



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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August 11, 2008

Nick St. Angelo, Director, Division of Energy Assistance
Office of Community Services/ ACF/ HHS
370 L'Enfant Promenade, S.W.
Washington, DC 20447

RE: State of Texas FFY 2009 LIHEAP Application

Dear Mr. St. Angelo:

Section 2306.097 of the Texas Government Code designates the Texas Department of Housing and Community Affairs as the agency to administer the Low-Income Home Energy Assistance Program (LIHEAP) for the State of Texas. The Governor of Texas has delegated the authority to make the assurances and certifications required as part of the LIHEAP application to the Executive Director of the Texas Department of Housing and Community Affairs.

I have enclosed the Texas FFY 2009 LIHEAP application. I have also enclosed a copy of the current U.S. Department of Energy Texas Weatherization State Plan. Each of the required assurances is addressed in the attached documents.

At this time, all 254 Texas counties except Duval and McMullen may access LIHEAP services through TDHCA contracted agencies. At the conclusion of the current selection process, one or two qualified contract agencies will serve these two counties.

Please accept this plan and release the Texas allocation of the LIHEAP funds upon approval. If you have any questions or need further information, please contact Michael DeYoung, Acting Manager, Energy Assistance Section, Post Office Box 13941, Austin, Texas 78711-3941; (512) 475-2125; or michael.deyoung@tdhca.state.tx.us.

Sincerely,

/s
Michael Gerber
Executive Director

Enclosures
CAEA:jwt
cc: Amy M. Oehler, Director, Community Affairs Division

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)



**DETAILED PLAN
PUBLIC LAW 97-35, AS AMENDED
FISCAL YEAR (FY) 2009**

GRANTEE: TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

EIN:17426105429

**ADDRESS:.....P.O. Box 13941
.....Austin, TX 78711-3941**

NAME OF LIHEAP COORDINATOR: ...Michael DeYoung

EMAIL:.....michael.deyoung@tdhca.state.tx.us

TELEPHONE:(512) 475-2125 FAX: (512) 475-3935

PLEASE CHECK ONE: TRIBE STATE INSULAR AREA

[Department of Health and Human Services \(Federal government web site:](http://www.acf.hhs.gov/programs/ocs/liheap/)

<http://www.acf.hhs.gov/programs/ocs/liheap/>

Administration for Children and Families

Office of Community Services

Washington, DC 20447

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01

OMB Approval No. 0970-0075

Expiration Date: 10/31/2008

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

OMB Approval No. 0970-0075

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Assurances

The Texas Department of Housing & Community Affairs agrees to:

(Grantee Name)

(1) use the funds available under this title to--

- (A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);
- (B) intervene in energy crisis situations;
- (C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and
- (D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

- (A) households in which one or more individuals are receiving--
 - (i) assistance under the State program funded under part A of title IV of the Social Security Act;
 - (ii) supplemental security income payments under title XVI of the Social Security Act;
 - (iii) food stamps under the Food Stamp Act of 1977; or
 - (iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or
- (B) households with incomes which do not exceed the greater of—
 - (i) an amount equal to 150 percent of the poverty level for such State; or
 - (ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program

under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) * beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

*** This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances

As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended. By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.

Signature: _____ /s_____

Title: _____ Executive Director _____

Date: _____ August 1, 2008 _____

The Governor of Texas has delegated the responsibility of signing this document to the Executive Director of the Texas Department of Housing and Community Affairs. A copy of the letter is attached.

The EIN (Entity Identification Number) of the Texas Department of Housing & Community Affairs, which receives the grant funds, appears on the cover of this application.

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

Components Operated Under LIHEAP

[Statutory references](#)

<http://www.acf.hhs.gov/programs/ocs/liheap/guidance/index.html#sr>

2605(a) 2605(b)(1)	➤ Please check which components you will operate under the LIHEAP program. (Note: You must provide information for each component designated here as requested elsewhere in this plan.)
-----------------------	---

Use of Funds

		Program Component	Dates of Operation
	<input checked="" type="checkbox"/>	heating assistance	December – February
	<input checked="" type="checkbox"/>	cooling assistance	March – November
	<input checked="" type="checkbox"/>	crisis assistance	January - December
	<input checked="" type="checkbox"/>	weatherization assistance	April - March

2605(c)(1)(C)	➤ Please 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%.		
Use of Funds	10%	heating assistance	
	50%	cooling assistance	
	10%	crisis assistance	
2605(k)(1)	15%	weatherization assistance	
	0%	carryover to the following fiscal year	
2605(b)(9)	10%	administrative and planning costs	
2605(b)(16)	5%	services to reduce home energy needs including needs assessment (assurance 16)	
	0%	used to develop and implement leveraging activities (limited to the greater of 0.08% or \$35,000 for States, the greater of 2% or \$100 for territories, tribes and tribal organizations).	
	100%	TOTAL	

