



Oregon

Theodore R. Kulongoski, Governor



Housing and Community Services

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To: Oregon Energy Assistance Network
From: Melissa Torgerson
Date: 9/8/2008
Re: 2009 Oregon LIHEAP State Plan (Preliminary Copy)

Attached you will find a copy of the Draft 2009 Oregon LIHEAP State Plan. This document is a direct result of collaboration between Oregon Housing and Community Services, local energy assistance partners and citizens across our state.

A copy of this plan is currently under review at the Health and Human Services (HHS) Department in Washington D.C. Until Oregon's 2009 State Plan has been officially approved, this document should be considered "preliminary" in nature.

If you have any questions, or need further information, please don't hesitate to contact me at 503-986-2094 or melissa.torgerson@state.or.us.

Melissa Torgerson

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

DETAILED MODEL PLAN

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

GRANTEE: State of Oregon

EIN: 1-99-059-2162-A4

ADDRESS: Department of Oregon Housing and Community Services
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PLEASE CHECK ONE: **TRIBE** ____ **STATE** x **INSULAR AREA** _____

Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, DC 20447

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01
OMB Approval No. 0970-0075
Expiration Date: 10/31/2008

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

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

The State of Oregon 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 the greater of—

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

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

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

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

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

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

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

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

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

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

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

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

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

(8) provide assurances that,

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

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

(9) provide that--

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

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

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

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

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

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

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

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

(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:



Title:

Governor, State of Oregon

Date:

8/29/08

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.

2605(a)
2605(b)(1)

Dates of Operation

Heating Assistance	October 1 st through June 30 th
Crisis Assistance	Year-Round (as funding allows)
Weatherization Assistance	Year-Round (as funding allows)

At minimum, providers will be required to resolve crisis situations from December 1st through March 15th.

Based on funding levels and unique community need, local agencies may choose to offer crisis assistance on a year-round basis. Providers who opt for this timeline must specify details of this component in their agency work plan (contract).

Program timelines for any assistance component may be extended at the discretion of the Grantee (State of Oregon) based on funding and operational circumstances.

2605(c)(1)(C)
2605(k)(1)
2605(b)(9)
2605(b)(16)

Use of Funds

49.86%	heating assistance
10%	crisis assistance
15%	weatherization assistance
10%	carryover to the following fiscal year
10%	administrative and planning costs
5%	services to reduce home energy needs (Assurance 16)
.14%	used to develop and implement leveraging activities (limited to the greater of 0.08% or \$35,000 for States).
100%	TOTAL

Any funds reserved for winter crisis assistance that have not been expended by March 15th will be reprogrammed to heating assistance and/or local year-round crisis programs.

2605(b)(6)
2605(b)(3)
2604(c)(3)(a)
2604(c)(3)(b)

Program Delivery, Outreach and Accessibility

All components of Oregon’s LIHEAP program are administered through local Community Action Agencies. There has been no change in providers between the 2008 and 2009 program years.

Outreach practices are designed to assure that all eligible households are made aware of available LIHEAP assistance. These include, but are not limited to:

- placing posters/fliers in local and county social service offices, offices of aging, Social Security offices, VA, etc.
- publishing articles in local newspapers or broadcast media announcements.
- including inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.
- mailings to past recipients of LIHEAP.
- informing low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.
- executing interagency agreements with other low-income program offices to perform outreach to target groups.

Applications for the LIHEAP program (every component, including crisis) will be accepted at sites that are geographically accessible to all households across the state.

Individuals who are “homebound” (physically infirm) will be provided alternative application methods, including but not limited to phone, mail and/or home visits.

Within their agency work plan (contract), subgrantees must outline how they will reach eligible households throughout their service area. This includes those households which may be least likely to apply for assistance because of communication, transportation or other service barriers.

2605(b)(2)
2605(c)(1)(A)
2605(b)(8)(B)

Heating Assistance Program

Eligibility

Households wishing to receive assistance from the Oregon LIHEAP program must be at or below 60% of state median income level. This eligibility requirement pertains to all components of the Oregon program--including heating, crisis and weatherization assistance.

Oregon does not utilize an assets test in determining eligibility.

Whether a household rents or owns their dwelling will not be a basis for determining eligibility. However, rental/utility agreements and landlord cooperation may affect the kind or level of benefits provided.

Oregon does not uniformly give priority eligibility to elderly, disabled and families with young children. However, local contractors may choose to target these groups for a brief phase at the start of the heating season. Targeted intake periods are designed to allow for the additional time and outreach necessary to provide quality services to vulnerable populations, and are not intended to exclude non-targeted households for more than a short period of time.

Throughout the program year, local agencies may also opt to target specific, allowable populations based on unique community need, including but not limited to:

- *Vulnerable Populations as defined by the LIHEAP statute, including seniors, disabled and families with young children.*
- *Households that have not accessed available energy assistance for the current program year. With multiple energy assistance resources available, targeting available LIHEAP funds to households who have yet to receive assistance will allow local providers to reach many in their community for the first time.*
- *Households who opt to participate in pilot programs including long term case management, energy education and/or arrearage management programs.*

Subgrantees must indicate whether or not they intend to target any portion of the population within their local work plan (contract). At a minimum, this includes a complete description of their local application, eligibility and outreach practices--as well as safeguard procedures to ensure that processes are applied consistently and fairly to all applicants.

2605(b)(5)
2605(b)(2)
2605(b)(8A)

Determination of Benefits, Benefit Levels

Oregon's LIHEAP program does not differentiate between income eligibility and categorical eligibility. LIHEAP Heating Assistance benefit levels are determined through a payment matrix (see Attachment A) based on the following:

- household income/poverty level
- household size
- geographic location/climate
- energy/housing burden

In cases where a shut-off (crisis + regular) payment may not be sufficient for a vendor to deliver fuel, sub-grantees may request funds above the normal program cap.

Currently, our payment matrix allows agencies to address household energy burden through income level, climate variation and household size. Oregon also accounts for households whose energy burden may be decreased through subsidized housing allowances. Oregon is presently working with subgrantees to develop statewide matrices which more effectively target benefits to households with varying energy burden.

Local agencies who wish to pilot alternative payment approaches are encouraged to work with the State of Oregon to implement such plans. This could include more detailed “burden-based” benefit levels, co-payments and/or supplemental assistance for households participating in arrearage or case management programs. Any variation from statewide benefit levels or payment types must be approved and outlined within agency level work plans (contracts).

2605(b)(7)

Payments, Vendor Contracts

Households are notified regarding the amount of assistance committed at the time of their intake. Applicants who apply by mail will receive a notice by mail, or may be notified by telephone.

Heating and Crisis assistance payments are made directly to home energy suppliers. All participating energy suppliers must sign contracts with Community Action Agencies. OHCS provides a contract template (see Attachment B) that has been constructed collaboratively with utilities, and approved by the Oregon State Attorney General’s Office in compliance with Federal and State regulations and assurances. OHCS does not review or approve the contracts between the sub-grantees and the home energy suppliers.

In cases where a home energy vendor is not under contract, the applicant may be paid directly.

2604(c)
2605(c)(1)(A)
2605(b)(8)(B)

Crisis Assistance Program

Eligibility

A crisis exists when a household faces an energy burden which depletes or threatens to deplete financial resources, or which poses a health and/or safety threat to the well-being of the household.

Households wishing to receive crisis assistance must have exhausted a regular benefit prior to accessing crisis funds. In some situations, agencies may provide both crisis and regular benefits simultaneously.

Whether a household rents or owns their dwelling will not be a basis for determining eligibility. However, rental status and landlord cooperation may affect the kind or level of benefits provided (e.g. furnace issues).

2605(b)(5)
2605(c)(1)(B)

Determination of Benefits, Benefit Levels

Households facing energy-related emergencies must be served by a "fast track" or expedited procedure which ensures that:

- for life-threatening energy crises, the crisis must be relieved within 18 hours of application; and
- for non-life-threatening energy crises, the crisis must be relieved within 48 hours of program application.

Agencies are authorized to provide any of the following forms of assistance, or a combination thereof, which best resolves a given emergency situation:

- *Bill Payment Assistance*
- *Heat System Repair or Replacement*--The household's furnace or primary heating system must be inoperative, substantially non-functional, or unsafe; the repair/replacement work must be cost-effective; and the applicant must be the owner of the dwelling. LIHEAP Agency must coordinate with the Weatherization Assistance Program (WAP) in their area to certify repair or replacement using Oregon's WAP guidelines. When considering furnace repair or replacement, considerable effort should be made to supplement LIHEAP funds with other leveraged resources.
- *Other Emergency Services*—including, but not limited to information, referral, coordination of benefits, advocacy, case management and/or other goods and services necessary to relieve immediate threat to health/safety.

The maximum benefits for crisis assistance are:

Year-Round Crisis Assistance	\$500
Furnace Replacement/Repair	\$2000

In the event of household energy-related emergencies, in-kind benefits may be used to augment crisis assistance. These include, but are not limited to sleeping bags, clothing, blankets and emergency disaster kits.

Local program contractors must ensure that energy crises are responded to from December 1st through March 15. If direct service funds are exhausted before March 15, staff must be available to assist households in crisis by providing information, referral, advocacy, and/or case management services.

