ATTACHMENT 4

# LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

## ABBREVIATED MODEL PLAN

## PUBLIC LAW 97-35, AS AMENDED

## FISCAL YEAR (FY) 2011

GRANTEE MISSOURI

EIN: 8 4460009787-B6

ADDRESS DEPARTMENT OF SOCIAL SERVICES/FAMILY SUPPORT DIVISION

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JEFFERSON CITY, MISSOURI 65102-2320

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LAST DETAILED MODEL PLAN FILED: FY 2009

PLEASE CHECK ONE: TRIBE _____ STATE X INSULAR AREA _____

**Department of Health and Human Services**
**Administration for Children and Families**
**Office of Community Services**
**Washington, D.C. 20447**

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01
**OMB Approval No. 0970-0075, Expiration Date: 09/30/2011**

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 a grantee is not required to use the detailed model plan. Public reporting burden for this collection of information is estimated to average 20 minutes 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.

GRANTEE MISSOURI FFY 2011

Assurances

The State of Missouri 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 vendored 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 not transferred pursuant to section 2604(f) for use under another block grant; 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 disbursal 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. Territories with annual allotments of $200,000 or less and Indian tribes/tribal organizations are not 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: _____

Title: Director, Department of Social Services

Date: 08/27/2010

*** Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of $200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**** If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

***** HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

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.

## Modified LIHEAP FY 2011 Application

Please list all changes made from your most recent detailed plan.

| Page | Subject | Modification |
|---|---|---|
| 15/16 | Benefit Levels | Table Changes |

| FUEL TYPE | A 25% | B 50% | C 75% | D 100% | E 125% | F 135% |
|---|---|---|---|---|---|---|
| 1. NATURAL GAS | $217 | $204 | $190 | $176 | $162 | $149 |
| 2. TANK PROPANE | $330 | $303 | $275 | $248 | $220 | $193 |
| 3. ELECTRIC | $212 | $198 | $184 | $171 | $157 | $143 |
| 4. FUEL OIL | $217 | $204 | $190 | $176 | $162 | $149 |
| 5. WOOD | $146 | $132 | $118 | $105 | $91 | $77 |
| 6. KEROSENE | $102 | $88 | $74 | $61 | $47 | $33 |
| 7. CYL. PROPANE | $118 | $105 | $91 | $77 | $63 | $50 |

Please specify whether you are using calendar year 2010 poverty level **or** FY 2011 median income estimates in determining eligibility:

2010 poverty level __135____%

**OR**

FY 2011 median income ____n/a_____%

Please describe how you obtained public participation in the development of your 2011 plan. (For States, please also provide information on your public hearings.):

A draft summary of the LIHEAP 2011 Amended Plan was posted on Missouri's Department of Social Service's website and on the Office of Administration's Public Notice website. Notices for a public hearing on August 5, 2010, were placed in the St. Louis Post Dispatch, Kansas City Star, Springfield News Leader and the Columbia Daily Tribune. Notices were also posted on bulletin boards at 615 Howerton Court, Jefferson City and in the Missouri House and Senate Chambers. In addition, notices were electronically distributed to the Public Service Commission's Consumer Division,

Community Action Agency Executive Directors and members of the Citizens to Keep Missourians Warm Committee.

A public hearing was held August 5, 2010, to provide the public an opportunity to comment on the proposed amended use of LIHEAP funds for the period October 1, 2010 through September 30, 2011. The following comments, summarized below, were made at the LIHEAP Public Hearing on August 5, 2010.

Questions and Comments Received at Hearing:

Written testimony received from Rae Lewis (delivered by Pam Levetzer), representing Missouri Gas Energy, 3420 Broadway, Kansas City, MO 64111:

> "MGE proposes policy change that would encourage good bill payment behavior on the part of customers.
>
> Currently customers who have paid on their account or made payment arrangements for their arrearage are not eligible for ECIP funds if those payments remove them from a "crisis" state. Accordingly, customers cease making bill payments in order to reach a past due level that will trigger a disconnect notice and make them eligible for the ECIP funds. We are telling our customers that "if you take steps to help yourself, we can't help you". This perverse incentive for bad payment behavior needs to go away.
>
> In Missouri's case, the definition of a crisis is problematic as it refers to a specific document used by utilities to alert customers that they have reached the end of the numerous previous "warnings" of pending service disconnection to constitute a threat or crisis. In MGE's case, the document itself is triggered by operational decisions which typically means a minimum dollar level receives a disconnect notice and while there may be 10,000 customers eligible for a disconnect notice NOT that all customers who could receive a notice will do so. Expanding the definition of a crisis per above would eliminate the need for a customer to wait for a very specifically named document (disconnect notice) when they have received ample previous written documents indicating their service is in threat of disconnection. In addition, the LIHEAP state plan in Missouri does not predicate the distribution of ECIP on customer payments or payment history.
>
> MGE proposes a general guideline to be included in the LIHEAP contract which requires recipients to show that they have made recent payments on their heating bill in order to qualify for a LIHEAP and/or ECIP benefit.
>
> The following is suggested verbiage and is based on similar verbiage that the State of Kansas has in their State Plan and continues to incorporate into their LIEAP guidelines:
>
>> "Customers must make a payment on their heating bill 1 out of 3 months prior to applying for assistance. Each customer payment must be at least

10% of their monthly gross income or a minimum of $100.00. If the actual balance is less than either of these amounts, then the balance due should be paid each month and this will meet the requirement"."

Date Carryover and Reallotment Report submitted: August 2, 2010

Submit Continuation Pages as Necessary

## 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.)**

* **Debarment and suspension certification**, which must be filed by all grantees.

* **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: X____

* One of the 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 reallotment 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/reallotment report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallotment Report** is covered by OMB approval number 0970-0106.