October 6, 2015

The Honorable Sylvia Mathews Burwell
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Burwell:

In accordance with TEX. GOV’T CODE §§2306.092 and 2306.097 and the Low Income Home Energy Assistance Program (42 U.S.C. §§8621 through 8630), I hereby designate the Texas Department of Housing and Community Affairs as the lead agency for administration of the Low Income Home Energy Assistance Program (LIHEAP) in the state of Texas. The executive director of the department, Timothy K. Irvine, is authorized to make assurances of certification which may be required as part of the annual LIHEAP application process.

This delegation of authority shall remain in full force and effect until modified or rescinded by federal or state statute or by the chief elected official of this state.

Sincerely,

[Signature]
Greg Abbott
Governor

GA:bwk
The Honorable Sylvia Mathews Burwell  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

RE: DESIGNATION OF SIGNATURE AUTHORITY

Dear Secretary Burwell:

In accordance with Tex. Gov't Code §§2306.092 and 2306.097 and the Low Income Home Energy Assistance Program (42 U.S.C. §§8621 through 8630), the Texas Department of Housing and Community Affairs is designated by Governor Greg Abbott as the lead agency for administration of the Low Income Home Energy Assistance Program (LIHEAP) in the state of Texas. I, as the Executive Director, am authorized by the Governor to make assurances of certification as required by the annual LIHEAP application process. I hereby delegate to Michael DeYoung, Director of the Community Affairs Division, authority to make such assurances of certification as necessary to effectuate the submission of the annual State of Texas LIHEAP Application and Plan.

This delegation of authority shall remain in full force and effect until modified or rescinded by federal or state statute, or by me, my successor, or my assignee.

Respectfully,

Timothy K. Irvine  
Executive Director

[TKI/sdg]

cc: Michael DeYoung
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

PUBLIC HEARING

ON

DRAFT 2017 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) STATE PLAN

Conference Room 116
TDHCA Headquarters
211 East 11th Street
Austin, Texas

Tuesday,
June 14, 2016
6:10 p.m.

BEFORE: RITA GONZALES-GARZA, TDHCA Program Administrator

ON THE RECORD REPORTING
(512) 450-0342
PROCEEDINGS

MS. GARZA: Good evening. My name is Rita Gonzales-Garza. Let the record show it's 6:10 p.m. on Tuesday, June 14, and we are conducting the public hearing for the Draft 2017 Low Income Home Energy Assistance Program (LIHEAP) State Plan, administered by the Texas Department of Housing and Community Affairs. The hearing is being held at the TDHCA Headquarters, located at 221 East 11th Street, we're in Conference Room 116, Austin, Texas 78701.

We have one attendee here, and we do not have any one who has submitted a testimony form, so I'll just read into the record our script.

The public hearing is being recorded and all comments will be reviewed and considered prior to the presentation of the final plan to the Department's Board of Directors and prior to submission of the Draft 2017 Low Income Home Energy Assistance Program State Plan to the U.S. Department of Health and Human Services.

The Texas Department of Housing and Community Affairs is the state agency designated by the governor to administer the Low Income Home Energy Assistance Program, received from the U.S. Department of Health and Human Services, USHHS. By conducting these hearings, the Department is offering the general public the opportunity
to comment on the proposed use and distribution of Federal Fiscal Year 2017 LIHEAP funds anticipated from USHHS.

The LIHEAP funds are used to administer the state's Comprehensive Energy Assistance Program (CEAP) a utility assistance program which is designed to assist low income households meet their immediate energy needs and to encourage consumers to control energy costs for years to come through energy education.

LIHEAP funds also support the Weatherization Assistance Program which is designed to help low income customers control their energy costs through installation of weatherization materials and education. The Weatherization Assistance Program's goal is to reduce energy cost burden of low income households through energy efficiency.

The current network of providers consists of 39 providers for the CEAP program and 22 providers for the Weatherization Assistance Program, providing services to all 254 Texas counties. The Department proposes to establish CEAP and Weatherization program contracts in 2017, as indicated in the proposed state plan.

The public comment period to accept comments regarding the Draft 2017 LIHEAP State Plan will be open from May 27, 2016 through Wednesday, June 29, at 12:00 noon, Austin local time. Comments are welcome in written
form or oral testimony as part of today's hearing.
Comments may also be submitted via email to the attention
of rita.garza@tdhca.state.tx.us, or mailed to the Texas
Department of Housing and Community Affairs, Community
Affairs Division, P.O. Box 13941, Austin, Texas 78711, or
faxed to 512-475-3935.

The document may be obtained by contacting the
Texas Department of Housing and Community Affairs at P.O.
Box 13941, Austin, Texas 78711-3941, or by phone at 512-
475-3905.

We're going to take a break.

(Off the record.)

MS. GARZA: We had one person in attendance,
Stella Rodriguez, and she did not wish to give oral
testimony or submit written testimony. She will be
submitting that at a later date. And we have four staff
in attendance.

It is now 6:20, and at this time we conclude
our public hearing. Thank you for your attendance. The
Department appreciates your attendance and your comments.

It's Tuesday, June 14, 2016, 6:20 p.m. Thank you very
much.

(Whereupon, at 6:20 p.m., the public hearing
was concluded.)
CERTIFICATE

IN RE: Draft 2017 LIHEAP State Plan
LOCATION: Austin, Texas
DATE: June 14, 2016

I do hereby certify that the foregoing pages, numbers 1 through 5, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Nancy H. King before the Texas Department of Housing and Community Affairs.

Nancy H. King 06/17/2016
(Transcriber) (Date)

On the Record Reporting
3636 Executive Ctr Dr., G-22
Austin, Texas 78731

ON THE RECORD REPORTING
(512) 450-0342
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

PUBLIC HEARING
ON
DRAFT 2017 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) STATE PLAN

Conference Room
Hazel Harvey Peace Center for Neighborhoods
818 Missouri Avenue
Fort Worth, Texas

Wednesday,
June 15, 2016
1:30 p.m.

BEFORE: JASON GAGNE, TDHCA Training Specialist

ON THE RECORD REPORTING
(512) 450-0342
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<td>Zachary Thompson</td>
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<tr>
<td>Sonia Singleton</td>
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PROCEEDINGS

MR. GAGNE: Good afternoon. My name is Jason Gagne, and I am here to conduct this public hearing for the Texas Department of Housing and Community Affairs.

The Department is conducting the public hearing in order to receive comment on the Draft 2017 Low Income Home Energy Assistance Program (LIHEAP) State Plan.