Subgrantees are required to include a description of their crisis program within the local work plan (contract). At minimum, this includes eligibility criteria, detailed description of crisis benefits, as well as how crises will be assessed and resolved within the statutory timelines outlined above.

Weatherization Assistance Program

Up to 15% of the LIHEAP funds available to Oregon may be used for home weatherization. All weatherization services are provided in cooperation with the same agencies that deliver heating and crisis assistance.

Each LIHEAP Weatherization subgrantee will submit an agency work plan (contract) which details application of these funds. Subgrantees will have the flexibility to design and implement programs which most effectively utilize available resources and meet the needs of their community.

2605(c)(1)(E)
2605(b)(8)(B)

Eligibility

All LIHEAP eligible households requesting weatherization will be placed on referral lists. Not all eligible households will be assisted due to limited funding. LIHEAP Weatherization funds may only be used serve LIHEAP eligible households (at or below 60% of state median income).

Prioritization is given to senior, disabled and households with children under the age of 6. Households may also be targeted based on their waiting list placement, energy burden and/or ability to utilize leveraged weatherization resources.

Subsidized housing residents are eligible for weatherization assistance.

Whether a household rents or owns their dwelling will not be a basis for determining eligibility. However, rental status and landlord responsibility/cooperation may affect the kind or level of benefits provided.

2605(b)(5)
2605(c)(1)(B)
2605(c)(1)(D)

Determination of Benefits, Benefit Levels

The average maximum benefit per dwelling is \$3500. Eligible activities under the Oregon LIHEAP Weatherization program include:

Weatherization – including, but not limited to installation of insulation, reduction of infiltration, windows, furnace (retrofits, repairs, replacement) and baseload measures. These funds will allow subgrantees the ability to provide additional cost-effective measures, which are sometimes beyond the scope of the resources available for the existing DOE WAP.

Home Repair –weatherization related home repairs, including those necessary for health and safety

Energy Education Services –Allocations for this activity will not exceed 5% of the LIHEAP Weatherization allocation. Funds in this category may be used to provide energy education to LIHEAP eligible households or groups. This includes targeted groups where such education may be most effective (e.g. school aged children).

Oregon administers LIHEAP weatherization under LIHEAP rules, with the following exceptions where LIHEAP and DOE LIWAP rules differ:

- Weatherize buildings if at least 66% of units (50% in 2- & 4-unit buildings) are eligible units or will become eligible within 180 days
- Weatherize shelters temporarily housing primarily low income persons (excluding nursing homes, prisons, and similar institutional care facilities).

Oregon LIHEAP weatherization assistance is not subject to DOE LIWAP maximum statewide average cost per dwelling unit. However weatherization costs are based on DOE approved auditing guidelines, which identify cost effective measures.

Training and Technical Assistance – Up to 5% of the LIHEAP Weatherization Allocation may be used at the subgrantee level for training and workshops necessary to maintain or improve technical skills. These funds must be used for appropriate T&TA activities as identified in the DOE state plan for weatherization.

2605(b)(16)

Energy Education and Consumer Competency Program (Assurance 16)

The Energy Education and Consumer Competency Program (E2C2) is designed to integrate existing energy programs, and enhance services for households with complex needs. Outcomes of the program include reduced energy burden, improved payment patterns, energy conservation and improved self-sufficiency. 5% of the Oregon LIHEAP grant will be used to meet E2C2 objectives.

The two primary components of this program are energy education and case management. Much of the Assurance 16 funding is designated for case management (including needs assessments, budget planning and arrearage management). However, depending on community need and local program design, agencies may also use these funds to fund energy education or energy saving incentives (kits).

All subgrantees are required to submit a unique work plan (contract) for the E2C2 program which includes eligibility criteria, benefit determination, description of services, and how LIHEAP funds will be utilized within program design/delivery.

To ensure that no more than 5% of Oregon's LIHEAP grant will be used for the E2C2 program, these funds are allocated as a unique line item—and local budgets are monitored carefully for activities that could be captured under this assurance.

2605(b)(13)

Applicant Rights to a Fair Hearing.

All applicants are informed of their rights to a fair hearing by signing the authorization form, which contains the following statement directly above the signature line:

“I further understand that if my application is unjustly denied or is not processed in a timely manner that I may be entitled to a fair hearing, if requested within 30 days of the completed date of the application or date of denial.”

Network partners are required to include Fair Hearing procedures within their agency level Master Grant Agreements. Clients who believe they have been discriminated against may request to appeal with Oregon Housing and Community Services.

2605(b)(4)

Coordination of Services, Leveraging Activities

Within the parameters of the LIHEAP grant, local subgrantees are encouraged to design their programs with the intent of offering households a “wrap-around” approach to energy independence. This includes integration of bill payment assistance, case management, energy education, arrearage management and weatherization services.

The Oregon LIHEAP program also actively coordinates its activities with the Oregon Energy Assistance Program (OEAP), existing fuel funds, fuel suppliers and local governmental and social service agencies to provide additional services for LIHEAP eligible households

2607(A)

Leveraging

Leveraging Activities planned for the program year include:

Weatherization Rebates & Grants

Staff members from Oregon Housing and Community Services (OHCS) negotiate these leveraged resources which qualify under criterion (i) in the 45 CFR 96.87(d)(2). LIHEAP agency staff conduct an audit of each home to be weatherized and determine what measures are eligible for rebates from the utilities. Benefits provided include standard weatherization measures: attic, floor and wall insulation, windows, air infiltration reduction, pipe and duct insulation, vapor barriers and other items deemed necessary during the audit. Rebates allow the agency to complete the measures and to perform full weatherization if funds can be leveraged to offset these costs. LIHEAP program operator works with utilities or agency to install cost effective weatherization measures and obtain the rebate for installation of those measures in low-income homes. Cash rebates and grants are based on the actual costs of the weatherization measures as installed and are based on fair market value.

OHCS (state) negotiates with BPA to provide low-income weatherization. OHCS staff members negotiated these leveraged resources which qualify under criterion (i) in 45 CFR 96.87(d)(2). Home energy cooperatives and public utility districts provide rebate for weatherization under this program. Again, the local LIHEAP agency staff member conducts the weatherization audit and determines what measures need to be performed and which rebates can be applied to offset the amount of LIHEAP funds expended. Benefits provided include standard weatherization measures: attic, floor and wall insulation, windows, air infiltration reduction, pipe and duct insulation, vapor barriers and other items deemed necessary during the audit. A household must be referred from the LIHEAP program to participate in LIHEAP weatherization.

OHCS has been designated by the state legislature as the administrator of public purpose funds for low-income weatherization. Public purpose funds are derived from customers of Oregon's two major investor owned electric utilities (PGE & PacifiCorp). OHCS allocates public purpose funds to weatherization agencies for PGE or PacifiCorp customers within their service territories. Public purpose funds supplement LIHEAP weatherization funds and provide the largest single source of leverage.

LIHEAP agency program staff members negotiate for rebates under the State (of Oregon) Home Oil Weatherization (SHOW) Program and Northwest Natural Gas and Avista, which qualify under criterion (i) in 45 CFR 96.87(d)(2). LIHEAP agency staff member conducts the weatherization audit on the oil heated home and determines which rebates can be applied to offset the amount of LIHEAP funds expended. Benefits provided include standard weatherization measures: attic, floor and wall insulation, windows, air infiltration reduction, pipe and duct insulation, vapor barriers and other items deemed necessary during the audit. A household must be referred from the LIHEAP program.

LIHEAP agency program staff members negotiate with agency rehabilitation programs to offset the costs of LIHEAP weatherization. These funds qualify under criterion (i) in 45 CFR 96.87(d)(2). Benefits provided include standard weatherization measures: attic, floor and wall insulation, windows, air infiltration reduction, pipe and duct insulation, vapor barriers and other items deemed necessary during the audit. A household must be referred from the LIHEAP program.

LIHEAP agency staff members negotiate with landlords contribute to the costs of weatherization for LIHEAP households where the LIHEAP participant is renting. These funds would qualify under criterion (i) in 45 CFR 96.87 (d)(2). The landlord would provide funds to offset the costs of materials and labor for the installed measures deemed critical in the weatherization audit.

Discounts on Weatherization Products & Services

LIHEAP agency staff members negotiate with private companies who contract to install weatherization measures for investor owned utilities. These funds would qualify under criterion (i) in 45 CFR 96.87 (d)(2). LIHEAP weatherization staff would conduct the audit and coordinate funding with the private company to apply for rebates and to install weatherization measures at reduced cost to low-income households who are referred from the LIHEAP program.

LIHEAP agency staff members negotiate with contractors and suppliers to get discounts for low-income households under the criterion (iii)(B) in 45 CFR 96.87(d)(2). They receive discounts on all competitive bidding contracts and materials purchased for weatherization. Discounts are for materials to perform standard weatherization measures including attic, floor and wall insulation, windows, air infiltration reduction, pipe and duct insulation, vapor barriers and other items deemed necessary during the audit. A household must be referred from the LIHEAP program.

Donated Energy-Saving Materials & Services

LIHEAP staff members leverage in-kind donations from utility companies, private companies, individuals under the criterion in 45 CFR 96.87(d)(2)(iii)(A) to provide LIHEAP households with materials to do self-help weatherization. These materials include hot water saving showerheads, caulking, water heater insulation wraps. Electrical junction box air sealing gaskets, door sweeps and weather-strip kits, and other supplies to weatherize homes. Program representatives deliver and install these items in low-income families' homes.