Alternate Use of Crisis Assistance Funds

2605(c)(1)(C)	➤ The funds reserved for winter crisis assistance that have not been expended by March 15 will be reprogrammed to:		
	<input type="checkbox"/>	Heating assistance	
	<input type="checkbox"/>	Cooling assistance	
	<input type="checkbox"/>	weatherization assistance	
	<input checked="" type="checkbox"/>	Other(specify): Year-round crisis	

➤ Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes No

Eligibility

2605(b)(2) 2605(c)(1)(A)	➤ What are your maximum eligibility limits? (Please check the components to which they apply.) Current year guidelines must be used. http://www.acf.hhs.gov/programs/ocs/liheap/guidance/information_memoranda/im08-06.html
<input type="checkbox"/>	150% of the poverty guidelines: Heating <input type="checkbox"/> Cooling <input type="checkbox"/> Crisis <input type="checkbox"/> WX <input type="checkbox"/>
<input checked="" type="checkbox"/>	125% of the poverty guidelines: Heating <input checked="" type="checkbox"/> Cooling <input checked="" type="checkbox"/> Crisis <input checked="" type="checkbox"/> WX <input checked="" type="checkbox"/>
<input type="checkbox"/>	110% of the poverty guidelines: Heating <input type="checkbox"/> Cooling <input type="checkbox"/> Crisis <input type="checkbox"/> WX <input type="checkbox"/>
<input type="checkbox"/>	60% of the State's median income: Heating <input type="checkbox"/> Cooling <input type="checkbox"/> Crisis <input type="checkbox"/> WX <input type="checkbox"/>

N/A	*	Households automatically eligible if one person is receiving						
	TANF	<input type="checkbox"/>	SSI	<input type="checkbox"/>	Food Stamps	<input type="checkbox"/>	WX	<input type="checkbox"/>
N/A	NONE	Certain means-tested veterans programs						
	Heating	<input type="checkbox"/>	Cooling	<input type="checkbox"/>	Crisis	<input type="checkbox"/>	WX	<input type="checkbox"/>

* Subrecipient agencies will base applicant household eligibility on TAC Title 10, Part 1, Chapter 6, Subchapter B, §6.105 for WAP and on Subchapter C, §6.205 for CEAP.

2605(c)(1)(A) 2605(b)(2) (eligibility)	➤ Do you have additional eligibility requirements for: Heating Assistance?	Yes	No
	➤ Do you use: Assets test?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	➤ Do you give priority in eligibility to:		
	Elderly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Disabled?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Young children?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Other: (If Yes, please describe) High energy burden, High energy consumption.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2605(c)(1)(A) 2605(b)(2) (eligibility)	➤ Do you have additional eligibility requirements for: Cooling Assistance?	Yes	No
	➤ Do you use: Assets test?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	➤ Do you give priority in eligibility to:		
	Elderly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Disabled?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Young children?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Other: (If Yes, please describe) High energy burden, High energy consumption.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2604(c) 2605(c)(1)(A) (eligibility)	➤ Do you have additional eligibility requirements for: Crisis Assistance?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	➤ Do you use:		
	Assets test?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Must the household have received a shut-off notice or have an empty tank?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Must the household have exhausted regular benefit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Must the household have received a rent eviction notice?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Must heating/cooling be medically necessary?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Other (Please explain):	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	➤ What constitutes a crisis? (Please describe) A <i>bona fide</i> energy crisis exists when extraordinary events or situations resulting from extreme weather conditions or fuel supply shortages have depleted or will deplete household financial resources and/or have created problems in meeting basic household expenses, particularly bills for energy so as to constitute a threat to the well-being of the household, particularly the elderly, the disabled, or very young children. A utility disconnection notice may constitute an energy crisis if client demonstrates a history of good faith in paying prior utility bills, or if brought about by sudden or unexpected events.		

2605(c)(1)(A) (eligibility)	➤ Do you have additional eligibility requirements for: Weatherization?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	➤ Do you use:		
	Assets test?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Priority groups? (Please list)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Elderly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Disabled?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Young children?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Other: (If Yes, please describe) High energy burden, High energy consumption.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	➤ Are you using Department of Energy (DOE) Low Income Weatherization Assistance Program (LIWAP) rules (http://apps1.eere.energy.gov/weatherization/) to establish eligibility or to establish priority eligibility for households with certain characteristics?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	➤ If Yes, are there exceptions? Please list below. Texas Administrative Code Title 10, Part 1, Chapter 6, Subchapter B, §6.105. http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&ti=10&pt=1&ch=6	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Outreach Activities

