

- The most effective way of preventing wood vendor problems is to provide close staff monitoring. This will ensure that a sufficient quantity and quality of wood is delivered before the vendor is paid.

Similar problems may occur with fuel oil or coal vendors as with wood vendors. Since these businesses also tend to be small and independently owned, there is the same potential for fraud as with wood vendors. Again, the best prevention for these types of problems is to provide close staff monitoring and work with reputable dealers.

ESTABLISHING AN ENERGY CRISIS INTERVENTION PROGRAM

What must be considered when running an Energy Crisis Intervention Program?

1. Funds Set Aside for Crisis

One decision you must make concerns the amount of funds you want to reserve for an energy crisis intervention program. The law states that of the funds available to the tribe for LIHEAP, a reasonable amount, based on data from prior years, is to be reserved until March 15 by the tribe for energy crisis intervention. Many tribes reserve a percent of their allotment for crisis programs. This ensures that the tribe will have funds to respond to emergencies until March 15.

2. Types of Crisis Programs

The law requires tribes to offer assistance for energy crisis situations. A tribe may decide to run a separate LIHEAP crisis program from its heating program. In this case, households would apply for their regular heating benefit and later, if they experience an energy crisis, they could apply for a crisis benefit. Some tribes prefer to run a “fast track crisis program.” In this type of program, tribes only offer a regular heating benefit, but expedite the benefit if the household is experiencing a crisis situation. A crisis benefit or an expedited heating benefit must meet the timeframes described below. Tribes also have the option to provide crisis benefits for cooling emergencies during hot summer months.

3. Time Limits on Responses to Crisis

The law requires that some form of assistance that will resolve the energy crisis must be provided within 48 hours after an eligible household applies for crisis assistance or within 18 hours if the household is in a life-threatening situation. This may create a need for service during evenings and weekends. Tribes need to consider how they will meet these time limits for delivering crisis assistance. To provide assistance quickly, some tribes have agreements with vendors to provide immediate assistance when contacted by the tribal LIHEAP coordinator.

4. Client Accessibility to the Crisis Program

Tribes must accept crisis applications at sites located near (accessible to) the tribal population to be served. They must provide to physically infirm low-income persons the means to submit applications for energy crisis benefits without leaving their homes or to travel to sites where energy crisis applications are accepted. Tribes may need to consider placing intake centers for crisis applications in areas most frequented by their service population and providing home visits for those individuals unable to travel to intake centers.

Exemptions:

In the case of a major disaster or an emergency, HHS may grant an exemption from the following crisis assistance requirements:

- 48 hour and 18 hour time limits;
- accepting applications near the tribal population; and
- providing the low-income physically infirm the means to apply from their home or to travel to intake sites.

To receive an exemption from these requirements, the chief executive officer (tribal chairperson) of the tribe must request an exemption from the Secretary of HHS in accordance with the procedures described in section 96.89 of the block grant regulations. (See Appendix II.)

5. Eligibility

The tribe needs to decide what maximum income level to use for the crisis program. Will it be the same as the guidelines for the heating program or different?

6. Definition of a Crisis

The statute at Section 2603(2) defines an “energy crisis” to mean:

“...weather-related and supply shortage emergencies and other household energy-related emergencies.”

The tribe needs to decide what types of energy crisis situations will the tribe assist under LIHEAP? The tribe needs to define what is a crisis situation and when does the crisis become life-threatening?

7. Use of Funds After March 15

Tribes need to decide how they will use crisis funds that are not spent on emergencies after March 15. The tribe may continue to use the funds for crisis assistance but also may use the funds for heating assistance, cooling assistance, weatherization, or be included in the 10% carryover amount for the next fiscal year.

8. Crisis Benefits

Some tribes offer assistance in the amount to relieve the emergency up to a specific limit. The following is a list of what types of assistance crisis programs may provide. These are examples and may not include all benefits that can be provided under crisis programs. If you have any questions about other benefits you would like to provide, contact your HHS liaison.

- cash to meet the emergency
- delivery of fuel
- repair or replacement of furnace, heater, stovepipe, chimney or other equipment
- purchase or loan of space heaters, oil tanks, blankets, sleeping bags or warm clothing
- emergency lodging relating to loss of household heat
- prevention of shutoffs
- payment of reconnection charges
- purchase or loan of air conditioners or fans
- assistance with vendors, budget counseling, and case management
- other energy-related crisis assistance approved at the tribal level

ESTABLISHING A WEATHERIZATION PROGRAM

Do you want to use some of the funds for a weatherization program to provide low-cost residential weatherization and other energy related home repair?