Fuel Assistance Funds

Benefits are integrated into LIHEAP program under 45 CFR 96.87(d)(2)(iii)(A). LIHEAP personnel identify eligible clients at time of intake, determine how much they would receive and either distribute the funds to them or made direct referral to state fuel funds for payment. LIHEAP personnel negotiate with utility companies to have fuel funds delivered through the LIHEAP program to serve eligible clients when program funds are exhausted.

Discounts, Waivers, Credits on utilities and Fuel Oil

LIHEAP personnel negotiate discounts with home energy suppliers under the criterion (iii)(D) in 45 CFR 96.87(d)(2). Discounts are on the purchase of heating fuels and waivers of deposits and/or reconnect fees for low-income customers. LIHEAP agency certifies the customers for eligibility and company then provides a benefit to eligible low-income client. Waivers of deposits or reconnect fees are negotiated with the home energy supplier by the LIHEAP intake personnel.

Donation of Heating Fuels, Blankets, Coats, etc.

LIHEAP personnel negotiate with home energy suppliers, grants, and private donors under the criterion (iii)(G) 45 CFR 96.87(d)(2) to provide wood, heating fuel. Various clothing and blankets for low-income households. Organizations donated labor to cut, split, deliver and stack firewood; some lumberyards donated wood; some oil companies donate fuel oil; and some propane dealers donated LP gas. Other benefits included coats, jackets, warm clothing, blankets, and quilts.

Use of Leveraging Incentive Funds

In the case that the Grantee (State of Oregon) receives a leveraging incentive award, these funds will be distributed to local subgrantees based upon reported leveraging activity.

These funds are to be used to maintain or increase current LIHEAP benefits to Oregonians. This includes, but is not limited to heating assistance benefits, crisis assistance benefits, incentive or supplemental vendor payments, weatherization activities, and energy saving incentives.

2605(b)(12)
2605(a)(2)

Timely and Meaningful Public Participation

The State of Oregon (Oregon Housing and Community Services) actively participates in numerous groups which serve to advise and participate in the development of the Oregon LIHEAP Program.

The *Oregon Energy Coordinators Association (OECA)* conducts quarterly meetings where statewide energy assistance issues are discussed. These gatherings include Round Table sessions for both energy assistance and weatherization coordinators from around the state, all of whom contribute ideas and address challenges associated with the current LIHEAP program. Representatives from this group are also active in reviewing the annual state plan and LIHEAP Operations Manual.

The *Advisory Committee on Energy (ACE)* conducts bi-monthly meetings which discuss energy issues facing low-income Oregonians. Consisting of utilities, service providers, advocates and government officials—ACE makes regular recommendations which guide the development of low income energy assistance programs across Oregon.

The *Community Action Partnership of Oregon (CAPO)* consists of executive directors from Community Action agencies around the state. This body actively reviews and recommends Oregon LIHEAP policy, and is active in reviewing the annual state plan.

The *Utility Advisory Committee* consists of utilities from around the state. Quarterly meetings are held to discuss program issues, vendor contracts and collaboration within an ever-challenging energy landscape.

OHCS also holds regular meetings with subgrantees, including:

- a two day work session with subgrantees in Salem to address current and future LIHEAP program development
- regional meetings regarding pilot/developing programs
- several workgroups made up of local subgrantees (e.g. OPUS database, statewide allocation formula, innovative payment plans)
- numerous site-visits in which subgrantees share their unique local programs, ideas and challenges

A public comment period on the LIHEAP state plan occurred during the first two weeks of August, with a public hearing scheduled on August 15th in Salem, Oregon.

Public comments are summarized in Attachment C.

2605(b)(10)

Compliance

Several measures are in place to assure effective LIHEAP services are in compliance with federal guidelines and state regulations.

Fiscal Monitoring

OHCS monitors fiscal operations within local agencies to ensure strong fiscal accounting and tracking of LIHEAP funds.

Comprehensive reviews include, but are not limited to the following:

- General Ledger and Support Journals
- Financial Status Reports
- Charts of Accounts
- Accounting Policy and Procedure Manual
- Separation of Duties and internal control
- Cash Receipt Files and Deposit Slips
- Bank Reconciliation with Canceled Checks
- Samples of paid invoices, including signatures and check copies
- Time cards, including signatures and payroll register
- Purchase Orders

Oregon 2009 LIHEAP State Plan

- Cost Allocation Plans
- Insurance and Bonding Policies
- Subcontracts
- Computer/Data Security
- Organization chart—including board roster, by-laws and minutes for the Past Year
- Personnel Policy and Procedures manual

Program Monitoring

Subgrantees enter into work plan agreements (contracts) that specifically outline local procedures for outreach, eligibility, application, intake, benefit determination and certification of payment to applicants. These agreements will be monitored throughout the program year for compliance with federal guidelines and state LIHEAP requirements.

Periodic evaluations of local service providers' performances will be made both on-site and off. Overarching factors considered will include, but are not limited to ease of access for applicants, compliance with the local work plan, and whether or not program design meets community need.

On a more detailed level, files will be reviewed both on-site and through the OPUS data system to monitor application of eligibility requirements and determination of benefit levels.

If a provider is deemed to be out of compliance on the basis of such reviews, the State of Oregon will provide the training and technical assistance to make necessary progress within a specified period of time. If a subgrantee is unable to make improvements necessary to effectively deliver the LIHEAP program, another local service provider may be identified for future program operation.

Program Auditing

Oregon's LIHEAP program is audited under the Single Audit Act.

Audits of local service providers are conducted by an entity independent of any agency administering activities or services under LIHEAP, and in accordance with generally accepted accounting principles and audit standards of the US General Accounting Office.

The Fiscal staff of Oregon Housing and Community Services reviews the annual independent audits which are conducted by private CPA firms. The CPA firms conduct the audit in accordance with A133, if applicable.

Audits for the State of Oregon (Oregon Housing and Community Services) are conducted by the Audits Division of the Secretary of State's office.

2605(b)

Goals and Objectives

The State of Oregon looks forward to collaboratively developing outcome based objectives and measures for the following LIHEAP program goals:

- *To implement a "Coordinated Responsibility Model" for increasing energy independence.* Such a model would assume that households, vendors and service providers all have a role in assuring heat and decreasing energy burden for low-income households. OHCS will continue to collaborate with other states, vendors, low income Oregonians and our energy assistance network to develop our current program elements (e.g. payment structure, matrix, education) toward this model.
- *To create a benefit matrix that better identifies and serves those with varying energy burden.* While our current matrix captures burden through household size and income, it fails to adequately address energy usage and fuel costs. OHCS will continue to collaborate with utilities and our network to develop a robust, comprehensive matrix that does not inhibit effective service delivery.
- *To continue developing a statewide allocation formula that is transparent, replicable and update-able.* Currently, a workgroup of network representatives are meeting to review other state formulas, various factors and implementation plans.
- *To foster statewide innovation through local flexibility.* The State of Oregon recognizes that meaningful program improvement will only occur when challenges can be addressed with trust, and new ideas can be put forth with confidence. OHCS staff will continue to work within the network to cultivate strong relationships among our agency partners, and encourage local flexibility to effectively meet community level needs.
- *To continually improve data quality and availability.* This includes continued development of our statewide database (OPUS)--as well as access to new information sources, including utility usage and payment history for low-income households.

POVERTY GUIDELINES AND PAYMENT MATRIX
For Use in Federal Fiscal Year 2009
 2008 Federal Poverty Guidelines at 100% – Source HHS

Household Unit Size	Annual Income	Monthly Income
1	\$10,400	\$866.67
2	\$14,000	\$1166.67
3	\$17,600	\$1466.67
4	\$21,200	\$1766.67
5	\$24,800	\$2066.67
6	\$28,400	\$2366.67
7	\$32,000	\$2666.67
8	\$35,600	\$2966.67
9	\$39,200	\$3266.67
10	\$42,800	\$3566.67
11	\$46,400	\$3866.67
12	\$50,000	\$4166.67
Each Additional Member	\$3,600	\$300

60% of State Median Income by Household Size
For Use in Federal Fiscal Year 2009
 Estimated State Median by Household Size – Source HHS

Household Unit Size	Annual Income	Monthly Income
1	\$20,228	\$1,685.67
2	\$26,451	\$2,204.25
3	\$32,675	\$2,722.92
4	\$38,899	\$3,241.58
5	\$45,123	\$3,760.25
6	\$51,347	\$4,278.92
7	\$52,514	\$4,376.14
8	\$53,681	\$4,473.39
9	\$54,848	\$4,570.63
10	\$56,015	\$4,667.88
11	\$57,182	\$4,765.13
12	\$58,349	\$4,862.38
Each Additional Member	\$1,167	\$97.25

2009 Payment Matrix LIEAP and OEAP

Region 1 – Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties.

Household Income – 100% of Federal Poverty Guideline and below

Household Size	Regular Assistance	Crisis Assistance	Subsidized Housing Assistance	Shut Off
1-2	\$300	Max \$500	\$150	Max \$800
3-4	\$310	Max \$500	\$155	Max \$810
5+	\$320	Max \$500	\$160	Max \$820

Household Income – Above 100% of Federal Poverty Guideline

Household Size	Regular Assistance	Crisis Assistance	Subsidized Housing Assistance	Shut Off
1-2	\$ 250	Max \$ 500	\$ 125	Max \$ 750
3-4	\$ 270	Max \$ 500	\$ 135	Max \$ 770
5 +	\$ 300	Max \$ 500	\$ 150	Max \$ 800

Region 2 – Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler Counties.