This public hearing is being held in Fort Worth, Texas, at the Hazel Harvey Peace Center for Neighborhoods Conference Room, 818 Missouri Avenue, in Fort Worth. Today is Wednesday, June 15, 2016. Let the record show it is 1:34, and we will begin the public hearing.

The process used to conduct the hearing will be as follows: We ask all attendees to please sign the attendance sheet. If you have not signed in, please do so now so that we can have a record of persons in attendance.

If you wish to speak, you will need to complete a witness affirmation form and turn it in to me. If you have a public comment to submit but do not wish to speak and would rather submit the comments in writing, you may use a witness affirmation form to submit your written comments, and you may also submit your written comments in a separate document along with the form, which should have your name and contact information.
If you are speaking on behalf of a group or organization, please indicate that on the form, and in your oral comments. Persons in the group who are part of the group being represented are asked to stand when the person making their oral comments is introduced.

The public hearing is being recorded, and all comments will be reviewed and considered prior to the presentation of the final plan to the Department's board of directors and prior to submission of the Draft 2017 Low Income Home Energy Assistance Program (LIHEAP) State Plan to the U.S. Department of Health and Human Services.

The Texas Department of Housing and Community Affairs is the state agency designated by the governor to administer the Low Income Home Energy Assistance Program, LIHEAP, received from the U.S. Department of Health and Human Services, USHHS. By conducting these hearings, the Department is offering the general public the opportunity to comment on the proposed use and distribution of Federal Fiscal Year 2017 LIHEAP funds anticipated from U.S. Department of Health & Human Services.

The LIHEAP funds are used to administer the state's Comprehensive Energy Assistance Program (CEAP), a utility assistance program which is designed to assist low income households meet their immediate energy needs and to encourage consumers to control energy costs for years to
come through energy education.

LIHEAP funds also support the Weatherization Assistance Program, which is designed to help low income customers control their energy costs through installation of weatherization materials and education. The Weatherization Assistance Program's goal is to reduce energy cost burden of low income households through energy efficiency.

The current network of providers consists of 39 providers for the CEAP program and 22 providers for the Weatherization Assistance Program, providing services to all 254 Texas counties. The Department proposes to establish CEAP and Weatherization program contracts in 2017, as indicated in the proposed state plan.

The public comment period to accept comments regarding the Draft 2017 LIHEAP State Plan will be open from May 27, 2016, through Wednesday, June 29, 2016, at 12:00 p.m., Austin local time.

Comments are welcome in written form or oral testimony as part of today's hearing. Comments may also be submitted via email to the attention of rita.garza@tdhca.state.tx.us, or mailed to Texas Department of Housing and Community Affairs, Community Affairs Division, P.O. Box 13941, Austin, Texas 78711-3941, or by fax to 512-475-3935.

ON THE RECORD REPORTING
(512) 450-0342
The document may be obtained by contacting the Texas Department of Housing and Community Affairs at P.O. Box 13941, Austin, Texas 78711-3941, or by phone at 512-475-3905.

If there are persons in attendance that would like to give oral testimony or submit written testimony, please complete the witness affirmation form and submit it to me at this time.

I will begin with Zachary Thompson. After the first witness I will proceed to the next witness. So at this time, Mr. Thompson, please come to the microphone.

MR. THOMPSON: Good afternoon. First of all, I want to thank Texas Department of Housing and Community Affairs for the opportunity to present oral testimony.

One of the things I wanted to commend the Texas Department of Housing and Community Affairs on is the LIHEAP program, which are CEAP as well as the weatherization program.

What is critical in Dallas County is that 30 percent of the population is at poverty level, and so these funds are benefitting those residents who oftentimes are lower income and do not have an opportunity to access jobs or credible positions in companies that can make them viable in their area, so a lot of them are lower-income residents who need the services provided by Dallas County
Health & Human Services.

Lastly, the plan as written, we support it, and we think it will go a long way in benefitting the population that we are seeing in Dallas County.

Lastly, one of the things we faced in Dallas County, that we're receiving more and more residents who are moving into Dallas County from other parts of the United States.

And a recent study has demonstrated that those individuals who are coming into Dallas County are going to be lower in education as well as in economic attainment. So one of the things that we really got to focus on and continue to focus on is that new population that we're seeing moving into Dallas County.

But, again, without the funding from the LIHEAP for weatherization and CEAP, our residents would be in a very challenging position.

Thank you.

MR. GAGNE: Thank you, Mr. Thompson.

If anyone else would like to submit comments, please submit a witness affirmation form at this time.

(Pause.)

MR. GAGNE: At this time Ms. Sonia Singleton will now speak. Thank you.

MS. SINGLETON: I'd like to echo some of the
things that Dr. Thompson did -- said as well. We do appreciate Texas Department of Housing and Community Affairs. We would like to go on record as saying that if at all possible, if an increase in funding can be available for the Comprehensive Energy Assistance Program, as well as the Weatherization Assistance Program, it can be used.

Fort Worth, our rate of poverty is not as high as Dallas, but we are -- experience some of the same trends. We have between 17 percent and 19 percent rate of poverty here. We are also, depending on which month you look at it, the 16th largest -- fastest-growing city in the United States. And so while there's an influx of people who come here for jobs, there are also people who come here for opportunity.

We're already experiencing very hot temperatures this year. We're nearly out of our funding at this point. And so any -- if there's any way to look at how we are -- the State is looking at agencies and are able to deobligate funds, we are certainly a candidate to receive them.

We'd certainly like to see greater investment in the weatherization as well, because we have a number of older homes here, and when we are able to make those homes more efficient, we essentially help low-income families
better live on the income that they already have.

    Thank you.

MR. GAGNE: Thank you, Ms. Singleton.

Does anyone else wish to give public comment?

    (No response.)

MR. GAGNE: It is 1:43 p.m. At this time we conclude our public hearing. Thank you for your attendance. The Department appreciates your attendance and your comments.

    (Whereupon, at 1:43 p.m., the public hearing was concluded.)
CERTIFICATE

IN RE: Draft 2017 LIHEAP State Plan
LOCATION: Ft. Worth, Texas
DATE: June 15, 2016

I do hereby certify that the foregoing pages, numbers 1 through 10, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Barbara Wall before the Texas Department of Housing and Community Affairs.

[Signature]
06/20/2016
Transcriber (Date)

On the Record Reporting
3636 Executive Ctr Dr., G-22
Austin, Texas 78731
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

PUBLIC HEARING
ON
DRAFT 2017 LOW INCOME HOME ENERGY ASSISTANCE
PROGRAM (LIHEAP) STATE PLAN

Neighborhood Centers, Inc.
3838 Aberdeen Way
Houston, Texas

Wednesday,
June 15, 2016
6:00 p.m.

