



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Community Services | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/ocs

Low Income Home Energy Assistance Program Action Transmittal

AT#: LIHEAP-AT-2022-04

DATE: June 9, 2022

TO: All LIHEAP Grant Recipients

SUBJECT: Model Plan Application for LIHEAP Funding for Federal Fiscal Year (FY) 2023 (Application deadline Thursday, September 1, 2022)

ATTACHMENT(S): [1. Submission Option 1-How to Use the Clone Report Feature in OLDC to Submit a New FY 2023 LIHEAP Plan](#)
[2. Submission Option 2—How to Submit a Certification Letter Requesting Extension of FY 2022 LIHEAP Plan into FY 2023 Using Plan Revision](#)

RELATED REFERENCES: [Low Income Home Energy Assistance Act, as amended \(42 U.S.C. § 8621 et seq.\)](#); [LIHEAP IM 2022-03 Federal Poverty Guidelines for Optional Use in FFY 2022 and Mandatory Use in FFY 2023](#); and [LIHEAP IM 2022-04 State Median Income Estimates for Optional Use in FFY 2022 and Mandatory Use in FFY 2023](#)

BACKGROUND: States, the District of Columbia, territories, and tribes/tribal organizations that wish to administer the Low Income Home Energy Assistance Program (LIHEAP) must submit an application for funds by September 1st each federal fiscal year (FY), covering a grant period of October 1 through September 30. Section 2605(c)(3) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. § 8624(c)(1)), as amended, provides that the Secretary shall make available a model LIHEAP Plan which may be used to prepare the application required under Sections 2605(a)(1) and (c)(1) (42 U.S.C. § 8624(a)(1) and (c)(1)). The Office of Community Services (OCS) has responsibility to review and accept LIHEAP Plan submissions on behalf of the Administration for Children and Families (ACF), which is the agency that administers LIHEAP at the federal level. The Office of Management and Budget (OMB) approved ACF's LIHEAP Plan under clearance number 0970-0075 effective through December 31, 2023. The LIHEAP Plan contains required content for all LIHEAP grant recipients for the FY 2023 program and is due to ACF via OLDC no later than Thursday, September 1, 2022. Grant recipients create/access their

LIHEAP Plan through ACF's web-based system, OLDC, located within GrantSolutions, at:
<https://home.grantsolutions.gov/home/>

PURPOSE: To provide LIHEAP grant recipients with flexibility and instructions for how to apply online for FY 2023 federal LIHEAP funding. This Action Transmittal (AT) also confirms the deadline to apply is September 1, 2022. The AT reminds grant recipients they can “clone,” or pre-populate, their prior data into a revised or new Plan submission to reduce the administrative reporting burden.

CONTENT: On March 11, 2021, the President signed the American Rescue Plan Act (ARPA) into law. On May 4, 2021, HHS released an additional \$4.5 billion in LIHEAP funding to states, the District of Columbia, territories, and Native American tribes. These funds are available for obligation through September 30, 2022. In addition to \$3.8 billion in regular block grant funds, Congress appropriated \$100 million in supplemental funding for LIHEAP in FY 2022 under the Infrastructure Investment and Jobs Act (IIJA), which the President signed into law on November 15, 2021. The Infrastructure Investment and Jobs Act provided \$500 million over five federal fiscal years in additional funding for LIHEAP.

As various jurisdictions in the country move through phases of their respective reopening plans and implementation of LIHEAP activities funded through the ARPA of 2021 and the IIJA, we remain aware that each state, territory, and tribal grant recipient faces unique local challenges in gathering information required to submit a complete FY 2023 LIHEAP Plan to OCS.