Household Income – 100% of Federal Poverty Guideline and below

Household Size	Regular Assistance	Crisis Assistance	Subsidized Housing Assistance	Shut Off
1-2	\$330	Max \$500	\$165	Max \$830
3-4	\$340	Max \$500	\$170	Max \$840
5+	\$350	Max \$500	\$175	Max \$850

Household Income – Above 100% of Federal Poverty Guideline

Household Size	Regular Assistance	Crisis Assistance	Subsidized Housing Assistance	Shut Off
1-2	\$ 300	Max \$ 500	\$ 150	Max \$ 800
3-4	\$ 320	Max \$ 500	\$ 160	Max \$ 820
5 +	\$ 330	Max \$ 500	\$ 165	Max \$ 830

Benefit Matrix 2009
LIEAP and OEAP
Region 1

Household Size	Annual Income	Monthly Income	Regular	Subsidized
1	\$10,400	\$866.67	\$300	\$150
1	\$10,400.01-\$20,228	\$866.68-\$1,685.67	\$250	\$125
2	\$14,000	\$1166.67	\$300	\$150
2	\$14,000.01 - \$26451	\$1166.68 - \$2,204.25	\$250	\$125
3	\$17,600	\$1466.67	\$310	\$155
3	\$17,600.01 - \$32,675	\$1466.68 - \$2,722.92	\$270	\$135
4	\$21,200	\$1766.67	\$310	\$155
4	\$21,200.01 - \$38,899	\$1766.68 - \$3,241.58	\$270	\$135
5	\$24,800	\$2066.67	\$320	\$160
5	\$24,800.01 - \$45,123	\$2066.68 - \$3,760.25	\$300	\$150
6	\$28,400	\$2366.67	\$320	\$160
6	\$28,400.01 - \$51,347	\$2366.68 - \$4,278.92	\$300	\$150
7	\$32,000	\$2,666.67	\$320	\$160
7	\$32,000.01 - \$52,514	\$2,666.68 - \$4,376.14	\$300	\$150
8	\$35,600	\$2966.67	\$320	\$160
8	\$35,600.01 - \$53,681	\$2966.68 - \$4,473.39	\$300	\$150
9	\$39,200	\$3,266.67	\$320	\$160
9	\$39,200.01 - \$54,848	\$3,266.68 - \$4,570.63	\$300	\$150
10	\$42,800	\$3,566.67	\$320	\$160
10	\$42,800.01 - \$56,015	\$3,566.68 - \$4,667.88	\$300	\$150
11	\$46,400	\$3866.67	\$320	\$160
11	\$46,400.01 - \$57,182	\$3866.68 - \$4,765.13	\$300	\$150
12	\$50,000	\$4,166.67	\$320	\$160
12	\$50,000.01 - \$58,349	\$4,166.68 - \$4,862.38	\$300	\$150
Each additional member	\$3,600	\$300	\$320	\$160
Each additional member	\$1,167	\$97.25	\$300	\$150

The above chart reflects income limitations and payment levels based on household size and income in relation to 100% of the federal poverty level and 60% of Oregon's Median Income.

#	100% of Federal Poverty =Tier 1 Payment Level
#	60% of Oregon's Median Income =Tier 2 Payment Level

Benefit Matrix 2009
LIEAP and OEAP
Region 2

Household Size	Annual Income	Monthly Income	Regular	Subsidized
1	\$10,400	\$866.67	\$330	\$165
1	\$10,400.01-\$20,228	\$866.68-\$1,685.67	\$300	\$150
2	\$14,000	\$1166.67	\$330	\$165
2	\$14,000.01 - \$26451	\$1166.68 - \$2,204.25	\$300	\$150
3	\$17,600	\$1466.67	\$340	\$170
3	\$17,600.01 - \$32,675	\$1466.68 - \$2,722.92	\$320	\$160
4	\$21,200	\$1766.67	\$340	\$170
4	\$21,200.01 - \$38,899	\$1766.68 - \$3,241.58	\$320	\$160
5	\$24,800	\$2066.67	\$350	\$175
5	\$24,800.01 - \$45,123	\$2066.68 - \$3,760.25	\$330	\$165
6	\$28,400	\$2366.67	\$350	\$175
6	\$28,400.01 - \$51,347	\$2366.68 - \$4,278.92	\$330	\$165
7	\$32,000	\$2,666.67	\$350	\$175
7	\$32,000.01 - \$52,514	\$2,666.68 - \$4,376.14	\$330	\$165
8	\$35,600	\$2966.67	\$350	\$175
8	\$35,600.01 - \$53,681	\$2966.68 - \$4,473.39	\$330	\$165
9	\$39,200	\$3,266.67	\$350	\$175
9	\$39,200.01 - \$54,848	\$3,266.68 - \$4,570.63	\$330	\$165
10	\$42,800	\$3,566.67	\$350	\$175
10	\$42,800.01 - \$56,015	\$3,566.68 - \$4,667.88	\$330	\$165
11	\$46,400	\$3866.67	\$350	\$175
11	\$46,400.01 - \$57,182	\$3866.68 - \$4,765.13	\$330	\$165
12	\$50,000	\$4,166.67	\$350	\$175
12	\$50,000.01 - \$58,349	\$4,166.68 - \$4,862.38	\$330	\$165
Each additional member	\$3,600	\$300	\$350	\$175
Each additional member	\$1,167	\$97.25	\$330	\$165

The above chart reflects income limitations and payment levels based on household size and income in relation to 100% of the federal poverty level and 60% of Oregon's Median Income.

#	100% of Federal Poverty =Tier 1 Payment Level
#	60% of Oregon's Median Income =Tier 2 Payment Level

SAMPLE: OREGON LOW INCOME ENERGY ASSISTANCE AGREEMENT

Agency Name: _____ (“Agency”) and
Home Energy Supplier: _____ (“HES”).

Agency and HES may each be referred to as a “Party,” or collectively as the “Parties.”

WHEREAS, the Parties desire to provide a mechanism by which they can carry out the provisions of the Low Income Home Energy Assistance Program and the Oregon Energy Assistance Program (“LIEAP/OEAP” or “Programs”), and

WHEREAS, the Parties desire to assure that the funds available under these Programs are used in accordance with the requirements of Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) and Title VI of the Human Services Reauthorization Act of 1984 (P.L. 98-558) and Title VII of the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (P.L. 101-501), and

WHEREAS, no HES shall be paid without signing an agreement for receipt of payments under the Programs (“Agreement”).

THEREFORE, in exchange for the mutual promises contained herein, the Parties agree to the terms and conditions set forth below.

1. Definitions

- 1.1 An "**Eligible Household**" is a household or customer that has applied for and been approved for energy assistance by the Agency by means of an Energy Assistance Authorization.
- 1.2 "**Account Payments**" or "**Payments**" are payments made by the Agency to the HES on behalf of an Eligible Household and may include pre-payment for fuel prior to its delivery, payment for bills incurred by the Eligible Household prior to the date of the application for LIEAP/OEAP assistance, and a line of credit for future usage.
- 1.3 "**Energy Assistance Authorization**" will contain the Eligible Household's utility account number, the name of the person applying for energy assistance, the name appearing on the HES account for the Eligible Household, the address of the Eligible Household, and the amount of the energy assistance for which the household is eligible.

2. Agency Conditions

- 2.1 The Agency shall notify the HES of Payments to be made on behalf of an Eligible Household with an Agency report or a copy of the Energy

Assistance Authorization. This notification may be oral, but must be verified with a follow-up written report or authorization.

- 2.2 The Agency shall pay all valid Energy Assistance Authorizations promptly and within 45 days (unless otherwise negotiated) after notification of commitment for an Eligible Household.
- 2.3 The Agency shall notify all Eligible Households of the amount of Account Payments made on their behalf to a HES.
- 2.4 The Agency shall keep the HES informed in a timely manner of any relevant changes in LIEAP/OEAP caused by changes in federal or state law.

3. HES Conditions

Conditions Applicable to All Home Energy Suppliers

- 3.1 The HES may refer its customers to the Agency for assistance.
- 3.2 The HES may charge an Eligible Household, in the normal billing process, the difference, if any, between the actual cost of the home energy used by that Eligible Household and the Account Payment.
- 3.3 The HES shall not discriminate, either in the cost of goods supplied or the services provided (including service charges, reconnection charges, and payment plan (arrangements) against the Eligible Household. If the HES is a Public Utility Commission (“PUC”) regulated utility, it shall adhere to the requirements in ORS 757.310, ORS 757.325, PUC administrative rules and the regulated utility’s PUC-approved tariffs.
- 3.4 No Eligible Household receiving assistance under LIEAP/OEAP will be treated adversely because of such assistance under applicable provisions of state law or public regulatory requirements.
- 3.5 A credit notation shall be promptly applied by the HES to the Eligible Household's account as soon as the HES receives an Energy Assistance Authorization. If possible, a line identifying the Payment as LIEAP/OEAP funds will appear on the billing statement after the Account Payment has been received by the HES and for as long as any portion of the Account Payment is being carried as a credit. Account Payments will be credited to the Eligible Household's account promptly after being received by the HES and in no event later than the next billing cycle. If the Eligible Household's Account billing includes items other than energy charges, Account Payments may only be applied as a credit toward energy charges. If the Account Payment or credit cannot be applied to

energy charges, the balance remaining shall be returned to the Eligible Household within 30 days after the HES receives the Account Payment.