BEFORE: RITA GONZALES-GARZA, TDHCA Program
Administrator

ON THE RECORD REPORTING
(512) 450-0342
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<th>SPEAKER</th>
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ON THE RECORD REPORTING
(512) 450-0342
MS. GARZA: Good evening. My name is Rita Gonzales-Garza. I am here to conduct this public hearing for the Texas Department of Housing and Community Affairs. The Department is conducting this hearing in order to receive comment on the Draft 2017 Low Income Home Energy Assistance (LIHEAP) State Plan.

This public hearing is being held in Houston, Texas, at Neighborhood Centers, Inc., facilities located at 3838 Aberdeen Way, Houston, Texas.

Let the record show it is 6:04 p.m., and we will begin the public hearing.

The process used to conduct the hearing will bel as follows: We will ask attendees to please sign the attendance sheet. If you have not signed in, please do so now so that we can have a record of persons in attendance.

If you wish to speak, you will need to complete a witness affirmation form and turn it in to me. If you have public comment to submit but do not wish to speak and would rather submit the comments in writing, you may use a witness affirmation form to submit your comments, and you may also submit your written comments in a separate document along with the form, which should have your name and contact information.

If you are speaking on behalf of a group or
organization, please indicate that on the form, and in your oral comments. Persons in the group who are part of the group being represented are asked to stand when the person making the oral comments is introduced.

The public hearing is recorded, and all comments will be reviewed and considered prior to the presentation of the final plan to the Department's board of directors and prior to submission of the Draft 2017 Low Income Home Energy Assistance Program State Plan to the U.S. Department of Health and Human Services.

The Texas Department of Housing and Community Affairs is the state agency designated by the governor to administer the Low Income Home Energy Assistance Program received from the U.S. Department of Health and Human Services, USHHS.

By conducting these hearings, the Department is offering the general public the opportunity to comment on the proposed use and distribution of Federal Fiscal Year 2017 LIHEAP funds anticipated from USHHS.

The LIHEAP funds are used to administer the state's Comprehensive Energy Assistance Program (CEAP), a utility assistance program which is designed to assist low income households meet their immediate energy needs and to encourage consumers to control energy costs for years to come through energy education.
LIHEAP funds also support the Weatherization Assistance Program, which is designed to help low income customers control their energy costs through installation of weatherization materials and education. The Weatherization Assistance Program's goal is to reduce energy cost burden of low income households through energy efficiency.

The current network of providers consists of 39 providers for the CEAP program and 22 providers for the Weatherization Assistance Program, providing services to all 254 Texas counties. The Department proposes to establish CEAP and Weatherization program contracts in 2017, as indicated in the proposed state plan.

The public comment period to accept comments regarding the Draft 2017 LIHEAP State Plan will be open from May 27, 2016, through Wednesday, June 29, 2016, at 12:00 noon, Austin local time.

Comments are welcome in written form or oral testimony as part of today's hearing. Comments may also be submitted via email to the attention of rita.garza@tdhca.state.tx.us, or mailed to Texas Department of Housing and Community Affairs, Community Affairs Division, P.O. Box 13941, Austin, Texas 78711-3941, or by fax to 512-475-3935.

The document may be obtained by contacting the
Texas Department of Housing and Community Affairs at P.O.
Box 13941, Austin, Texas 78711-3941, or by phone at
512-475-3905.

If there are persons in attendance that would
like to give oral testimony or submit written testimony,
please complete the witness affirmation form and submit it
to me at this time.

I will begin with Summer Harrison.

MS. HARRISON: This is Summer Harrison with
Neighborhood Centers. I'm the director of weatherization.
I want to make one comment.

Neighborhood Centers is currently working on a
response to the LIHEAP 2017 plan and will submit it by
June 29. We will be proposing an alternative plan for
unspent funds from agencies that are not expending the
funds in a timely manner.

Currently Harris County has a large amount of
applicants that will not be served, due to insufficient
funding through the LIHEAP program. In 2015 9,000
applicants did not receive assistance. By May 1 of 2016,
all utility assistance funds were obligated.

We want to seek a solution that will move
unspent LIHEAP funds to agencies and counties that have
the need and have the ability to serve the low-income
residents.
Thank you.

MS. GARZA: Thank you very much.

Is there anyone else that would like to give comment?

(No response.)

MS. GARZA: If not, if you would just like to state your name.

MR. TAYLOR: Victor Taylor, Director of CEAP with NCI.

MS. HERRON-ALLISON: Glynniece Herron-Allison, CEAP operations manager with Neighborhood Centers.

MS. DAVIS: Desiree Davis, CEAP operations manager with Neighborhood Centers.

MS. GARZA: Thank you. If there are no more witnesses at this time, at 6:10 p.m., we conclude our public hearing. Thank you for your attendance and thank you for making the facilities available to us. We appreciate your attendance and your comments.

(Whereupon, at 6:10 p.m., the public hearing was concluded.)
CERTIFICATE

IN RE: Draft 2017 LIHEAP State Plan

LOCATION: Houston, Texas

DATE: June 15, 2016

I do hereby certify that the foregoing pages, numbers 1 through 8, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Evelyn Carter before the Texas Department of Housing and Community Affairs.

[Signature] 06/22/2016
(Transcriber) (Date)

On the Record Reporting
3636 Executive Ctr Dr., G-22
Austin, Texas 78731

ON THE RECORD REPORTING
(512) 450-0342
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

PUBLIC HEARING
ON
DRAFT 2017 LOW INCOME HOME ENERGY ASSISTANCE
PROGRAM (LIHEAP) STATE PLAN

Purchasing Suite
1103 South Frio
San Antonio, Texas

Tuesday,
June 14, 2016
11:00 a.m.

BEFORE: MARCO CRUZ, TDHCA Program
Administrator

ON THE RECORD REPORTING
(512) 450-0342
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<td>Linda Zoila Flores</td>
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MR. CRUZ: It's now straight up 11 o'clock. We are in San Antonio, Texas. So good morning, everyone.

I'm here to conduct the public hearing for the Texas Department of Housing and Community Affairs.

The Department is conducting the public hearing in order to receive comment for the Draft 2017 Low Income Home Energy Assistance State Plan, also known as LIHEAP. The public hearing is being held in San Antonio, Texas. Today is June 14, 2016, and let the record show that it is 11:01.

The process to conduct the hearing is going to be as follows: We're going to ask attendees to please sign the attendance sheet, so if you haven't done that, please make sure that happens. If you have not signed in, please do so so that we can have a record of attendance.