With these challenges in mind, OCS is continuing the following options for states, tribes, and territories to apply by September 1, 2022, for FY 2023 federal LIHEAP funding:

Option 1: Submit a new FY 2023 LIHEAP Plan in the Online Data Collection (OLDC) system. A tribe or tribal organization that wishes to administer its own program in FY 2023, but is not a current ACF-directly funded LIHEAP grantee in FY 2022, must submit a new FY 2023 Plan. **If a grant recipient submitted a Revised FY 2021 plan for administration of the FY 2022 program, the grantee must choose option 1 and submit a new FY 2023 LIHEAP Plan.**

or

Option 2: Existing FY 2022 LIHEAP grant recipients may submit a Revised FY 2022 LIHEAP Plan to cover FY 2023, if the grant recipient also attaches a letter addressed to the OCS Director, Dr. Lanique Howard, and signed by the grantee's authorizing/certifying official. The Revised Plan must be submitted via OLDC. The required letter must affirm the following information:

- The grant recipient requests that ACF extend the Revised FY 2022 Plan to cover the grantee's FY 2023 LIHEAP during the period of October 1, 2022 through September 30, 2023;

- The grant recipient certifies that it will continue to adhere to the assurances in the federal LIHEAP statute at 42 U.S.C. § 8624(b) in its administration of the FY 2023 program;
- The date the grant recipient adopted, or will adopt, the most current Federal Poverty Guidelines (FPG) or State Median Income (SMI) estimates. It must also confirm whether the grant recipient is implementing FPG or SMI as its basis for income eligibility, per the statute at 42 U.S.C. 8624(b)(2)(B). Note: Updated FPG and SMI guidance are posted to the LIHEAP website under the Information Memorandum section;
- Attach the updated benefit matrix or benefit calculation explanation that the grant recipient will use in FY 2023;
- Attach an updated delegation letter if there has been a pertinent change to the terms or parties of the letter submitted for FY 2022, such as a change in governor/tribal chief, designee, or effective period; and,
- A list of which sections of the Revised Plan include program changes that will be effective for its FY 2023 program—meaning, changes that will only apply to its FY 2023 program. This must include an update regarding the extent to which the grant recipient obtained public participation on its Revised FY 2023 LIHEAP Plan for use in FY 2023 and new program dates in the SF-424 form.

Grant recipients must select one of the two options listed above and take action in the OLDC system no later than September 1, 2022, before ACF will award FY 2023 LIHEAP funding.

ACF is offering this application flexibility for FY 2023 but it is not a permanent change to the application process for future years.

Grant recipients should keep the below considerations in mind when deciding which submission option is appropriate for their circumstances. Note: If a grant recipient submitted a Revised FY 2021 plan for administration of the FY 2022 program, the grant recipient must choose option 1 and submit a new FY 2023 LIHEAP Plan.

REQUIREMENT	OPTION 1 (New 2023 Plan)	OPTION 2 (Revised 2022 Plan)
Eligible grant recipient	All states, tribes, territories and new or returning applicant tribes.	Existing LIHEAP grant recipients that submitted a new Plan for FY 2022.
Public Hearing and Public Participation on Plan	<p>Required of states and territories, but virtual hearings are encouraged if permissible under statewide/territory-wide public hearing laws.</p> <p>Tribes are not required to hold hearings but must obtain timely and meaningful public participation.</p>	No hearings are required, but all grant recipients must obtain timely and meaningful public participation.
Delegation Letter for Authority to Certify the Plan and LIHEAP Assurances	Required. Grant recipient can use its 2022 delegation letter if all the information remains accurate regarding the governor/tribal chief, the designee, and the effective period of the delegation authority. A new letter must be uploaded if any details have changed.	Required. The existing letter will automatically upload as an attachment to the Revised Plan; however, grant recipients must replace the attachment with a new letter if any of the key information is no longer valid.
Letter of Intent to Administer LIHEAP in FY 2023	n/a	Required attachment to the Revised 2022 Plan, as discussed above in this AT.
OLDC Submission Process	Grant recipients may “initialize” a 2023 Plan, or “clone” their most current 2022 data into the 2023 Plan. Data must be edited to make relevant updates.	Grant recipients find their FY 2022 LIHEAP Plan in OLDC and select the “new/edit/revise” action to create a Revision. All data and attachments will re-populate in a Revised form and be available to grant recipients to edit, certify, and submit.