2605(b)(3) 2605(c)(3)(A)	➤ Please check the outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:	
	<input checked="" type="checkbox"/>	provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).
	<input checked="" type="checkbox"/>	place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.
	<input checked="" type="checkbox"/>	publish articles in local newspapers or broadcast media announcements.
	<input checked="" type="checkbox"/>	include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.
	<input type="checkbox"/>	Make mass mailing to past recipients of LIHEAP.
	<input checked="" type="checkbox"/>	inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.
	<input checked="" type="checkbox"/>	execute interagency agreements with other low-income program offices to perform outreach to target groups.
	<input type="checkbox"/>	other (Please specify):

Coordination

2605(b)(4)	➤ <i>Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.</i>	
2605 (b)(1)(C) 2605(b)4	Subrecipients coordinate with other social service agencies through cooperative agreements to provide services to client households. Cooperative agreements clarify procedures, roles, and responsibilities of all participants. In particular, subrecipients make documented referrals to the local WAP subrecipient.	
2605(b)(7)(D)	Subrecipients coordinate with local energy vendors to arrange for arrearage reduction, reasonably reduced payment schedules, or cost reductions.	
2605(b)(6)	Community Action Agencies, local government entities, and other nonprofit agencies, with a few exceptions, also administer the LIHEAP program. To share information, enhance and develop service capacities, and integrate resources, TDHCA works with the Texas Association of Community Action Agencies, the Public Utility Commission, the Texas Railroad Commission, utility companies, and other State entities serving the low-income population.	

Benefit Levels: Equal Treatment

2605(b)(5) 2605(b)(2) 2605(b)(8A)	➤ <i>The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure</i>	
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	<i>there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.</i>
	There is no difference in treatment based on the receipt or non-receipt of public assistance benefits. Subrecipient agencies will base applicant household eligibility on TAC Title 10, Part 1, Chapter 6, Subchapter B, §6.105 for WAP and on Subchapter C, §6.205 for CEAP.

Determination of Benefits

Heating Component

2605(b)(5)	➤ Please check the variables you use to determine your benefit levels (check all that apply):
	<input checked="" type="checkbox"/> Income
	<input checked="" type="checkbox"/> family (household) size
	<input checked="" type="checkbox"/> home energy cost or need
	<input type="checkbox"/> fuel type
	<input type="checkbox"/> climate/region
	<input checked="" type="checkbox"/> individual bill
	<input type="checkbox"/> dwelling type
	<input checked="" type="checkbox"/> energy burden (% of income spent on home energy)
	<input checked="" type="checkbox"/> energy need
	<input checked="" type="checkbox"/> other (describe): Household contains inefficient or unsafe equipment.

Benefit Levels

2605(b)(5) 2605(c)(1)(B)	➤ <i>Describe how you will assure that the highest benefits go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size.</i>	
	<i>Please describe benefit levels or attach a copy of your payment matrix.</i>	
	Households With Incomes of:	Household may receive an amount needed to address their energy payment shortfall not to exceed:
	0 to 50% of Poverty	\$1,200.
	50% to 75% of Poverty	\$1,100.
	75% to 125% of Poverty	\$1,000.
	Income eligible household contains inefficient or unsafe equipment.	Allow equipment repair, replacement, and/or retrofit up to \$4,000.
	➤ Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?	
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	If Yes, please describe.	

Cooling Component

2605(b)(5) 2605(c)(1)(B)	➤ Please check the variables you use to determine your benefit levels (check all that apply):	
	<input checked="" type="checkbox"/>	Income
	<input checked="" type="checkbox"/>	family (household) size
	<input checked="" type="checkbox"/>	home energy cost or need
	<input type="checkbox"/>	fuel type
	<input type="checkbox"/>	climate/region
	<input checked="" type="checkbox"/>	individual bill
	<input type="checkbox"/>	dwelling type
	<input checked="" type="checkbox"/>	energy burden (% of income spent on home energy)
	<input checked="" type="checkbox"/>	energy need
	<input checked="" type="checkbox"/>	other (describe): Household contains inefficient or unsafe equipment.

Benefit Levels

2605(b)(5) 2605(c)(1)(B)	➤ <i>Describe how you will assure that the highest benefits go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size.</i> <i>Please describe benefit levels or attach a copy of your payment matrix.</i>	
	Households With Incomes of:	Household may receive an amount needed to address their energy payment shortfall not to exceed:
	0 to 50% of Poverty	\$1,200.
	50% to 75% of Poverty	\$1,100.
	75% to 125% of Poverty	\$1,000.
	Income eligible household contains inefficient or unsafe equipment.	Allow equipment repair, replacement, and/or retrofit up to \$4,000.
	➤ Do you provide in-kind (e.g., blankets, space heaters, fans) and/or other forms of benefits?	
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	If Yes, please describe.	