- 3.7 A reconnection charge or security deposit will not be charged to any Eligible Household except where such charges were HES policy prior to October 1, of the then-current year. LIEAP/OEAP Payments can be applied to those charges, if necessary. All deposits and accrued interest become the property of the Eligible Household and shall be returned to the Eligible Household at the time specified in the deposit agreement.
- 3.8 If the Eligible Household voluntarily closes the account, and an Account Payment results in a credit balance after all final charges have been applied, the credit balance shall be refunded to the Eligible Household.
- 3.9 In the event the Eligible Household cannot be located after one year after service has been discontinued for any reason, then any unused portion of the Account Payment shall be returned to the Oregon Department of State Lands as unclaimed.
- 3.10 The HES shall maintain an adequate accounting system to allow verification of the amount of home energy delivered to Eligible Households receiving Account Payments. Auditors and/or investigators of the Oregon Housing and Community Services, the Oregon Secretary of State's Office, or the federal government, shall be allowed access to all HES LIEAP/OEAP records, which auditors or investigators determine are directly pertinent to this Agreement and reasonably needed to monitor and review the HES's compliance with the provisions of this Agreement. The HES shall cooperate in the conduct of such reviews.
- 3.11 If requested by the Eligible Household, the Agency will request HES to provide, at no cost to the Agency or the Eligible Household, an annual consumption record of the Eligible Household.
- 3.12 Agencies shall inform the HES if an eligible household is in a crisis or life-threatening situation (as determined by local agency criteria).

PUC regulated: Upon notification of commitment, the HES shall assist the agency in resolving the energy crisis of an eligible household within the timelines established by PUC administrative rules, the regulated utility's PUC-approved tariffs applicable to disconnection and reconnection of service, and emergency medical certificates.

Non-PUC regulated: Upon notification of commitment, the HES shall assist the agency in resolving the energy crisis of an eligible household within (1) business day.

If the HES is unable to assist the agency within these timeframes, the agency shall be notified immediately. Upon request, a written explanation of the reason(s) for non-compliance will be prepared by the HES and submitted to the Agency for placement in the Eligible Household's file.

Conditions Applicable Only to Bulk Energy Suppliers

- 3.13 Delivery of bulk fuel shall be made after the HES receives an oral or written Energy Assistance Authorization. Verification of delivery to an Eligible Household may be required by the Agency before an Account Payment is made. If the Eligible Household has an existing account with the HES and a balance is still owed after the Account Payment is applied, the HES should develop a payment plan with the Eligible Household.
- 3.14 Bulk fuel deliveries will be made in accordance with the normal business practices of the HES.
- 3.15 The HES shall only charge the Eligible Households up to its posted cash price as of the date of delivery.
- 3.16 In the event that the HES cannot deliver bulk fuel, the Agency will be notified immediately. If an Account Payment has been made, the full amount of the Account Payment shall be returned within 20 days of the receipt of the funds to the Eligible Household or forwarded to the new HES at the Eligible Household's request.
- 3.17 In the event that services cannot be delivered by the HES because the Eligible Household has been disconnected for non-payment of service and cannot be reconnected because the Eligible Household will not enter into a payment agreement under terms acceptable to the HES, the HES will send to the Eligible Household any Account Payment received by the HES on behalf of the Eligible Household within 10 days after the date on which a payment agreement could not be reached. If the HES has not yet received the Account Payment, the HES will notify the Agency to send the payment directly to the Eligible Household.

4. Termination

- 4.1 This Agreement shall terminate upon the earliest to occur of the following events:
 - (a) A change in the requirements of Title VII of the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (P.L. 101-501);

- (b) A change in the federal or state regulations promulgated under the act;
 - (c) A change in the state plan for administering LIEAP/OEAP that affects the terms and conditions of this Agreement;
 - (d) Thirty days' written notice of termination by either Party;
 - (e) Mutual consent of the Parties;
 - (f) Any license or certificate required by law or regulation to be held by the HES to provide the services required by this Agreement is for any reason denied, revoked, or not renewed; or
 - (g) One year from the date of execution of the Agreement, unless the Parties mutually agree, in writing, to renew the Agreement.
- 4.2 Termination by either Party shall not discharge any obligation owed by either Party to the other or to an Eligible Household or any liability, which has accrued prior to termination.
- 4.3 The Agency, by written notice of default (including breach of contract) to the HES may terminate the whole or any part of this Agreement if the HES fails to perform any of the provisions of this Agreement in accordance with its terms, and after receipt of written notice from the Agency fails to correct such failures within 10 days or such longer period as the Agency may authorize.
- 4.4 The rights and remedies of the Agency provided in the above clause related to defaults (including breach of contract) by the HES shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

5. Miscellaneous

- 5.1 **Subcontracts** - The HES shall not enter into any subcontracts for any of the services provided under this Agreement without obtaining prior written approval from the Agency.
- 5.2 **Amendments** - The terms of this Agreement shall not be waived, altered, modified, supplemented or amended, in any manner whatsoever except by written instrument signed by the Parties.
- 5.3 **Execution and Counterparts** - This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.
- 5.4 **Severability** - If any court of competent jurisdiction shall hold any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision hereof.

- 5.5 **Assignment** - The HES shall not assign or transfer its interest in this Agreement without the express written consent of the Agency.
- 5.6 **Waiver** - The failure of the Agency to enforce any provision of this Agreement shall not constitute a waiver by the Agency of that or any other provision.
- 5.7 **State Tort Claims Act** - The HES is not an officer, employee, or agent of the state as those terms are used in ORS 30.265.
- 5.8 **Indemnity** - The HES shall save and hold harmless the Agency, its officers, agents, employees and members from all claims, suits or actions of whatsoever nature resulting from or arising out of the activities of the HES or its subcontractors, agents, or employees under this Agreement.
- 5.9 **Successors In Interest** - The provisions of this Agreement shall be binding upon and shall inure to the benefit of the Parties hereto, and their respective successors and assigns.
- 5.10 **Attorney's Fees** - The Party prevailing in any lawsuit on this Agreement, shall be entitled to such additional sums as the court may adjudge for reasonable attorney's fees at trial and upon appeal and to all costs and disbursements incurred therein.
- 5.11 **Force Majeure** - The HES shall not be held responsible for delay or default caused by fire, riots, acts of God and war, which were beyond the reasonable control of the HES.
- 5.12 **Choice Of Law** - This Agreement shall be governed construed in accordance with the laws of the State of Oregon without regard to conflicts-of-laws rules or principles.
- 5.13 **Effective Date** - This Agreement shall be effective upon execution by both Parties.
- 5.14 **Merger** - This Agreement constitutes the entire Agreement between the Parties. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement. The HES, by the signature below of its authorized representative, hereby acknowledges that it has read this Agreement, understands it and agrees to be bound by its terms and conditions.
- 5.15 **Mediation** -If the Parties to this Agreement become involved in a dispute regarding any of the terms, conditions, performance, or any obligations under

this Agreement, the Parties shall submit to mediation prior to the commencement of litigation to enforce this Agreement. The mediator shall be an individual mutually acceptable to both Parties, but in the absence of agreement, each Party shall select a temporary mediator, and the temporary mediators shall jointly select the permanent mediator. Each Party will pay its own costs for the time and effort involved in mediation and agree to split equally the cost of the mediator. Both Parties agree to exercise best efforts and act in good faith to resolve all disputes in mediation. The Parties shall mutually agree on the schedule and time allowed for mediation. The Parties shall comply with statutes and administrative rules governing the confidentiality of mediation, if any.

- 5.16 **Indemnification** Notwithstanding any other provisions of this Agreement, in no event shall HES be liable for any special, punitive, exemplary, consequential, incidental or indirect losses or damages (in tort, contract or otherwise) under or in respect of this Agreement or for any failure or performance related hereto howsoever caused, whether or not arising from HES's sole, joint or concurrent negligence.