Plan Submission Deadline:

The deadline for the FY 2023 Plan or Revised FY 2022 Plan covering FY 2023 is September 1, 2022.

Grant recipients must submit an application (LIHEAP Plan) to ACF each federal fiscal year in order to receive LIHEAP funds from ACF. However, during the pandemic, grant recipients can choose to take action in OLDC using one of the two flexibilities listed above (Option 1 or Option 2). Further information about the submission and review timeframes is explained in the last section of this AT, under *Timely Submission and Completion of Plans*.

Transferring Prior-Year Information into a New Plan (OLDC “Clone” Feature) or Revised Plan:

OPTION 1 (FY 2023 Plan): All LIHEAP grant recipients selecting this option must complete the entire LIHEAP Plan for FY 2023 in OLDC. Grant recipients can transfer information from the FY 2022 LIHEAP Plan (prior plan) into the new Plan by using the “Clone Report” feature in OLDC. Attachment 1 below provides step-by-step instructions for how to use the “Clone Report” feature.

After transferring prior year information into the new Plan, at a minimum, grant recipients must update responses to the following sections:

- SF-424 Mandatory Grant Application section – Fields 1.d, f, (if new contact), 14.a Funding Period and Authorized Official through the Letter of Delegation
- Section 2—Heating Assistance, 2605(b)(2)– Question 2.1 Eligibility Threshold;
- Section 3—Cooling Assistance, 2605(b)(2) – Question 3.1 Eligibility Threshold;
- Section 4 – Crisis Assistance, 2605(c) - Question 4.1 Eligibility Threshold;
- Section 5—Weatherization Assistance, 2605(b)(2) – Question 5.1 Eligibility Threshold;
- Section 8 – Agency Designation, 2605(b)(6) - Assurance 6 question 8.8;
- Section 10 – Program, Fiscal Monitoring, and Audit, 2605(b)(10) - Assurance 10, questions 10.3 and 10.9-10.12;
- Section 11 – Timely and Meaningful Public Participation, 2605(b)(12) - Assurance 12, 2605(c)(2), questions 11.1-11.6 (all the questions in Section 11);
- Section 12 – Fair Hearings, 2605(b)(10), questions 12.1-12.3;
- Section 13 – Reduction of home energy needs, 2605(b)(16), questions 13.1-13.6 (all the questions in Section 13); and
- Section 16 – Performance Goals and Measures, 2605(b). This section is required of state grant recipients only and optional for other grant recipients.
- Attach supporting documentation or provide links to supporting documents online, as needed, such as policies and procedures.

OPTION 2 (Revised 2022 Plan): Grant recipients selecting this option must create a Revised FY 2022 Plan by locating their FY 2022 Plan in OLDC on the Report Form Entry screen. After locating the 2022 Plan, grant recipients select the activity to “revise” the plan. The Report Form will automatically duplicate the last version of the grant recipient’s FY 2022 LIHEAP Plan and make all fields available for editing by the grant recipient. The grant recipient must follow the usual steps to edit, validate, certify, and submit the Revised Plan in order to complete its submission to ACF. Attachment 2 below provides step-by-step instructions on how to create a Revised LIHEAP Plan. **If a grant recipient submitted a Revised FY 2021 plan for administration of the FY 2022 program, the grant recipient must choose option 1 and submit a new FY 2023 LIHEAP Plan.**

A note on Leveraging activities: The LIHEAP Plan includes an optional section to explain possible leveraging activities the grant recipient may take during FY 2023. Completing this section of the Plan is one requirement to receiving a separate Leveraging grant from ACF, if funding is available. However, ACF awards Leveraging grants in the fiscal year following the year the grant recipient conducted the Leveraging activities. Therefore, if funding is available, ACF would award Leveraging grants in FY 2023 based upon a separate Leveraging Report that would be reconciled against the responses in the FY 2023 LIHEAP Plan for Leveraging activities that took place in FY 2022. ACF last awarded Leveraging grants in FY 2012 and has no estimate for when federal Leveraging grants will become available again.