Crisis Component

2605(b)(5), 2605(c)(1)(B)	➤ How do you handle crisis situations?	
	<input checked="" type="checkbox"/> Separate component	<input type="checkbox"/> other (please explain)
	➤ If you have a separate component, how do you determine crisis assistance benefits?	
	<input checked="" type="checkbox"/>	amount to resolve crisis, up to maximum
	<input type="checkbox"/>	other (please describe)

Benefit Levels

<p>➤ Please indicate the maximum benefit for each type of crisis assistance offered.</p>			
	Heating	\$ n/a	maximum benefit
	Cooling	\$ n/a	maximum benefit
	Year-round	\$1,200	maximum benefit
<p>➤ Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?</p>			
<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No	If Yes, please describe.
<p> </p>			

WEATHERIZATION & OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS

2605(b)(5), 2605(c)(1), (B) & (D)	<p>➤ What LIHEAP weatherization services/materials do you provide? (Check all categories that apply.)</p>
---	---

Types of Assistance

<input checked="" type="checkbox"/>	Weatherization needs assessments/audits.
<input checked="" type="checkbox"/>	Caulking, insulation, storm windows, etc.
<input checked="" type="checkbox"/>	Furnace/heating system modifications/repairs
<input checked="" type="checkbox"/>	Furnace replacement
<input checked="" type="checkbox"/>	Cooling efficiency modifications/repairs/replacement
<input checked="" type="checkbox"/>	<p>Other <u>Energy Related Home Repair</u> (Please describe)</p> <p>a) roof, wall, and floor repair to complete weatherization measures;</p> <p>b) repair or replace essential electrical wiring to complete related weatherization measures, while complying with safety codes;</p> <p>c) solar screens or window film (where appropriate);</p> <p>d) replacement of refrigerators 1993 or older or metered to have an SIR of 1 or greater on the TDHCA refrigerator tool;</p> <p>e) mobile home skirting to protect belly insulation;</p> <p>f) overhangs to protect mobile home doors;</p> <p>g) carpentry work to protect outside water heater from exposure; and</p> <p>h) weatherization-related health and safety safeguards as defined by DOE.</p>

Benefit Levels

<p>➤ Do you have a maximum LIHEAP weatherization benefit/expenditure per household?</p>			
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	If Yes, what is the maximum amount?	\$4,000

Types of Rules (DOE or LIHEAP)

	➤ Under what rules do you administer LIHEAP weatherization? (Check only one.)	
<input type="checkbox"/>	Entirely under LIHEAP (not DOE) rules	
<input type="checkbox"/>	Entirely under DOE LIWAP rules	
<input checked="" type="checkbox"/>	Mostly under LIHEAP rules with the following DOE LIWAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply):	
<input checked="" type="checkbox"/>	Weatherize buildings if at least 66% of units (50% in 2- & 4-unit buildings) are eligible units or will become eligible within 180 days	
<input checked="" type="checkbox"/>	Weatherize shelters temporarily housing primarily low income persons (excluding nursing homes, prisons, and similar institutional care facilities).	
<input checked="" type="checkbox"/>	Other (Please describe)	
<input type="checkbox"/>	Mostly under DOE LIWAP rules, with the following LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply.)	
<input checked="" type="checkbox"/>	Weatherization not subject to DOE LIWAP maximum statewide average cost per dwelling unit.	
<input checked="" type="checkbox"/>	Other <u>Energy Related Home Repair</u> (Please describe.) TDHCA will allow the use of a client's LIHEAP weatherization award for structural and ancillary repairs only if required to enable effective weatherization.	

Agency Designation

2605(b)(6)	The state administers LIHEAP through the following types of local agencies:		
<input type="checkbox"/>	county welfare offices		
<input checked="" type="checkbox"/>	community action agencies (weatherization component only)		
<input checked="" type="checkbox"/>	community action agencies (heating, cooling or crisis)		
<input checked="" type="checkbox"/>	charitable organizations (nonprofit)		
<input type="checkbox"/>	not applicable (i.e. state energy office)		
<input type="checkbox"/>	tribal office		
<input checked="" type="checkbox"/>	other, describe: Units of local government and Councils of Government.		
	➤ Have you changed local administering agencies from last year?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	If Yes, please describe how you selected them. Request for application (RFA)		
	➤ What components are affected by the change?	Heating, cooling, crisis, weatherization.	

Targeting of Assistance

2605(c)(1)(E)	➤ Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. (This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the
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	<i>plan, no further information is required here.)</i>
<input checked="" type="checkbox"/>	The Heating & Cooling Equipment Replacement component targets assistance to high energy burden households where inefficient or malfunctioning equipment needlessly increases energy consumption and therefore impairs the household's ability to pay their own home energy bills.