Home Energy Supplier

_____ Date: _____

Signature

Name (Printed)

Title (Printed)

Telephone

Address

City, State, and Zip Code

_____ Date: _____

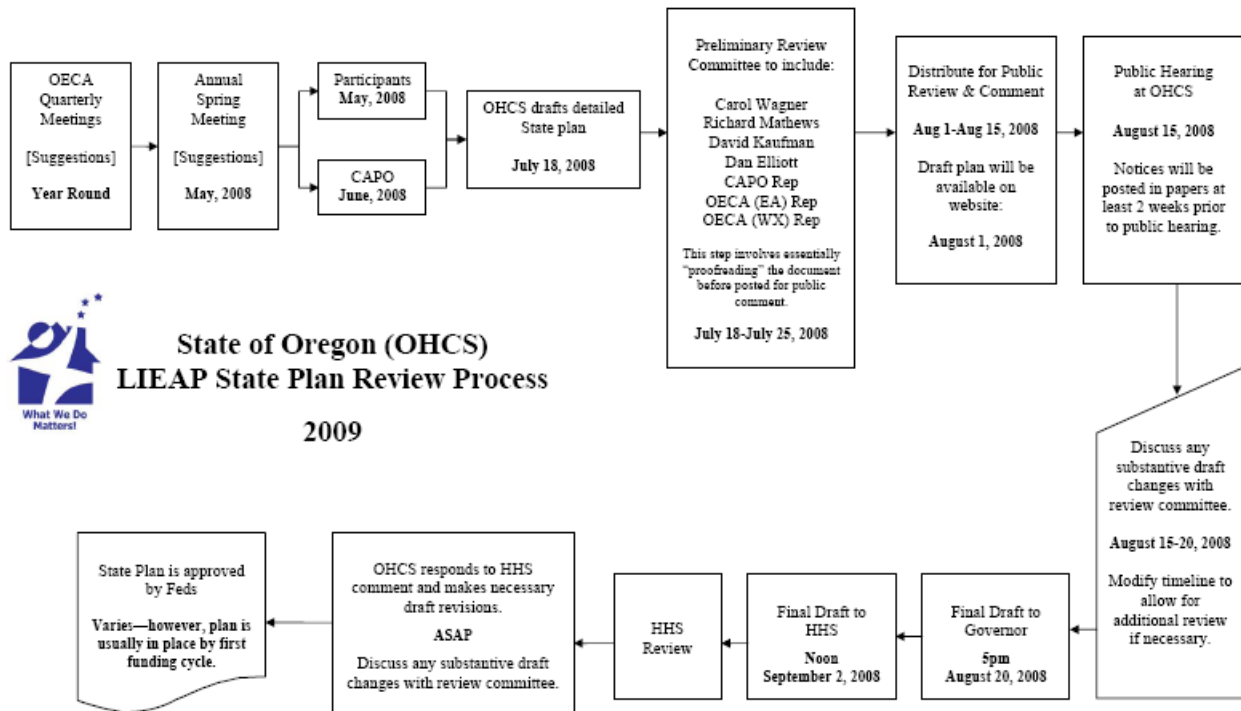
Agency Director/Board Chair

2009 Oregon LIHEAP Detailed State Plan: Overview of Public Comment

Background

Oregon Housing and Community Services believes that extensive community participation, as well as collaboration with our partners, is necessary to ensure our programs meet the unique needs of all Oregonians.

Collaboration on the PY 2009 Oregon LIHEAP State Plan officially began in the spring of 2008, when a “State Plan Process Timeline” was presented to our energy assistance network for review and approval. This process included an intensive two day meeting with local coordinators to review program development, as well as an initial draft review period involving major stakeholders across our state.



Public Comment Period

After preliminary review by members of the Community Action Partnership of Oregon (CAPO), the Oregon Energy Coordinators Association (OECA) and Oregon Housing and Community Services’ staff—the proposed 2009 Low Income Home Energy Assistance Program (LIHEAP) Detailed State Plan for Oregon was posted for public comment on August 1, 2008.

The public comment period for the 2009 Draft LIHEAP State Plan was August 1, 2008 through August 15, 2008. Notices were sent to all network partners, as well as posted in major newspapers around the state. Copies of the draft were placed online at (link here) and mailed to individuals/organizations upon request.

Comment was collected through three primary avenues: public hearing, written comment and special meeting. We are grateful for everyone who took time to comment on the draft plan. Public insight is valuable—and although not all ideas will be incorporated into the 2009 plan, all comment will be considered as we continue to develop our program and construct future plans.

Public Hearing

A public hearing was held from 9 a.m. to Noon on Friday, August 15, 2008 at Oregon Housing and Community Services in Salem, Oregon. No individuals attended the hearing. Subsequently, no comment was collected at this time.

In an effort to make the public comment process more accessible to Oregonians across our state, Oregon Housing and Community Services will hold several regional hearings for comment on the LIHEAP State Plan beginning next year.

Written Comment

Written comment was collected through August 15th, 2008 at 5pm. Below is comment entered into record, as well as responses from the Department of Oregon Housing and Community Services:

Name/Organization: Steve Weiss

Comment(s): "I'd like to offer some specific recommendations on the focus of our advocacy. Page 22 of the 2009 State Plan is a Benefit Matrix that makes it very clear that Oregon distributes LIHEAP money in an inherently unfair and inequitable manner to the lowest income households in the state.

Specifically, the state divides all LIHEAP households into two categories: Those earning between 0 and 100% of the Federal Poverty Level and those earning between 100 and 194% of the FPL (which also equals 60% of Oregon's Median Income, and is the income limit required by federal law). Within those two categories, a single specified LIHEAP amount is given based on whether the household hasn't or has a housing subsidy.

The problem with this method of distribution of LIHEAP funds is that the annual incomes of those households being served varies from \$0 to \$58,349 depending on the household size. For instance, the annual income variance in a single-person household ranges from \$0 to \$20,228. In the latter category, a single-person household with income from 0 to 100% of the FPL (\$10,400) receives \$300 a year in LIHEAP money if it doesn't have a housing subsidy and only \$150 if it *has* a housing subsidy. A single-person household with an income between 100 and 194% of the FPL (\$20,228) receives \$250 a year if it doesn't have a housing subsidy and \$125 if it *has* a housing subsidy.

In my judgment, the problem with the above funding distribution system is that it has very little flexibility in adjusting the LIHEAP amounts to differences in income across what is clearly a very wide spectrum. Therefore, I am recommending that we scrap the current distribution system, eliminate the differentiation between households that are non-subsidized and subsidized (as California and Washington have done) and adopt the state of New York's criteria for benefit levels.

My understanding is that the New York criteria for direct pay renters (those who pay their utility bills directly to the utility company) are based on the specific income of the household, whether the household has a "vulnerable member"

(I'm not sure how this is defined), and what the energy burden ratio is for the household. This strikes me as a significant improvement over the two-sizes-fit-all approach that Oregon is now using. We're facing a coming fall/winter season that will combine huge utility rate hikes with extremely inadequate LIHEAP funding on the state and federal levels. We must have the fairest and most equitable state LIHEAP program we can devise.”

OHCS Response: *Oregon Housing and Community Services recognizes that the current benefit matrix does not effectively address varying energy burden among households, including households living in subsidized housing. As noted on page 9 and page 19 of the State Plan draft--a key priority during the 2009 program year to develop and adopt a new matrix which focuses on energy burden, rather than the broader eligibility criteria presently employed.*

We are collaborating with several states to explore and develop the most effective benefit determination tool for all low-income Oregonians.

Name/Organization: Oregon Energy Coordinators Association (OECA)

Comment(s): See attached letter.

OHCS Response: *Oregon Housing and Community Services is grateful for the partnership we share with Oregon Energy Coordinators Association, and appreciate their insightful comments.*

This past spring, a LIHEAP state plan timeline was provided to OECA for review—and included a 2 week public comment period, as well as an additional week-long “preliminary” review which included various members of the association.

Although this process was ultimately approved by our partners, OHCS recognizes that the timeline for the plan and comment was very tight due to recent transition of LIHEAP staff. Therefore, your suggestion regarding a one month review period will be implemented in next year’s state plan process.

Additionally, multiple public hearings will be held across the state to ensure geographic accessibility for all Oregonians wishing to comment regarding the LIHEAP state plan.

Name/Organization: City of Portland, Bureau of Housing and Community Development

Comment(s): See attached letter.

OHCS Response: *Oregon Housing and Community Services is grateful for the comments from the City of Portland regarding benefit determination and prioritization of vulnerable populations.*

As stated on page 9, our payment matrix currently allows agencies to address household energy burden through income level, climate variation and household size. Oregon also accounts for households whose energy burden may be decreased through subsidized housing allowances.

However, as stated on page 19—one of our PY 2009 goals is to develop and implement a matrix which more effectively measures varying energy burden, without compromising efficient service delivery.

Additionally, the LIHEAP statute encourages prioritization of vulnerable populations--particularly seniors, disabled and households with young children. The state plan allows subgrantees to target these households in a way that best meets the need of their local community.

Name/Organization: Kraig Ludwig
Yamhill Community Action Partnership

Comment(s): See attached letter.

OHCS Response: *Oregon Housing and Community Services is grateful for your time, experience and valuable comment.*

As stated above, your suggestion regarding a longer public comment period will be implemented within the PY 2010 State Plan process.

All comments provided during the PY 2009 public comment period will be summarized and included as an attachment in the 2009 Oregon LIHEAP Detailed State Plan. Once submitted and approved by HHS, the State Plan document will be posted online, and hard copies will be made available to the public upon request.

In reference to your statements regarding the LIHEAP Weatherization Waiver: the Federal Statute has very strict conditions for states to apply for both the “standard” and “good cause” waivers (45 CFR § 96.83). Specifically, to apply for a waiver a state must meet the following criteria:

(i) In the fiscal year for which the waiver is requested, the combined total (aggregate) number of households in the grantee's service population that will receive LIHEAP heating, cooling, and crisis assistance benefits that are provided from Federal LIHEAP allotments from regular and supplemental appropriations will not be fewer than the combined total (aggregate) number that received such benefits in the preceding fiscal year;

(ii) In the fiscal year for which the waiver is requested, the combined total (aggregate) amount, in dollars, of LIHEAP heating, cooling, and crisis assistance benefits received by the grantee's service population that are provided from Federal LIHEAP allotments from regular and supplemental appropriations will not be less than the combined total (aggregate) amount received in the preceding fiscal year; and

(iii) All LIHEAP weatherization activities to be carried out by the grantee in the fiscal year for which the waiver is requested have been shown to produce measurable savings in energy expenditures.

