the Division of Welfare and Supportive Services.

FY 2019 federal funding is anticipated to come in lower than FY 2018 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 2019.

### **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 [DWSS.nv.gov](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](mailto: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 July 1, 2018 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 July 19, 2018.

Public Hearing Notice & Agenda

July 19, 2018

Page 3

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:**            **June 18, 2018**

**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 or by calling (775) 684-0504 or by emailing [komeara@dwss.nv.gov](mailto: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 2019 STATE PLAN**  
**PUBLIC HEARING FOR ADOPTION**  
July 19, 2018

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 2019.

The benefit program year begins July 1, 2018. A FY 2019 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. For planning purposes, staff have projected a FY 2019 award equal to that received for FY 2018.

**EFFECTIVE DATE:** July 19, 2018

**FINANCIAL IMPACT:**

The Energy Assistance Program is 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.

**THE PROPOSED UPDATES FOR THE FY 2019 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 Housing Division's proposes the following changes for the Weatherization Assistance Program:

- The Weatherization Program defines the term "Energy Emergency" as a situation in which, "a household's sole heating source is unsafe or inoperable during the winter months, or the household's primary cooling system is unsafe or inoperable during the summer months. (4.2)
- Increase the maximum weatherization benefit/expenditure per household from \$8,000 to \$10,000. (5.10)
- Add smoke detectors to the weatherization measures provided. (5.11)
- Correct who determines client eligibility to the Housing Division's Sub-grantees. (8.5a and 8.5d)
- The process for selection local administering agencies—Weatherization has an annual application and scoring process. (8.6) And, use 5 Sub-grantees. (8.7)
- The Housing Division inspects a minimum of 10% (increase from 5%) of the homes where Weatherization Assistance was provided. (10.5)

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

- Unselect 'insurance payments made specifically for the repayment of a bill, debt, or estimate' as Nevada does not count this benefit as income for the purposes of eligibility. (1.9)
- The Division currently provides a benefit cap to Targeted households that is \$50 greater than non-targeted households. It is proposed that we increase that amount from \$50 to \$100 to further reduce the energy burden of households whose members are the most vulnerable to temperature extremes. (2.4)
- The maximum benefit amount will be updated as soon as the cap table has been updated and approved by the Administrator. (4.12)
- Update to reflect that Nevada will utilize the most current State Median Income posted as of June 1<sup>st</sup>, or the date of the Public Hearing, whichever is later, when determining the Median Energy Burden.
- The Division of Welfare and Supportive Services defines the term "Energy Emergency" as meeting one of three criteria: 1) A household has or is in danger of having their heating or electric service disconnected within 48 hours, is in need of heating fuel and has less than 10% in their tank, requires a deposit to establish utility service or loss of energy causes a life threatening situation, and must have requested a payment plan

- from the utility and been denied. 2) A household in crisis with annual gross income exceeding the current income limit, except allowable qualifying expenses attributable to the crisis reduces the income to the current income limit or less. 3) A household with arrearages on their utility account which may result in utility shut-off.
- In the event of an unexpected ‘emergency’ such as a weather-related event or a supply shortage, the Division of Welfare and Supportive Services proposes to add a provision to the state plan that the Administrator has the discretion to authorize use of LIHEAP funding to assist eligible recipients with in-kind and energy related needs. (4.2)
  - Updated to reflect that the Division of Welfare and Supportive Services recently joined Housing Division’s Policy Advisory Council to obtain input in the development of the Energy Assistance Program policy. (11.1)
  - Any public comment on the proposed plan changes received at this Public Hearing will be summarized in the State Plan as required. (11.2)
  - Update the section requiring a report of fair hearing activity and outcomes. There were 10 fair hearings held and none of the decisions were reversed based on the hearing. (12.1/12.2).
  - The Governor’s Office of Energy Weatherization Assistance was corrected to read Home Energy Retrofit Opportunities for Seniors (H.E.R.O.S.) from LIHEAP. (14.3)

*PROPOSED REGULATIONS*

**NEVADA FUND FOR ENERGY ASSISTANCE AND  
CONSERVATION  
FY 2019 STATE PLAN**

**PUBLIC HEARING FOR ADOPTION  
July 19, 2018**

**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. The benefit program year begins July 1, 2018. See below for the proposed updates to the State Plan for FY 2019.

**EFFECTIVE DATE: July 19, 2018**

**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 \$13.2 million in UEC revenues for SFY19.

**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:

## Public Hearing Notice & Agenda

July 19, 2018

Page 8

- 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. For example: Subgrantee to Subgrantee.
- Update the program description for Energy Share, emergency funds are managed and distributed by Help of Southern Nevada in Southern Nevada and Friends in Service Helping (FISH) in Northern Nevada. (1.6) Previously this was done by the Salvation Army.
- Defined the Policy Advisory Council as an entity that advises and assists the Division of Welfare and Supportive Services and the Nevada Housing Division with respect to the development and implementation of policy for the Energy Assistance Program and the Weatherization Assistance Program. (2.31)

The Housing Division's proposed Weatherization Assistance Program changes for FY 2019:

- Add smoke detectors as a health and safety measure. (2.22)
- Increase the average per household expenditure from \$6,750 to \$7,261 (10.2.6)
- The Maximum cost per unit weatherized will be increased from \$8,000 to \$10,000. (10.2.6)
- Add smoke detectors as a measure installed. (10.2.7)
- Add energy audit tool as a cost-effectiveness measure. (10.2.9)

The Division of Welfare and Supportive Services proposed Energy Assistance Program changes for FY 2019:

- Update to reflect that Nevada uses the most current State Median Income posted as of June 1<sup>st</sup>, or the date of the Public Hearing, whichever is later, to calculate the Energy Burden. (10.1.3)
- The Division currently provides a benefit cap to Targeted households that is \$50 greater than non-targeted households. It is proposed that we increase that amount from \$50 to \$100 to further reduce the energy burden of households whose members are the most vulnerable to temperature extremes. (10.4.1)
- Add the Governor's Office of Energy Weatherization Assistance funds and the Nevada Housing Division's 15% Set Aside funds, as leveraging award considerations. (13.1)



- Update from utilizing the Energy Advisory Committee to the Policy Advisory Council. (16.3.3)