Energy Suppliers

2605(b)(7)	➤ Do you make payments directly to home energy suppliers?		
	Heating	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Cooling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Crisis	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	If Yes, are there exceptions?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	If Yes, please describe.		

2605(b)(7)(A)	➤ <i>If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)</i>		
	When the client applies for assistance, the subrecipient agency determines eligibility, the amount of assistance, and the appropriate component. This information is given to the client along with their client agreement.		
2605(b)(7), (B) & (C)	➤ <i>How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.</i>		
	Vendor agreements are used in all components. A sample copy is attached.		

Owners & Renters

2605(b)(8)(B)	➤ Is there any difference in the way owners and renters are treated? If Yes, please describe.		
	Heating Assistance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Cooling Assistance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Crisis Assistance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Weatherization	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Program, Fiscal Monitoring, and Audit

2605(b)(10)	➤ <i>How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)</i>		
	<ol style="list-style-type: none"> 1. review annual audits; 2. monitor fiscal records; 3. review Monthly Expenditure and Performance Reports. 		

	<p>➤ <i>How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)</i></p> <ul style="list-style-type: none"> • The Department requires each subrecipient to submit monthly funding and performance reports. Reports are due on the fifteenth of the following month. • TDHCA Contract Specialists will complete a desk monitoring review of monthly funding and performance reports to ensure the subrecipient has the capacity to carry out program activities in a timely manner. • TDHCA will assign a Program Officer to each subrecipient in order to track program compliance and performance activities. • Program Officer will perform an onsite monitoring visit of each subrecipient once every two years based on a Risk Assessment Module. On-site monitoring will be performed in conjunction with the Division's Community Service Block Grant whenever possible. TDHCA may monitor a subrecipient more than once based on the previous monitoring report and current contract performance. • Program Officer will review the subrecipient's financial records such as the single audit, general ledgers, receipts, bank statements, bank reconciliation reports, and checks to ensure that program funds are being expended on allowable program activities. • Program Officer will review individual client records to ensure the clients are eligible, prioritized, and served within the contract and TDHCA established guidelines. Client files will also be reviewed to ensure household needs have been identified, the client has been provided client education, and referred to other programs that have been identified by the subrecipient. The Department has set a minimum client record sample of 10 per component. • Program Officer will complete a monitoring check list and report that outlines findings and recommendations. • Upon the Manager's review a report will be mailed to each subrecipient. • Subrecipient must submit a written response within 30 days of the report. The response must address any possible corrective actions if any. • TDHCA will review the response to ensure all possible corrective actions have been implemented by the subrecipient. 			
	<p>➤ How is your LIHEAP program audited?</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Under the Single Audit Act?</td> <td style="width: 15%; text-align: center;"><input checked="" type="checkbox"/> Yes</td> <td style="width: 15%; text-align: center;"><input type="checkbox"/> No</td> </tr> </table> <p>If not, please describe:</p>	Under the Single Audit Act?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Under the Single Audit Act?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
	<p>For States and Territories:</p>			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">➤ Is there an annual audit of local administering agencies?</td> <td style="width: 15%; text-align: center;"><input checked="" type="checkbox"/> Yes</td> <td style="width: 15%; text-align: center;"><input type="checkbox"/> No</td> </tr> </table> <p>If not, please explain. TDHCA contract requires agencies that exceed \$500,000 in expenditures to follow the single Audit procedures and submit a copy of the Audit to the Department for review.</p>	➤ Is there an annual audit of local administering agencies?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
➤ Is there an annual audit of local administering agencies?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		

Timely and Meaningful Public Participation

2605(b)(12)	<p>➤ <i>How did you get timely and meaningful public participation in the development of the plan? (Please describe.)</i></p> <ul style="list-style-type: none"> • TDHCA prepared a Draft LIHEAP Plan for FFY 2009 as a means of informing interested parties prior to the annual LIHEAP Public Hearing, June 9, 2008. • The draft plan was submitted for TDHCA Board approval at the May 8, 2008 meeting – prior to publication. • A Texas Register announcement (see appendix) and the TDHCA internet publication informed the Texas Legislature and general public about the public hearing. • The Draft LIHEAP Plan appeared on the TDHCA Internet site beginning May 9, 2008. • TDHCA transmitted the Draft LIHEAP Plan by e-mail and fax to all TDHCA Energy Assistance subrecipients, Weatherization Policy Advisory Committee members, and other interested parties and let them know the document’s internet location (http://www.tdhca.state.tx.us/ea.htm). • TDHCA accepted written and verbal comments within the public participation process through <u>June 9, 2008</u>, 5:00 p.m. TDHCA requested that comments be sent by e-mail to john.touchet@tdhca.state.tx.us or by fax (512) 475-3935 or by postal service to TDHCA, Energy Assistance Section, P.O. Box 13941, Austin, Texas 78711-3941. • TDHCA incorporates public comments, including workable suggestions that do not alter the intent of LIHEAP, into the final plan. • TDHCA Board receives the final plan for approval in July. 		
2605(a)(2) (public hearings)	<p>➤ Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds?</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
When? June 9, 2008; 2p.m.			
Where? Thomas Jefferson Rusk Building, 208 East 10th St., Room #227, Austin, Texas			