If the State of Oregon meets these criteria, then the waiver can be applied for after March 31st of the program year. An approved waiver would most likely result in the local option to use up to 25% of their LIHEAP funding for weatherization needs.

Oregon Housing and Community Services will evaluate the LIHEAP program in relation to waiver criteria, and if eligible—will discuss this option with network partners as the March 31st timeline approaches.

Regarding Assurance 16 funding: The State Plan indicates that 5% of our overall funding will go toward Assurance 16 activities—which are captured within the multiple components of the E2C2 program (e.g. energy education, case management). The State of Oregon recognizes the need for longer-term solutions to energy independence, and therefore, highly encourages local agencies to use Assurance 16 funds for any combination of E2C2 objectives that best meets community needs.

Special Meeting

In an effort to gain comment from citizens who could not travel, a special meeting was held in Portland Oregon on August 15th, 2008 at 2pm. This was not a formal public hearing, but rather an opportunity to gather verbal comment from individuals in Oregon’s largest metropolitan area.

Individuals in attendance included:

Lina Bensel, <i>Independent Living Resources</i>	Shauna Childress, <i>Human Solutions</i>
Cathy Blahut, <i>Independent Living Resources</i>	Dan Shauer, <i>Affordable Housing Now</i>
Francess Spak, <i>Elders in Action</i>	Maria Marcozzi, <i>Elders in Action</i>
Robert Joyce	Mya Chamberlin, <i>Friendly House</i>
Bobby Weinstock, <i>Northwest Pilot Project</i>	Karen Grimald, <i>Legal Aid</i>
Gary Walsworth, <i>Multnomah County</i>	Richard Mathews, <i>OHCS</i>

Comments from the meeting been attributed and summarized, with responses included below.

Name: Frances Spak
Elders in Action

Comment(s): Ms. Spak voiced concerns over decreased benefit level for subsidized household, asking why these Oregonians are receiving 50% of the standard benefit although they are among the lowest income residents within our state?

Ms. Spak also indicated that many residents in subsidized housing face eviction if they fall behind on their utility bills. Partial benefits exacerbate this problem.

Ms. Spak suggested that reduced benefits also result in a flawed program design, encouraging subsidized households to come back later in the heating season for more substantial, crisis benefit payments.

She also underscored the need for intensive outreach, particularly to physically infirm residents—and that a “human” voice is necessary to provide quality services to elders within the community.

OHCS Response: *Oregon Housing and Community Services recognizes that the current benefit matrix does not effectively address varying energy burden among households, including households living in subsidized housing. As noted on page 9 and page 19 of the State Plan draft—a key priority during the 2009 program year to develop and adopt a new matrix which focuses on energy burden (energy costs in relation to income), rather than the broader eligibility criteria presently employed.*

Outreach is an important priority for the Oregon LIHEAP program—both statutorily, as well as a guiding principle of Oregon Housing and Community Services. The State Plan offers local agencies the flexibility necessary to provide effective outreach that meets the need of their local community. OHCS will also continue to work with our network of providers to encourage innovative approaches to providing accessible, quality services.

Name: Bobby Weinstock
Northwest Pilot Program

Comment(s): Mr. Weinstock Indicated that the State should utilize innovate service practices to reach the “poorest of the poor” with LIHEAP services. Suggested range of outreach activities—including administration of standard benefits through state program offices (such as food stamps or TANF) as well as use of outreach teams to do on-site application and benefit determination at various low-income housing developments. All delivery should be efficient yet client centered, with a “one-stop” approach for households to attain services.

OHCS Response: *The energy team at Oregon Housing and Community Services is committed to finding new ways to effectively deliver a limited amount of funding across widespread need. Although we currently partner with state agencies to provide “wrap around services” for the Oregonians we serve, we are very proud of our current Community Action network of service providers. We believe that their commitment to build thriving communities, coupled with their capacity to provide comprehensive services to each household, makes them the best equipped to deliver limited LIHEAP funds.*

Many of these agencies work hand in hand with various local organizations to provide meaningful outreach for their communities, as well as on-site application appointments for LIHEAP clients. Oregon Housing and Community

Services encourages our partners to consider expanding these, as well as other innovative outreach opportunities, throughout the length of the heating season.

Name: Gary Walsworth
Multnomah County

Comment(s): Mr. Walsworth expressed appreciation on behalf of Multnomah County for consistent language throughout the State Plan—which allows service providers the flexibility necessary to meet unique community need.

OHCS Response: *We are grateful for our partnership with your network of agencies, and are excited to be a resource as you explore ways to continue meaningful, effective service delivery to residents across Multnomah County.*

Name: Shauna Childress
Human Solutions

Comment(s): Ms. Childress expressed appreciation on behalf of Human Solutions, and other Multnomah County LIHEAP providers, for State Plan language that allows local agencies to determine what is best for their own communities.

OHCS Response: *As stated above, Oregon Housing and Community Services recognizes the outstanding work of our local partners—and is happy to provide a State Plan which allows the network the flexibility to meet unique, community needs.*

Name: Lina Bensel and Cathy Blahut
Independent Living Resources

Comment(s): Ms. Bensel and Ms. Blahut expressed concern that many disabled Oregonians may be unduly penalized for living in subsidized housing (= 50% benefit level). Both indicated that many of the individuals they serve have very little income, with considerable medical expenses. Not having access to a full energy assistance benefit further limits household resources, and a lack of heat could potentially aggravate medical conditions.

OHCS Response: *The State of Oregon is genuinely committed to meet the unique needs of all individuals, particularly those vulnerable populations most affected by increasing energy prices. The LIHEAP State Plan for 2009 encourages agencies to explore creative, targeted outreach to these populations within their local communities.*

As stated above, Oregon Housing and Community Services will be exploring a benefit matrix that looks at energy costs and income. This will likely eliminate the need for subsidized housing criteria, and subsequently, decreased benefit levels.

Name: Dan Shauer
Affordable Housing Now

Comment(s): Mr. Shauer discussed the need to do away with Oregon’s “two sizes fits all” benefit matrices, which differentiates between federal poverty level and median income—as well as those households with subsidized and unsubsidized housing.

Several states (most notably Washington and California) have moved away from broad criteria to determine benefits. Mr. Shauer suggests that Oregon should follow suit by employing an energy burden based matrix which is based on energy costs and income—rather than using antiquated determination criteria.

OHCS Response: *As stated previously, Oregon Housing and Community Services recognizes that the current benefit matrix does not effectively address varying energy burden among households. Page 9 and page 19 of the State Plan draft indicate that a key priority during the 2009 program year is to develop and adopt a new matrix which focuses on energy burden (energy costs in relation to income), rather than the two-tiered eligibility criteria presently employed.*

Name: Robert (Bob) Joyce

Comment(s): Mr. Joyce shared his personal story, and reminded everyone that many people can go from a healthy, prosperous state to “having nothing” in a short matter of time. Encouraged the State of Oregon to maintain and increase wrap around services which recognize the unique needs of the “individual.”

Mr. Joyce thanked everyone for the opportunity to share comment within his community.

OHCS Response: *There are over 429,000 Oregonians eligible for LIHEAP benefits, yet only enough funding to serve less than 20% of the need. These circumstances make it easy to fall into the trap of striving for “efficiency” at the expense of individualized services.*

The 2009 State Plan encourages agencies to be innovative in their approach to the LIHEAP program, from outreach practices through benefit determination. This flexibility allows local providers to integrate and implement services necessary to meet the unique, complex needs of individuals across their communities.

Name: Maria Marcozzi
Elders in Action

Comment(s): Ms. Marcozzi advocated for elimination of two tier benefit level which is unfair to Oregonians living in subsidized housing. By providing only half a payment, many subsidized housing residents are forced to wait until their bills are due for shut-off to obtain crisis benefits later in the season.

Ms. Marcozzi encourages implementation of energy burden based matrix—which not only determines benefit based on income and energy costs, but involves a more in-depth assessment of household expenses.

OHCS Response: *As stated within the 2009 State Plan, Oregon Housing and Community Services intends to develop and implement a benefit matrix that more carefully measures energy costs against household income (burden based). This will likely eliminate the need for a two tiered system based on housing subsidy.*

The 2009 State Plan also addresses the need for more in depth services through our E2C2 program, which includes comprehensive assessment, case management and energy education services for LIHEAP households. The State of Oregon will take the full, allowable 5% of the LIHEAP grant to use for these types of services.

Name: Mya Chamberlin
Friendly House

Comment(s): Ms. Chamberlin echoed sentiment regarding an energy based benefit matrix—however, also asked that the State of Oregon explore income exceptions for vulnerable populations. She indicated that she had heard of elders in her community who were trading food stamps for money to pay electric bills, then selling their medication to buy food.

Ms. Chamberlin suggested that agencies across our state consider deduction of medical expenses from monthly income to ease cost burden among elderly Oregonians.