The law permits tribes to use up to 15% of the LIHEAP funds allotted to the tribe or 15% of the LIHEAP funds available to the tribe under this title for such fiscal year, whichever is greater, for low-cost residential weatherization or other energy related home repair for low income households. Most tribes interpret "funds allotted" to be the amount of their LIHEAP allocation and "funds available" to be the amount of their LIHEAP allocation plus the amount of any funds transferred into LIHEAP or carried over from the prior year. (Leveraging incentive award funds may not be included in the base amount used to determine your 15% for weatherization but can be used for LIHEAP weatherization and other energy related home repair, not subject to the 15% limitation.)

This is an optional program. Some tribes have decided to provide emergency heating repairs or replacement or the installation of air conditioners under their crisis assistance program. This allows the tribe to provide these benefits without being limited by the 15% cap on the weatherization program.

Final block grant regulations issued in May 1995 permit tribes to request a waiver of the 15% limit to increase the amount to be used for weatherization up to 25%, if certain conditions are met. See the Weatherization Waivers section on page D-36 for the conditions necessary and procedures to request a weatherization waiver.

Many tribes use LIHEAP funds for weatherization believing that in the long run it will lower the need for energy assistance. If a tribe decides to run its own LIHEAP Weatherization Program, LIHEAP statutory rules and regulations apply to the use of those funds. If LIHEAP

funds are used to supplement a tribe's existing DOE (Department of Energy) weatherization program, the tribe has the choice to follow the DOE Weatherization Assistance Program rules, or all the LIHEAP rules, or parts of both.

Listed below are some examples of how tribes have used LIHEAP funds to provide for weatherization services:

- caulking
- weatherstripping
- insulation
- storm windows
- heating system repairs or replacement
- conservation education
- easy do-it-yourself weatherization kits

Some tribes have increased the amount of funds for their weatherization programs through the use of funds granted by the Community Services Block Grant (CSBG) or private utility companies. Tribes should note, however, that other federal funds may not be used to supplement funds used for administrative costs of the LIHEAP program. (Any non-federal funds added to the Weatherization program to provide benefits to LIHEAP-eligible households could be reported under the Leveraging Incentive Program described in Section K.)

WEATHERIZATION WAIVERS

The LIHEAP statute allows grantees to use up to 15% of the annual LIHEAP allotment for weatherization and other energy related home repairs as explained above. Grantees may use up to 25% for weatherization if they request and receive a waiver. Providing a weatherization program through LIHEAP is optional. Some tribes do not have a separate weatherization program but do provide energy-related home repair or weatherization through their LIHEAP crisis assistance program. This section explains how to request a weatherization waiver to use up to 25% of your LIHEAP allotment for weatherization or other energy related home repairs.

A grantee may request a waiver after March 31 in the fiscal year in which the additional weatherization funds are needed. A waiver request must be in writing. The waiver request does not increase the overall amount of funds granted to the tribe, but increases the amount of funds the tribe may use in its weatherization program. The criteria for requesting a waiver are listed in the block grant regulations at 45 CFR 96.83, a copy of which may be found in Appendix II. Below, we explain parts of these regulations and provide a checklist to guide you when applying for a waiver. If you still have questions after reading this section, please contact HHS.

TYPES OF WEATHERIZATION WAIVERS

There are two types of waiver requests. In the first type, a grantee must meet certain conditions, and this is called a "Standard Waiver." If one of the conditions is not met, the grantee may apply for a "Good Cause Waiver."

WHO SIGNS THE WAIVER REQUEST?

Waivers must be signed by the tribal chairperson or the chief executive officer of a tribal consortium or a tribal organization. Or, these officials may designate someone else to sign the request. If a designee signs the waiver request, a written delegation of authority signed by the chairperson or chief executive officer must be provided.

WHEN CAN WAIVERS BE SUBMITTED?

Waiver requests must be submitted after March 31 in the fiscal year in which the additional weatherization funds are needed. If a grantee wishes to apply for a waiver before March 31 of the fiscal year in which they are requesting the waiver, they may do so between February 1 and March 31. This request is called a “preliminary waiver request.” This request must include information needed under paragraphs (c)(1) through (c)(6) of section 96.83, and then after March 31, the tribe must submit information required in paragraphs (c)(7) through (c)(10) of section 96.83 of the block grant regulations (see page D-41).

WHERE DO YOU SUBMIT WAIVERS?

Once you have completely filled out the information needed for a standard waiver, a good cause waiver, or a preliminary waiver request, you must submit it to:

Director
Division of Energy Assistance
Office of Community Services, ACF, HHS
370 L’Enfant Plaza Promenade, S.W., 5TH Floor West
Washington, D.C. 20447

HOW DO YOU KNOW A WAIVER IS APPROVED?

The waiver request will be reviewed by HHS, and you may be contacted for more information or clarifications. HHS will then determine whether you meet the criteria for a waiver and will provide the decision to you in writing.

WHAT INFORMATION IS NEEDED FOR A WAIVER REQUEST?

On the following pages we have provided a checklist that contains all the information needed by HHS to evaluate your waiver request. You may copy this for use in submitting your waiver request.

WEATHERIZATION WAIVER REQUEST