Fair Hearing Procedures

Fair Hearings 2605(b)(13)	<p>➤ <i>Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?</i></p>		
<p>TDHCA will ensure that subrecipients provide an opportunity for a fair administrative hearing to individuals whose application for assistance is denied or not acted upon in a timely manner by requiring subrecipients to:</p> <ul style="list-style-type: none"> • print information about clients’ rights on the application forms and information sheets; • provide opportunity for fair administrative hearings in cases of application denial, delay, or inaction; • Provide written notification to applicant of denial of assistance within ten (10) days of the adverse determination. Notification includes written instructions of the appeals process and specific reasons for the denial. 			

	<p>Applicants wishing to appeal a decision must provide written notice to subrecipient within 10 days of receipt of the denial notice. <u>Subrecipient maintains documentation of appeals in the client files.</u></p> <p>Applicants may subsequently appeal to TDHCA. An applicant must provide a written appeal request to TDHCA within 10 days of receiving the subrecipient's second determination. A TDHCA appeals committee composed of at least three persons hears the appeal within 10 days of receiving the appeal. The subrecipient provides to TDHCA an audio tape recording or detailed notes of its hearing and pertinent client files. TDHCA will review the recording and notes from the hearing, the committee's decision and any other relevant information. TDHCA will not take additional oral testimony. TDHCA will notify all parties in writing of its decision within 30 days of the receipt of the appeal.</p>
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Alternate Outreach and Intake

2605(b)(15)	For States and Puerto Rico only (not applicable to Tribes and tribal organizations, or to territories whose annual regular LIHEAP allotments are \$200,000 or less):		
	➤ Does the State agency that administers the following LIHEAP component also administer the State's welfare program?		
	Heating Assistance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	If Yes, describe alternate process for outreach and intake:		
	Cooling Assistance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	If Yes, describe alternate process for outreach and intake:		
	Crisis Assistance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	If Yes, describe alternate process for outreach and intake:		

Assurance 16 Activities

2605(b)(16)	➤ Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)		
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
	<p><i>If Yes, please describe these activities.</i></p> <ol style="list-style-type: none"> 1. Identify household needs. 2. Provide literature and energy conservation education. 3. Refer client to other appropriate programs. 4. Encourage responsible vendor and consumer behavior. <p>Subrecipients provide applications, forms, and energy education materials in Spanish, English, or other language when appropriate.</p>		
	<p><i>If Yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?</i></p> <p>Assurance 16 activities are a separate budget category at both the state and subrecipient levels. Both the accounting and the reporting systems do not</p>		

	allow expenditures over the 5% cap.
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Leveraging

2607A	<p>➤ Please describe leveraging activities planned for the fiscal year. (This entry is optional.)* Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:</p> <ol style="list-style-type: none"> (1) Identify and described each resource/benefit; (2) Identify the source(s) of each resource; and (3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).
2607(A) 45CFR96 §96.87(d)(2) (i)	In order for subrecipients to serve eligible households in a comprehensive manner, creation of partnerships with private industries and utility vendors is essential. LIHEAP staff members, both at the grantee and the subrecipient level, have devoted substantial time and resources in the negotiation and design of these partnerships.
§96.87(d)(1)	<p>The resources leveraged by these activities are from non-federal sources such as utility companies. They are provided to the LIHEAP grantee or only accessible to LIHEAP clients. They represent a net addition to the total home energy resources available to low-income households, are measurable and quantifiable, and meet the requirements for countable resources.</p> <p>The following resources have been leveraged on behalf of LIHEAP clients:</p>
§96.87(d)(2) (iii)(D), §96.87(d)(2) (iii)(E), §96.87(d)(2) (iii)(F), §96.87(e)(1) (i)	<p>Subrecipients utilize state approved vendor agreements with energy providers. These agreements may provide for waivers on reconnection fees and waivers on deposits. These agreements ensure that the energy vendor will charge the eligible household only the difference between the cost of home energy actually consumed and the amount of the payment made by TDHCA through LIHEAP. Agreements ensure that energy vendors will treat LIHEAP clients with no disadvantage relative to all other customers.</p> <p>TDHCA currently uses written agreements with private, investor owned electric utility companies (IOUs) to provide funding for the following resources or services:</p>
§96.87(d)(2)(ii) §96.87(e)(1)(iii) §96.87(e)(1)(vi)	IOU Weatherization Programs provide additional funding for the LIHEAP-funded Weatherization Assistance Program. Utility funds supplement work on housing units weatherized under the state’s WAP. TDHCA administers the funds through its LIHEAP WAP network of weatherization contractors.

* Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. (**Tribes and tribal organizations are EXEMPT**) (Above link shows source document only.)
- **Debarment and suspension certification**, which must be filed by all grantees. (Above link shows source document only.)
- **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here: (Above link shows source document only.)
- One of the new requirements included in the 1994 reauthorization of the statute is that grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

All Tribes and those territories with allotments of less than \$200,000 need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.

- Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106.

Attachments

- LIHEAP Household Report
- **Contractors (Subrecipient Agencies)** <http://www.tdhca.state.tx.us/ea/index.htm>
- Required Certifications
- Vendor agreement sample copy
- **DOE State Plan** <http://www.tdhca.state.tx.us/ea/docs.htm>

LIHEAP Household Report--Federal Fiscal Year 2008--Long Format

Grantee Name: Texas Department of Housing & Community Affairs Contact Person: John Touchet, Planner

Phone: (512) 475-1435

Date: 7/28/2008

The *LIHEAP Household Report--Long Format* is for use by the 50 States, District of Columbia, and insular areas with annual LIHEAP allotments of \$200,000 or more. This Federal Report provides data on both LIHEAP recipient and applicant households for Federal Fiscal Year (FFY) 2008, the period of October 1, 2007 - September 30, 2008. The Report consists of the following sections: (1) **Recommended Long Format for LIHEAP Assisted Households** and (2) **Recommended Format for LIHEAP Applicant Households**. Data on assisted households are included in the Department's annual *LIHEAP Report to Congress*. The data are also used in measuring targeting performance under the Government Performance and Results Act of 1993. As the reported data are aggregated, the information in this report is not considered to be confidential.

There are two types of data: (1) **required** data which must be reported under the LIHEAP statute and (2) **requested** data which are optional, in response to House Report 103-483 and Senate Report 103-251. Both the *LIHEAP Household Report--Long Format* (the Excel file name is *hhsrptst.xls*) and the instructions on completing the Report (the Word file name is *hhrptins.doc*) can be downloaded in the Forms sections of the Office of Community Services' LIHEAP web site at: www.acf.hhs.gov/programs/liheap/grantee_forms/index.html#household_report. The spreadsheet is page protected in order to keep the format uniform. The items requiring a response other areas of the spreadsheet cannot be modified. For example, the number of assisted and applicant households can not be entered. Each total will be calculated automatically for each type of assistance by a formula when the poverty level data are entered.

Do the data below include estimated figures? No Preliminary Mark " X" in the second column below for each type of assistance that has at least one estimated data entry.

1. RECOMMENDED LONG FORMAT FOR LIHEAP ASSISTED HOUSEHOLDS

Type of assistance	Mark "X" to indicate estimated data	Number of assisted households	REQUIRED DATA					REQUESTED DATA				
			2007 HHS Poverty Guideline interval, based on gross income and household size					At least one member who is			At least one member who is	
			Under 75% poverty	75%-100% poverty	101%-125% poverty	126%-150% poverty	Over 150% poverty	60 years or older	Disabled	Age 5 years or under	Age 2 years or under	Age 3 years through 5 years
Heating		7,421	5,145	1,454	822	n/a	n/a	3,761	4,618	1,164	615	721
Cooling		24,084	16,650	4,471	2,963	n/a	n/a	11,357	13,997	3,799	2,106	2,271
Winter/year round crisis		12,877	9,560	2,059	1,258	n/a	n/a	3,363	4,507	3,632	2,186	2,281
Summer crisis		0										
Other crisis (specify)		0										
Weatherization		1,571	834	424	298	10	5	837	760	259	145	173

2. RECOMMENDED FORMAT FOR LIHEAP APPLICANT HOUSEHOLDS (regardless of whether assisted)

Type of assistance	Mark "x" to indicate estimated data	Number of applicant households	REQUIRED DATA					
			2006 HHS Poverty Guideline interval, based on gross income and household size					
			Under 75% poverty	75%-100% poverty	101%-125% poverty	126%-150% poverty	Over 150% poverty	Income data unavailable
Heating		10,639	7,404	1,790	1,070	181	86	108
Cooling		22,613	14,976	4,285	2,649	357	116	230
Winter/year round crisis		17,193	12,150	2,658	1,424	199	221	541
Summer crisis		0						
Other crisis (specify)		0						
Weatherization		3,003	1,100	616	505	127	131	524

Note: Include any notes below for section 1 or 2 (indicate which section, type of assistance, and item the note is referencing): Applicants for Heating, Cooling, and Crisis can receive assistance from more than one component without submitting a new application.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-- Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under

48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-- Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-- Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is

providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--
Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central pint is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted -

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- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
- (B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

/s

Date: 8/30/08

Signature

Executive Director

Title

Texas Department of Housing & Community Affairs

Organization

VENDOR AGREEMENT
COMPREHENSIVE ENERGY ASSISTANCE PROGRAM

The purpose of the Comprehensive Energy Assistance Program (CEAP) funded by the Low-Income Home Energy Assistance Program (LIHEAP) grant is to maintain an energy supply to residences of eligible low-income customers.