If you wish to speak, you need to complete a witness affirmation form and turn it in to me. Those have been placed by the sign-up sheet. You can fill that out, and then we can bring that up to us so that we can have record in writing.

If you have a public comment to submit but do not wish to speak, and you would rather submit that in writing, you may use the same witness affirmation form to submit your written comments, and you may also submit your
written comments in a separate document along with the form, which you should give your name and your contact information.

If you are speaking on behalf of a group or an organization, please indicate that on the form, along with your oral comments. Persons in the group who are part of the group are asked to stand when the person is making their oral comments and when they are introduced.

The public hearing is being recorded, and all comments will be received and considered prior to the presentation of the final plan to the Department's board of directors and prior to submission of the draft plan to the U.S. Department of Health & Human Services.

The Texas Department of Housing and Community Affairs is the state agency designated by the governor to administer the Low Income Home Energy Assistance Program received by the U.S. Department of Health & Human Services.

By conducting these hearings, the Department is offering the general public the opportunity to comment on the proposed and distribution of funding year 2017 LIHEAP funds anticipated by the USHHS.

The LIHEAP funds are used to administer the State's Comprehensive Energy Assistance Program, also known as CEAP; it is a utility assistance program which is
designed to assist low-income households meet their immediate energy needs and to encourage consumers to control energy costs for years to come through energy conservation.

LIHEAP funds also support the Weatherization Assistance Program, which is designed to help low-income customers control their energy costs through installation of weatherization materials and education. The goal of the Weatherization Assistance Program is to reduce energy costs and the burden of low-income households through energy efficiency.

The current network consists of 39 providers for the CEAP Program and 22 providers for the Weatherization Assistance Program. These agencies provide services to all 254 counties in the state of Texas. The Department proposes to establish CEAP and Weatherization Program contracts in 2017 as indicated in the proposed plan.

The public comment period to accept comments regarding the draft plan will be open from May 27, 2016 -- so that has already begun -- through Wednesday, June 29, 2016, ending at 12:00 p.m. Austin local time.

Comments are welcome in written form or oral testimony as part of today's hearing. Comments may also be submitted via e-mail to the attention of
rita.garza@tdhca.state.tx.us or it may be mailed to the Texas Department of Housing and Community Affairs, Community Affairs Division, P.O. Box 13941, Austin, Texas 78711-3941, or by fax, 512-475-3935.

The document will be obtained by contacting the Texas Department of Housing and Community Affairs PO Box number or by phone.

If there are persons in attendance that would like to give oral testimony and to submit written testimony, please complete the witness attestation form and submit it to me right now, at this time.

(Pause.)

MR. CRUZ: Okay. At this time we only received one witness attestation form, so at this time please proceed to the mic, and if you would provide us your comments.

And please state your name and your organization.

MS. FLORES: Thank you. My name is Linda Zoila Flores. I work with Bexar County Department of Community Resources as a client services manager, and my comment is pertaining to Section 12.c, and it states, Describe your fair hearing procedures to households whose applications are not acted on in a timely manner.

Particularly the section where it says the
applicant is informed of their rating at that time -- the
household is informed whether their application will be
acted on immediately or if higher-priority applicants will
be served first.

If, due to a low-priority rating, an applicant
does not receive services during a program year, the
applicant must reapply the following year. This is a
program requirement and is not subject to applicant
appeal.

So my comments for record is pertaining to the
applications that we receive as a Bexar County agency, and
being given the information to a client that they are --
what priority rating they are at, whether it's -- their
application's going to be completed within three to five
days, you know, six to twelve, twelve to twenty --
whatever the case may be, due to applications and person's
level of disconnect -- whether they're elderly or whether
they're disabled or whether they have children --
households with children five and younger -- each client
is going to be given different information.

And it is in a situation where we get
applications in our lobby area, and if we are to give this
client this information as to whether their application is
going to be completed within 18 hours -- because they may
be on a level of disconnect or a life-threatening
situation -- versus someone that's going to be turning in
their application and they're considered a low priority,
it will cause conflict, in that the client may state, Why
is this person getting assistance faster or sooner then we
are?

And to tell the client, well, this person is on
a level of disconnect; I believe it's giving information
that is kind of private to what the application has in
their situation. And it also opens up the people that are
turning in applications, hearing other information -- I
guess the ability to say, You are discriminating because
this person is this or this person is that; race,
ethnicity, religion, whatever the case may be.

And so my recommendation, for record, would be
to not tell the client in public or in person where their
level of -- where their priority rating is. I think it's
enough that they are put on a priority rating, and
therefore, you know, we -- if you can inform the client,
okay, your application is going to be reviewed within, you
know, 30 to 45 days and keep it at that, whether their
application is actually two days, three days, whatever, if
the information is consistent, if their application is
completed sooner, then that's great.

But to inform the client -- I do not believe
that that should be listed in the draft, and every agency
that's bidding their service delivery plan is going to have a different form of party rating. So if that can be removed and, you know, maybe listed that the subrecipient will, you know, prioritize the application based on a service delivery plan that they've submitted, I think would be more palatable than what is written here.

And the other instance or the other comment that I have is the applicant that does not receive services, that they would have to reapply. I guess, you know, I've been in this business for 26 years. I do not feel that an application that is submitted to an agency should not be worked on.

There has to be an action, whether it's certified for assistance, delayed for assistance, or denied. There has to be some type of action and just not, okay, well, you're not -- you're a low priority, and therefore we never got to you.

I think that is unacceptable, and therefore I think if there is an adequate time, whether it's, you know, within 60 days the application is not worked on, for whatever reason the agency has, there has to be something in writing given to the client.

And if the circumstances that -- you know, it's not subject to appeal, then, great, but the application -- or the applicant should have the right to be informed, you
know, within a timely manner of what exactly is going to happen with their application.

And those are my comments. I'm hoping to see something a little bit different in the wording. That's it. Thank you.

MR. CRUZ: Thank you.

Okay. I just want to mention -- I know some persons came in a little bit late. I want to make sure that you sign in on the attendance sheet; I want to keep record of that.

And if you're going to have a testimony of any kind, there's an attestation form that you can fill out your form. It's there by the attendance sheet.

If you wish to speak, you can come up at this time, and then you can provide me the written comments later.

(No response.)

MR. CRUZ: Okay. Well, I do not have any other forms up here, and therefore I will not call anyone to come up and speak at this time.