OHCS Response: *Although not laid out in the State Plan, our network is currently evaluating our statewide income criteria—comparing our current charts with other states/programs. Your suggestion will be considered as we develop and revise guidelines related to income sources.*



Helping families in need stay warm and safe

08/12/08

Oregon Housing and Community Services
725 Summer St. NE, Suite B
Salem, Oregon 97301-1266

RE: Comments on the 2009 LIHEAP State Plan

Dear Melissa,

The Oregon Energy Coordinators Association (OECA) is the statewide association of Oregon's Energy Network agencies who are sub-grantees to OHCS for service delivery of LIHEAP. As many of our association members will be delivering written comments to OHCS on this Plan, OECA is offering the following comments.

First and foremost, we would like to extend a great deal of gratitude to our state LIHEAP Coordinator for the time and effort put into developing the 2009 State Plan (Draft). This plan lends much assistance toward such objectives as transparency in policy making, the equitable allocation of resources and the opportunity for our members to participate in policy development at the state level.

Towards these ends, we respectfully request that Oregon Housing and Community Services reproduce all public comments on this plan, distribute them to our associated agencies and make them available to the public at large. Such action would continue the cause of transparency as well as the streamlining of services across state energy programs.

While we value any opportunity to be involved in the review and formation of state energy policy, it must also be noted that we do not find a comment period of two weeks to be an adequate allotment of time for public comment. It is widely known across energy programs that funding levels (i.e., staffing levels) do not allow for the flexibility of shifting or delaying current workloads to accommodate a two week turn-around for review and comment. In the future, we request this plan be put out for public comment a minimum of one month prior to any deadline.

It is also our hope and expectation that comments received on this Plan will be reviewed and seriously considered as potential changes to the Plan itself. We hope that comments are not seen simply as the fulfillment of a public comment requirement.

Marc A. Hinz,

Executive Director

Oregon Energy Coordinators Association
2585 State Street Salem, Oregon 97301



CITY OF
PORTLAND, OREGON
BUREAU OF HOUSING AND
COMMUNITY DEVELOPMENT

Nick Fish, Commissioner
Will White, Director
421 SW 6th Avenue, Suite 1100
Portland OR 97204
(503) 823-2375
Fax (503) 823-2387
www.portlandonline.com/BHCD

August 14, 2008

Oregon Housing and Community Services
Attn: Melissa Torgerson
725 Summer Street NE, Suite B
Salem, OR 97301

Re: Proposed 2009 LIEAP Detailed State Plan for Oregon

Dear Ms. Torgerson,

I am writing out of concern for the low-income residents of this region. As you may know, the Bureau of Housing and Community Development for the City of Portland provides funding to many community-based agencies that serve low-income people with programs intended to prevent and end homelessness, increase housing choice for low-income households, and expand access to economic opportunity for low-income people. According to 2000 Census data, more than two-thirds of Multnomah County's extremely low-income households -- including seniors on fixed incomes, hard-working families, and people with disabilities -- are "rent-burdened" (paying more than 30% of household income on rent and utilities). Of these, more than half are suffering under an extreme rent burden (paying more than 50% of their household income on rent).

These rent-burdened households are already facing hard choices, because their incomes cannot stretch to cover groceries, medicine, and other necessities as well as rent. Living at the edge, they are at increased risk of homelessness. They cannot be expected to absorb the projected rate increases from the natural gas and electric utilities.

We recognize that it will be very challenging for OHCS to distribute the 2009 LIHEAP, since the funding is not nearly adequate to the need. We recommend that OHCS use a simple and rational distribution formula that provides assistance based on household size and regional energy cost, with priority in all regions given to households of people with disabilities, the elderly, and families with young children. OHCS should also seek to supplement the LIHEAP resources with other funds. The City will continue to work with our delegation at the federal level to secure increased LIHEAP funding.

Sincerely,

William L. White, Director



Yamhill Community Action Partnership

August 15, 2008

Melissa Torgerson
LIEAP Statewide Program Coordinator
Oregon Housing and Community Services
Salem, Oregon 97309-0409

Re: State of Oregon – Low Income Home Energy Assistance (LIHEAP)

I recommend the following general comments in reference to the Low Income Home Energy Assistance (LIHEAP):

- Gratitude is offered to the LIHEAP Coordinator for time and effort put into the development of the 2009 State Plan. The collaboration efforts by OHCS staff and Network Agencies throughout this process is fully recognized, applauded, and recommended for future program enhancement.
- It is extremely important to allow agencies that administer the program sufficient time to respond, either at the public hearing or in writing. The LIHEAP State Plan should be made available 30 days prior to the public hearing for adequate time for comment. Additional time should be extended after the public hearings for submission of written comments from individuals and/or agencies that were unable to attend.
- All comments provided in writing and/or at the Public Hearing are distributed to the associated agencies and made available to the public at large.
- YCAP supports the use of Training & Technical Assistance funding for agencies to enhance their programs by peer exchange (visiting other agencies), attendance to National Conferences or other activities deemed necessary and appropriate under the definition of Training and Technical Assistance.

Please accept the following comments as additional written testimony in response to the Oregon Low Income Home Energy Assistance Program (LIHEAP).

Page 11 Reference: 2605(c)(1)(A), Weatherization

Comment: In reference to "Up to 15% weatherization funding", YCAP supports this as the minimum and recommends that the additional 10% of waiver funding be requested to support weatherization services. It is vital for YCAP to have flexibility to request the additional waiver amount to maintain Weatherization Services.

Smaller agencies that receive lower grant awards have difficulty maintaining a twelve-month program without this additional waiver amount. The long-term benefits to clients resulting from

weatherization services include but are not limited to: lower heating bills, energy efficient housing, and a safer, healthier home environment. In some cases, reduction of the energy burden has resulted in households no longer in need of energy assistance. Please keep this flexibility an option to agencies.

Page 12 Reference: 2605(b)16, Energy Education and Consumer Competency Program

Comment: In reference to 5% of the Oregon LIHEAP grant will be used to meet E2C2 objectives, YCAP recognizes and supports the allowance of activities under this category. However, the specified term “will” implies a “use it here or lose it” concern which does not provide agencies local control and flexibility to identify its own unique circumstances for providing services. YCAP recommends that flexibility be reinstated to allow agencies to redirect funds for direct bill payment assistance if necessary.

The efforts by OHCS staff to provide opportunities for enhancement to programs that serve disadvantaged individuals in the State of Oregon are greatly appreciated.

If you would like further clarification of my comments, please feel free to contact me at 503-883-4174.

Respectfully given,

Signature on file

Kraig Ludwig
Energy Services Coordinator

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Victor Merced
Director, Oregon Housing and Community Services

8-28-08

Date

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

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

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

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

Attachment E—Certification of Drug Free Workplace

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

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

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

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

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs;
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --

Attachment E—Certification of Drug Free Workplace

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

**North Mall Office Building
725 Summer Street, N.E.
Salem, Oregon 97301**

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Primary Covered Transactions --Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

Attachment F—Certification of Debarment, Suspension and Other Responsibility Matters

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

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

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

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

Lower Tier Covered Transactions--Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

Attachment F—Certification of Debarment, Suspension and Other Responsibility Matters

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.**
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.**

OMB Control No. 0970-0040

LIHEAP Household Report—Federal Fiscal Year 2008—Long Format

Expiration Date: OMB Approval Pending

Grantee Name: State of Oregon

Contact Person: Melissa Torgerson

Phone: 503-985-2054

Date: August 25, 2008

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

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

Do the data below include estimated figures? No Yes X

1. RECOMMENDED LONG FORMAT FOR LIHEAP ASSISTED HOUSEHOLDS

Type of Assistance	Mark "X" to indicate estimated data	Number of assisted households	REQUIRED DATA					REQUIRED DATA				
			2007 HHS Poverty Guideline interval, based on gross income and household size	Under 75% Poverty	75%-100% Poverty	101%-125% Poverty	126%-150% Poverty	Over 150% Poverty	At least one member who is 60 years or Older	At least one member who is Age 5 years or under	At least one member who is Age 2 years or under	Age 3 years to 5 years
Heating		85,458	20,498	17,474	8,934	7,918	7,991	21800	23742	13747	8529	8653
Cooling												
Winter/year round crisis		6,891	2,934	1,933	874	792	818	1689	2288	1809	1096	1140
Summer crisis												
Other crisis (Furnace)		92	26	24	17	8	18	38	34	12	8	7
Weatherization	X	1,660	600	427	236	183	184	550	460	250		

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

Type of Assistance	Mark "X" to indicate estimated data	Number of applicants households	REQUIRED DATA					REQUIRED DATA	
			2007 HHS Poverty Guideline interval, based on gross income and household size	Under 75% Poverty	75%-100% Poverty	101%-125% Poverty	126%-150% Poverty	Over 150% Poverty	Income data Unavailable
Heating		84,787	20,792	17,682	8,798	8,020	8,497		
Cooling									
Winter/year round crisis		6,808	2,881	1,369	892	741	833		
Summer crisis									
Other crisis (specify)		94	26	24	17	8	19		
Weatherization	X	3,000	953	819	453	371	393		

Note: Include any notes below for section 1 or 2 (Indicate which section, type of assistance, and item the note is referencing):

- a. "Applicant Households" include those households who applied for services, were entered into the Statewide database, and did not receive a benefit. This data does not reflect the number of households who sought LIHEAP services.
- b. As the Weatherization module of our statewide database is under construction, poverty level numbers for WX households have been imputed based on LIHEAP household income levels.