For purposes of this agreement, a Retail Energy Provider is defined as a natural gas, propane, or wood vendor who sells the energy product to residential customers of energy for the purposes of heating or cooling the residents.

The Retail Energy Provider (Vendor) agrees to honor the purpose of the CEAP and to accept pledges of payment from CEAP Agencies only for certified customers to whom the Vendor continues to provide energy services. The Energy Assistance Provider (Agency) agrees to make payments only for eligible low-income customers.

This vendor agreement is by and between:

_____ and
Energy Assistance Provider (Agency)

Retail Energy Provider (Vendor)

Vendor and Agency agree to assist customers in the following counties:

This agreement shall be effective from the _____ day of _____ 2007 for a period not to exceed two years from the effective date. Either party may terminate this agreement by written notice. Such written notice of termination shall not affect any obligation by either party incurred prior to the receipt of such notice. Notice shall be sent via certified mail with return receipt requested.

(Vendor Name)

(Vendor Mailing Address)

(Name of Agency)

(Agency Mailing Address)

The Agency named above represents and warrants to the Vendor that it is a Subrecipient of the Texas Department of Housing and Community Affairs ("TDHCA") and as such is authorized and has received funding from the TDHCA to provide energy payment assistance services for eligible low-income customers.

The Vendor named above is a Retail Energy Provider who represents and warrants that it is authorized to receive payments from the Agency on behalf of a customer that the Agency has determined to be eligible under the CEAP guidelines and as such is a "Certified Customer".

Vendor will, with reference to a Certified Customer:

- Extend the CEAP applicant's energy service for up to five (5) business days while the Agency determines whether the CEAP applicant is eligible pursuant to the CEAP guidelines;
- Upon accepting pledge from Agency for Certified Customer, continue or restore energy service to Certified Customer without any increase in energy charges, services charges, or other charges affecting the total cost of the bill;
- Invoice the Certified Customer in accordance with Vendor's normal billing practices.
- Upon verbal or written request from Agency, provide at no cost to the Agency the Certified Customer's billing and usage history for the previous twelve (12) months, or available history plus monthly estimates if less than 12 months of billing history and usage is available. Vendor will transmit such billing history via electronic mail or facsimile no later than the end of the next business day following the request. Wood and propane vendors may provide alternative consumption histories, if known.
- Work with Agency and Certified Customer to explore the feasibility of offering flexible payment arrangements that may include, without limitation, waiving security deposits, reconnect fees, application fees, and all other fees whenever possible;
- Not discriminate against Certified Customer in price or services, including the availability of deferred payment plans, level or average payment plans, discount, budget, advance payment or other credit plans;
- Not refuse to provide energy service or otherwise discriminate in the marketing and provision of energy service to any Certified Customer because of race, creed, color, national origin, ancestry, sex, marital status, lawful source of income, level of income, disability, financial status, location of customer in an economically distressed geographic area, or qualification for low-income or energy-efficiency services;
- Allow Agency forty-five (45) days from the date of the pledge to forward payment to the vendor. Vendor agrees not to consider the portion of the Certified Customer's account to be paid by the Agency delinquent if said payment is received within the above mentioned forty-five (45) day period and Vendor is provided with a signed pledge from the Agency within 5 days of identifying a Certified Customer and making the pledge;
- Not interrupt service if Certified Customer enters into an agreement with the Vendor concerning how the Certified Customer will pay the balance owed Vendor and the Certified Customer is meeting the obligations under such agreement.

- **The Agency will:**
- Not provide pledges on behalf of a Certified Customer to Vendor without having adequate funds to pay such pledge;
- Pay pledges within forty-five (45) days of making pledge to Vendor;
- Determine if a customer is a Certified Customer within five (5) business days of contacting Vendor.
- Provide Vendor a list of names, telephone numbers and e-mail addresses of Agency staff designated to make pledges on behalf of the Agency and Certified Clients.

 Authorized Vendor Signature

 Date Agreement Signed

 Typed Name of Authorized Signature

 Title of Authorized Signature

 (Area Code) Telephone Number

 Authorized Agency Signature

 Date Agreement Signed

 Typed Name of Authorized Signature

 Title of Authorized Signature

 (Area Code) Telephone Number