It seems we are done. Again, if you guys wish to provide written comment, you're more than welcome to do that. The deadline is June 29, 12:00 p.m., Austin -- local Austin time. And you can contact us for a written form that you may use.
At this time I'm going to close the public hearings; they are concluded. And I want to thank you all for assisting us in getting this done and for your attendance.

(Whereupon, at 11:13 a.m., the public hearing was concluded.)
CERTIFICATE

IN RE: Draft 2017 LIHEAP State Plan

LOCATION: San Antonio, Texas

DATE: June 14, 2016

I do hereby certify that the foregoing pages, numbers 1 through 12, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Joseph M. Schafer before the Texas Department of Housing and Community Affairs.

[Signature]

(Transcriber) 06/17/2016 (Date)

On the Record Reporting
3636 Executive Ctr Dr., G-22
Austin, Texas 78731

ON THE RECORD REPORTING
(512) 450-0342
Assurances

The Texas Department of Housing and Community Affairs agrees to:

(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 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 Federal 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 Federal fiscal year preceding the Federal 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 Federal 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 Federal 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.

(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: [Signature]

Title: Executive-Director, Texas Department of Housing and Community Affairs

Date: August 1, 2016

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.
State of Texas
Texas Department of Housing and Community Affairs

FY 2017 LIHEAP State Plan (10/1/2016 – 9/30/2017)

Section 1: Program Components

**Question 1.2**

1.2 Estimate what amount of available LIHEAP funds will be used for each component that you will operate:

Weatherization Assistance 15%

3 If 15% is not used for weatherization assistance, the balance will be added to heating, cooling, or crisis assistance as needed.

**Question 1.6**

FY 2017 is the second year that Texas implemented categorical eligibility for SSI and means-tested Veteran’s Programs into its program. State rules were amended to include a provision that there is to be no difference in the treatment of categorically eligible households. The Department has a system for persons to submit complaints and the monitoring reviews would also note any differences in treatment of persons that are or are not categorically eligible.
Question 2.1

2.1 Designate The income eligibility threshold used for the heating component:

2017 or most current HHS poverty income level: 150%

FY 2016 state’s median income 60%\(^4\)

\(^4\) In the county of a major disaster or emergency designated by the Secretary of the Department of Health and Human Services or by the President under the Disaster Relief Act of 1974, the State will use the highest of 150% of the poverty guidelines or 60% of the State’s median income (“SMI”). The State may also use this flexibility to set poverty guidelines in a local crisis as defined by the Department’s Executive Director. The State will communicate this designation to affected subrecipients through email and by website posting. Subrecipients must receive prior written approval before using 60% SMI. Place based assistance must be performed in the county, but person based assistance for those displaced by a disaster or emergency may be in other counties.
Question 2.2

2.2 Do you have additional eligibility requirements for **HEATING ASSISTANCE**?

☐ Yes  ☐ No

5 Currently §5.407(f) of 10 Texas Administrative Code states: "Household units where the Subrecipient is unable to determine whether the meter is utilized by another household may not be served without approval from Community Affairs Division staff. A household cannot be served if the meter is utilized by another Household that is not part of the application for assistance. In instances where separate structures share a meter and the applicant is otherwise eligible for assistance, Subrecipient may provide services if: (1) the members of the separate structures that share a meter meet the definition of a Household per §5.2 of this Chapter; (2) the members of the separate structures that share a meter submit one application as one Household; and (3) all persons and applicable income from each structure are counted when determining eligibility."
Question 3.1
3.1 Designate The income eligibility threshold used for the Cooling component:

2017 or most current HHS poverty income level: **150%**

OR

FY 2016 state’s median income 60% 

---

7 In the county of a major disaster or emergency designated by the Secretary of the Department of Health and Human Services or by the President under the Disaster Relief Act of 1974, the State will use the highest of 150% of the poverty guidelines or 60% of the State’s median income (“SMI”). The State may also use this flexibility to set poverty guidelines in a local crisis as defined by the Department’s Executive Director. The State will communicate this designation to affected subrecipients through email and by website posting. Subrecipients must receive prior written approval before using 60% SMI. Place based assistance must be performed in the county, but person based assistance for those displaced by a disaster or emergency may be in other counties.
Question 4.5

Pursuant to §2604(c)(2) of the LIHEAP Statute, the Department provides “some form of assistance that will resolve the energy crisis” not later than 18 hours after a household applies for crisis benefits if such household is eligible to receive such benefits and is in a life-threatening situation.
State of Texas
Texas Department of Housing and Community Affairs
FY 2017 LIHEAP State Plan (10/1/2016 – 9/30/2017)
Section 5: Weatherization Assistance

Question 5.1
5.1 Designate the income eligibility threshold used for the weatherization component:

2017 HHS poverty income level 150%

OR

FY 2016 state median income 60%12

Question 5.8
Households with high energy consumption.

Question 5.10
5.10 If yes, what is the maximum amount? $6,500, unless additional expenditure is authorized in writing by the Department.

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12 In the county of a major disaster or emergency designated by the Secretary of the Department of Health and Human Services or by the President under the Disaster Relief Act of 1974, the State will use the highest of 150% of the poverty guidelines or 60% of the State’s median income. The State may also use this flexibility to set poverty guidelines in a local crisis as defined by the Department’s Executive Director. The State will communicate this designation to affected subrecipients through email and by website posting. Subrecipients must receive prior written approval before using 60% SMI. Place based assistance must be performed in the county, but person based assistance for those displaced by a disaster or emergency may be in other counties.
### Question 8.5

<table>
<thead>
<tr>
<th>8.5 LIHEAP Component Administration</th>
<th>Heating</th>
<th>Cooling</th>
<th>Crisis</th>
<th>Weatherization</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.5a. Who determines client eligibility?</td>
<td>Local governments, CAAs and Other Nonprofits</td>
<td>Local governments, CAAs and Other Nonprofits</td>
<td>Local governments, CAAs and Other Nonprofits</td>
<td>Local governments, CAAs and Other Non-profits</td>
</tr>
<tr>
<td>8.5b. Who processes benefit payments to gas and electric vendors?</td>
<td>Local governments, CAAs and Other Nonprofits</td>
<td>Local governments, CAAs and Other Nonprofits</td>
<td>Local governments, CAAs and Other Nonprofits</td>
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<tr>
<td>8.5c. Who processes benefit payments to bulk fuel vendors?</td>
<td>Local governments, CAAs and Other Nonprofits</td>
<td>Local governments, CAAs and Other Nonprofits</td>
<td>Local governments, CAAs and Other Nonprofits</td>
<td>N/A</td>
</tr>
</tbody>
</table>
8.5d. Who performs installation of weatherization measures?  

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<th>N/A</th>
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<td>Local governments, CAAs and Other Nonprofits</td>
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</table>

**Question 8.6**

The Department ensures that to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of Title 42 U.S.C sections 8621, et seq. special consideration is given to any local public or private non-profit agency which was receiving CSBG or LIHEAP funds. (1) The Department before giving such special consideration, determines that the agency involved meets program and fiscal requirements established by law and by the Department; and (2) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the Department gives 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.

Currently, the Department administers all aspects of program delivery through the existing Subrecipients that have demonstrated that they are operating the program in accordance with the Economic Opportunity Act of 1964, the Low-Income Home Energy Assistance Act of 1981, as amended by 42 U.S.C. sections 8621, et seq.), and the Department rules. If Subrecipients are successfully administering the program, the Department may offer to renew the contract.

Under this model, the Department determines that an organization is not administering the program satisfactorily, corrective actions are taken to remedy the problem. Thereafter, if Subrecipient fails to administer the program correctly, the Department will proceed with the process of removing funds and reassign the service area or a portion to another Subrecipient or conducts solicitation or selection of a new Subrecipient in accordance with the Low Income Home Energy Assistance Act of 1981. The affected Subrecipient may request a hearing in accordance with section 2105.204 of the Texas Government Code.

However, the Department retains the right to go through a procurement process for some or all aspects of the LIHEAP program.
VENDOR AGREEMENT
COMPREHENSIVE ENERGY ASSISTANCE PROGRAM

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

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

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 Vendor continues to provide energy services. The Energy Assistance Provider (Agency) agrees to make payments only for eligible low-income clients.

This vendor agreement is by and between:

___________________________________________ and

Energy Assistance Provider (Agency)

___________________________________________ and

Retail Energy Provider (Vendor)

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

___________________________________________

This agreement shall be effective from the ___ day of 20 ___ 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 be effective any obligation by either party incurred prior to the receipt of such notice. Notice shall be sent via certified mail with return receipt requeste.
The Agency named above represents and warrants to Vendor that it is a subrecipient of the Texas Department of Housing and Community Affairs ("TDHCA") and a such is authorized and has received funding from the TDHCA to provide bill payment assistance service for eligible low-income households.

The Vendor named above is a Retail Energy Provider who represents and warrants that it is authorized to receive payment from 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 applicants 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 receipt of a completed and signed Energy Assistance Pledge Agreement (the form of which is attached hereto and incorporated herein as Exhibit "A") (Pledge Agreement) continue or restore energy service to Certified Customer without any increase in energy charges, service charges, or other charges affecting the total cost of the bill excluding disconnect/reconnect fees and tampering fees;

- 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 history for the previous twelve (12) months, or available history plus 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.

- 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; provided, however, that the Certified Customer must meet the qualification criteria of Vendor for any such 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 a 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) 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 email addresses of Agency staff designated to make pledges on behalf of the Agency in 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 ____________________________
Question 10.2, 10.3, 10.4

Audit Process

10.2. Is your LIHEAP program audited annually under the Single Audit Act and OMB Circular A-133?
   - [ ] Yes
   - [x] No

10.3. Describe any audit findings rising to the level of material weakness or reportable condition cited in the A-133 audits, Grantee monitoring assessments, inspector general reviews, or other government agency reviews of the LIHEAP agency from the most recently audited federal fiscal year.

<table>
<thead>
<tr>
<th>Finding</th>
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<th>Brief Summary</th>
<th>Resolved?</th>
<th>Action Taken</th>
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10.4. Audits of Local Administering Agencies

What types of annual audit requirements do you have in place for local administering agencies/district offices?
   - [x] Local agencies/district offices are required to have an annual audit in compliance with 2 CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).  

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13 The Department has a single audit annually, but LIHEAP is not audited as a major program every year. LIHEAP was last audited as a major program in FY 2013 and is scheduled to be audited as a major program in 2016.

14 For 2017, subrecipients will follow the audit requirements in 45 CFR 75 Subpart F, as applicable, and the requirements in the Texas Single Audit Act.
Question 11.5

11.5 Summarize the comments you received at the hearing(s).

Question 1.8: Commenter recommends checking both the “Net Income” box in addition to the “Gross Income” box.

Question 4.15: Commenter recommends that the Department check the “Other (Specify)” box and specify: Heating and cooling systems are provided if a system is nonexistent.

Question 4.17: Commenter recommends amending the description to reflect that year-round crisis assistance is available to vulnerable populations (elderly, disabled and families with children age five and under). Commenter suggests that the establishment of moratoriums is not always timely and as a result the vulnerable populations suffer, even sometimes death occurs.

Question 5.11: Commenter recommends that the boxes for “windows/sliding glass doors” and “Doors” be checked because these retrofits will allow subrecipients more options for addressing energy efficiency in eligible households. Commenter further suggests these retrofits would be analyzed on a case by case basis and not expected to be a regular part of retrofit consideration. Photographic documentation is also suggested by commenter as a possible requirement.

Question 12.6: Commenter recommends removal of the statement from the Plan which states that priority rating is assigned at intake and for the Department to allow flexibility to the subrecipients based on their service delivery plan. The subrecipient would only be required to inform applicants that their application will be reviewed in a certain time frame. Commenter recommends that an applicant who does not receive assistance be required to reapply for assistance and that the subrecipient be required to give the client written notice of whether or not they are certified for assistance.

Questions 13.2, 13.3, 13.4, 13.5 and 13.6: Commenter pointed out that the Department’s response to questions 13.2, 13.3, 13.4, 13.5 and 13.6 regarding Assurance 16 needs to be amended to reflect that the Department will be reinstating Assurance 16 in FY 2017. Commenter recommends the 2017 State plan reflect this change.

Question 14.3: Commenter recommends revision of the explanation of how the Electric Utility Discount is integrated and coordinated with LIHEAP. Commenter pointed out that the LITE-UP rate discount is
not exclusively for elderly household, but rather the target population is qualified low income individuals.

Question 16.1: Commenter suggests that if the Department’s goal of obtaining new software to capture performance measures from subrecipients, then subrecipients should be provided funds to offset the cost of new software and/or upgrades to software.

Question 16.2: Commenter recommends that a response be inserted.

Question 17.3: Commenter requests clarification of the statement that “the department is contemplating a state wide data collection system.”

Question 17.4: Commenter recommends adding a footnote to the box checked “noncitizens are verified through the SAVE system” to clarify that public entities comply with the SAVE system. Commenter adds that public entities are required to use the SAVE system to verify citizenship whereas the requirement does not apply to nonprofit organizations.

Question 17.5: Commenter recommends checking the “Bank statements” box and adding a footnote: “This form of documentation is allowable for Social Security Administration, Veterans Administration and Railroad Retirement recipients.” Commenter suggests that bank statements do not need to be required from all clients to verify income because it is not always feasible. However, household income of recipients of Social Security, Veteran’s benefits and Railroad retirement and who have bank statement should be considered as proof of income.

**General Comments:** Commenters would like to see unspent LIHEAP funds sent to subrecipients that have a higher need and have the ability to serve the low income population. Commenters supported the Plan as written and appreciate the funding received to assist the low income population. Commenter would like to see an increase in their funding for both energy assistance and weatherization. Commenter indicates that more and more low-income people are moving into their area and the funding for utility assistance has been drained.

**Question 11.6** What changes did you make to your LIHEAP plan as a result of the public hearing(s)?

Question 1.8: Staff has amended the plan to reflect this change.

Question 4.15: Staff has amended the plan to reflect this change.

Question 4.17: No change. Staff appreciates the comment and will review the crisis component language in the current rulemaking.

Question 5.11: Staff has amended the plan to reflect this change.

Question 12.6: The Department appreciates the recommendation. Applicants are only required to apply for assistance once in a program year. Also, the current Plan in section 12.4 states that an applicant denied assistance must be provided a written denial of assistance notice from the subrecipient. Staff recommends no change based on this comment.
Questions 13.2, 13.3, 13.4, 13.5 and 13.6: Staff has amended the 2017 State plan to show that Assurance 16 has been clarified for FFY 2017.

Question 14.3: Staff has revised the explanation to reflect this change.

Question 16.1: Staff will take this into consideration if and when this is realized, but will not address this in the Plan.

Question 16.2: A response was not inserted because performance goals and measures were not required to be collected in FFY 2016. Staff revised the Plan to address this comment.

Question 17.3: Because a state wide data collection system is only hypothetical at present, staff removed this statement from the State plan.

Question 17.4: Staff has amended the plan to clarify that the SAVE requirement applies only to those public organizations whose benefit determinations are not completed by a private nonprofit organization.

Question 17.5: Bank statements do not provide the level of detail needed to confirm categorical eligibility. The federal awarding agency could provide payments for other programs other than listed below and that level of detail is not in many cases on the statement. Also, bank accounts could also be set up in other than the name of the awarded person. For example, a minor child could not be part of the household but could have the deposit in a bank account of a member of the household. General Comments: Staff is looking into this issue and in the process of developing options to grant funds to subrecipients with a higher need or ability to spend on the low income population. Staff recommends no change based on this comment.
Question 12.4

12.4 Describe your fair hearing procedures for households whose applications are denied.

Subgrantee contracts include the following section:

SECTION 39. APPEALS PROCESS

In compliance with the LIHEAP Act, Subrecipient must provide an opportunity for a fair administrative hearing to individuals whose application for assistance is denied, terminated or not acted upon in a timely manner. Subrecipient must establish a denial of service complaint procedure in accordance with §5.405 the State Rules. The rule states:

(a) Subrecipient shall establish a denial of service complaint procedure to address written complaints from program applicants/clients. At a minimum, the procedures described in paragraphs (1) - (8) of this subsection shall be included:

(1) Subrecipients shall provide a written denial of assistance notice to applicant within ten (10) days of the adverse determination. This notification shall include written notice of the right of a hearing and specific reasons for the denial by component. The applicant wishing to appeal a decision must provide written notice to Subrecipient within twenty (20) days of receipt of the denial notice.

(2) Subrecipient who receives an appeal shall establish an appeals committee composed of at least three persons. Subrecipient shall maintain documentation of appeals in their client files.

(3) Subrecipients shall hold the appeal hearing within ten (10) business days after the Subrecipient received the appeal request from the applicant.

(4) Subrecipient shall record the hearing.

(5) The hearing shall allow time for a statement by Subrecipient staff with knowledge of the case.

(6) The hearing shall allow the applicant at least equal time, if requested, to present relevant information contesting the decision.

(7) Subrecipient shall notify applicant of the decision in writing. The Subrecipient shall mail the notification by close of business on the business day following the decision (1 day turn-around).
(8) If the denial is solely based on income eligibility, the provisions described in paragraphs (2) - (7) of this subsection do not apply and the applicant may request a recertification of income eligibility based on initial documentation provided at the time of the original application. The recertification will be an analysis of the initial calculation based on the documentation received with the initial application for services and will be performed by an individual other than the person who performed the initial determination. If the recertification upholds the denial based on income eligibility documents provided at the initial application, the applicant is notified in writing and no further appeal is afforded to the applicant.

(b) If the applicant is not satisfied, the applicant may further appeal the decision in writing to the Department within ten (10) days of notification of an adverse decision.

(c) Applicants/clients who allege that the Subrecipient has denied all or part of a service or benefit in a manner that is unjust, violates discrimination laws, or without reasonable basis in law or fact, may request a contested hearing under Texas Government Code, Chapter 2001.

(d) The hearing shall be conducted by the State Office of Administrative Hearings on behalf of the Department in the locality served by the Subrecipient.

(e) If client appeals to the Department, the funds should remain encumbered until the Department completes its decision.
Question 17.6

17.6 Protection of Privacy and Confidentiality

☒ Other – describe:

Grantee contracts include the following section:

SECTION 9. RECORD KEEPING REQUIREMENTS

Subrecipient acknowledges that all information collected, assembled, or maintained by Subrecipient pertaining to this Contract, except records made confidential by law, is subject to the Texas Public Information Act (Chapter 552 of Texas Government Code) and must provide citizens, public agencies, and other interested parties with reasonable access to all records pertaining to this Contract subject to and in accordance with the Texas Public Information Act.

Texas Administrative Code, Title 10 Chapter 5, Subchapter A §5.22 requires that:

Client Records. The Department requires Subrecipient organizations that administer Community Affairs Programs and serve clients to document client services. Subrecipient organizations must arrange for the security of all program-related computer files through a remote, online, or managed backup service. Confidential client files must be maintained in a manner to protect the privacy of each client and to maintain the same for future reference. Subrecipient organizations must store physical client files in a secure space in a manner that ensures confidentiality and in accordance with Subrecipient organization policies and procedures. To the extent that it is financially feasible, archived client files should be stored offsite from Subrecipient headquarters, in a secure space in a manner that ensures confidentiality and in accordance with organization policies and procedures.

Texas Administrative Code, Title 10 Chapter 1, Subchapter A §1.24

(a) Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Affiliate—Shall have the meaning assigned by the specific program or programs described in this title.
(2) Department--The Texas Department of Housing and Community Affairs.

(3) Protected Health Information--As defined in 45 CFR §160.103.

(4) Subrecipient--Includes any entity receiving funds or awards from the Department.

(b) If Subrecipients or Affiliates collect or receive Protected Health Information in the course of administering Department programs, they are required to follow the procedures in Texas Health and Safety Code, Subtitle I, Chapter 181.

(c) A nonprofit agency is exempt from this subchapter; unless the nonprofit's primary business is the provision of health care or reimbursement for health care services.
Note: The LIHEAP State Plan, in Section 2 Heating Assistance question #2.6 and in Section 3 Cooling Assistance question #3.6 Heating Assistance asks what is the minimum and maximum benefit levels. In Texas, the State does not have LIHEAP assistance broken down by heating and cooling components. We have a maximum household benefit amount of $5,400 during a program year and up to $1,200 for the Utility Assistance Component and $1,200 for the Household Crisis Component, plus assistance is available for service and repair and or purchase of heating and cooling units. Below is the State’s Texas Administrative Code rule related to benefit levels.

Types of Assistance and Benefit Levels.

(a) Allowable CEAP expenditures include customer education, utility payment assistance; repair of existing heating and cooling units, and crisis-related purchase of portable heating and cooling units.

(b) Total maximum possible annual Household benefit (all allowable benefits combined) shall not exceed $5,400 during a Program Year.

(c) Benefit determinations are based on the Household's income (even if the Household is Categorically Eligible), the Household size, Vulnerable Populations in the Household, plus other priority status, and the availability of funds;

(d) Benefit determinations for the Utility Payment Assistance Component and the Household Crisis Component cannot exceed the sliding scale described in paragraphs (1) - (3) of this paragraph:

(1) Households with Incomes of 0 to 50% of Federal Poverty Guidelines may receive an amount not to exceed $1,200 per Component;

(2) Households with Incomes of 51% to 75% of Federal Poverty Guidelines may receive an amount not to exceed $1,100 per Component; and

(3) Households with Incomes of 76% to at or below 150% of Federal Poverty Guidelines may receive an amount not to exceed $1,000 per Component; and

(e) Service and Repair of existing heating and cooling units: Households may receive up to $3,000 for service and repair of existing heating and cooling units when the Household has an inoperable heating or cooling system based on requirements in §6.310, Relating to Household Crisis Component.

(f) Assistance with service and repair or purchase of portable air conditioning/evaporative coolers and heating units not to exceed $3,000 for Households that include a Vulnerable Population member, when the Household does not have an operable or non-existing heating or cooling system, regardless of weather conditions.

(g) Subrecipients shall provide only the types of assistance described in paragraphs (1) - (11) of this subsection with funds from CEAP:
(1) Payment to vendors and suppliers of fuel/utilities, goods, and other services, such as past due or current bills related to the procurement of energy for heating and cooling needs of the residence, not to include security lights and other items unrelated to energy assistance as follows:

(A) Subrecipients may make utility payments on behalf of Households based on the previous twelve (12) month's home energy consumption history, including allowances for cost inflation. If a twelve (12) month's home energy consumption history is unavailable, Subrecipient may base payments on current Program Year's bill or utilize a Department-approved alternative method. Subrecipients will note such exceptions in customer files. Benefit amounts exceeding the actual bill shall be treated as a credit for the customer with the utility company.

(B) Vulnerable Households can receive benefits to cover up to the eight highest remaining bills within the Program Year, as long as the cost does not exceed the maximum annual benefit.

(C) Households that do not contain a Vulnerable Population member can receive benefits to cover up to the six highest remaining bills within the Program Year as long as the cost does not exceed the maximum annual benefit.

(2) Payment to vendors—only one energy bill payment per month;

(3) Needs assessment and energy conservation tips, coordination of resources, and referrals to other programs;

(4) Payment of water bills only when such costs include expenses from operating an evaporative water cooler unit or when the water bill is an inseparable part of a utility bill and documented in the Vendor Agreement. As a part of the intake process, outreach, and coordination, the Subrecipient shall confirm that a customer owns an operational evaporative cooler and has used it to cool the dwelling within 60 days prior to application. Payment of other utility charges such as wastewater and waste removal are allowable only if these charges are an inseparable part of a utility bill and documented in the Vendor Agreement. Documentation from vendor is required. Whenever possible, Subrecipient shall negotiate with the utility providers to pay only the "home energy" (heating and cooling) portion of the bill;

(5) Energy bills already paid may not be reimbursed by the program;

(6) Payment of reconnection fees in line with the registered tariff filed with the Public Utility Commission and/or Texas Railroad Commission. Payment cannot exceed that stated tariff cost. Subrecipient shall negotiate to reduce the costs to cover the actual labor and material and to ensure that the utility does not assess a penalty for delinquency in payments;

(7) Payment of security deposits only when state law requires such a payment, or if the Public Utility Commission or Texas Railroad Commission has listed such a payment as an approved cost, and where required by law, tariff, regulation, or a deferred payment agreement includes such a payment. Subrecipients shall not pay such security deposits that the energy provider will eventually return to the customer;

(8) While rates and repair charges may vary from vendor to vendor, Subrecipient shall negotiate for the lowest possible payment. Prior to making any payments to an energy vendor a Subrecipient shall have a signed vendor agreement on file from the energy vendor receiving direct CEAP payments from the Subrecipient;
(9) Subrecipient may make payments to landlords on behalf of eligible renters who pay their utility and/or fuel bills indirectly. Subrecipient shall notify each participating Household of the amount of assistance paid on its behalf. Subrecipient shall document this notification. Subrecipient shall maintain proof of utility or fuel bill payment. Subrecipient shall ensure that amount of assistance paid on behalf of customer is deducted from customer's rent;

(10) In lieu of deposit required by an energy vendor, Subrecipient may make advance payments. The Department does not allow CEAP expenditures to pay deposits, except as noted in paragraph (7) of this subsection. Advance payments may not exceed an estimated two months' billings; and

(11) Funds for the CEAP shall not be used to weatherize dwelling units, for medicine, food, transportation assistance *(i.e., vehicle fuel)*, income assistance, or to pay for penalties or fines assessed to customers.
Question 1.1

1.1 Explanation: 1 Capitalized terms are defined in Title 10, Chapter 1 or Chapter 5 (as applicable) of the Texas Administrative Code or by federal law.

2 Dates of operation signify periods in which we most expect seasonal usage identification of these periods does not limit the payment of assistance on any "seasonal" basis.