Assurances and Certifications:

The Assurances displayed in the second to last section of the LIHEAP Plan are from the federal LIHEAP statute (42 U.S.C. § 8624(b)(1)-(16)). LIHEAP regulations at 45 C.F.R. § 96.10(b) require that the 16 Assurances (15 for tribes and some territories) in the LIHEAP statute be certified by the grant recipient’s Chief Executive Officer or “by an individual authorized to make such certifications on behalf of the Chief Executive Officer.” If you are submitting a complete Plan in FY 2023, please be sure that the governor or Tribal chairperson (1) certifies the Assurances or (2) has specifically delegated authority to “certify” the LIHEAP Assurances to another person and/or position (not merely the department or agency). The grant recipient must attach the delegation letter to the Plan in OLDC. It is insufficient to submit a general delegation letter that permits someone to “administer” LIHEAP or one that delegates authority to certify Assurances, but which fails to specify LIHEAP.

In addition to the Plan, grant recipients must also complete or update the Mandatory Grant Application SF- 424, which is the first section of the LIHEAP Plan in OLDC. The person that is designated to “certify to the LIHEAP assurances” must have an OLDC account and, while logged into their OLDC account, must be the person that clicks the “Certify” and “Click to Sign” buttons for the LIHEAP Plan in OLDC. This is because the SF- 424 requires electronic signatures for the LIHEAP Assurances. Therefore, if the Governor or Tribal Chairperson chooses not to designate

someone else to sign the LIHEAP Assurances, then the Governor or Tribal Chairperson must have his or her own OLDC account and “certify” the FY 2023 LIHEAP Plan.

The OLDC Grant Administrator in your office can establish additional OLDC accounts for users such as the Governor or Tribal Chairperson. To do so, complete the attached Request Form to Access OLDC and submit to your liaison. Please contact your liaison with our office if you need assistance. The contact information for all LIHEAP Liaisons is at the end of this guidance. Grant recipients can find a tutorial on how to create new accounts in OLDC here:

<https://home.grantsolutions.gov/home/getting-started-request-a-user-account/>

States, the District of Columbia, and territories receiving more than \$200,000 must describe in their new FY 2023 Plans how they will carry out Assurance 15 (Section 2605(b)(15) of the LIHEAP statute. Assurance 15 requires such grant recipients to offer LIHEAP intake services in addition to those available through agencies also administering the Temporary Assistance for Needy Families (TANF) program. An attachment may be added or entered in any of the fields in Sections 2, 3, & 4.

Clicking the “Certify” and “Click to Sign” buttons prior to submission of the entire LIHEAP Plan effectively renders that certifications signed.

Other Certifications:

1. All LIHEAP grant recipients must agree to the Certification Regarding Debarment, Suspension, and Other Responsibility Matters.
2. All LIHEAP grant recipients must submit the Certification Regarding Drug-Free Workplace Requirements unless a state has submitted a statewide assurance to the U.S. Department of Health and Human Services. When completing this certification, be sure to enter the grant recipient’s physical address in the appropriate fields, rather than a P.O. Box.
3. All states and the District of Columbia must file the Certification Regarding Lobbying and, if applicable, Form LLL, which discloses lobbying payments. Tribes and tribal organizations are not required to file the Certification Regarding Lobbying.

The LIHEAP Plan form in OLDC, Sections 18-20, incorporates all of the above certifications. Please ensure that the certification checkbox is marked in each required certification’s section.

Public Participation:

OPTION 1 (2023 Plan):

- States and Territories: The federal law requires states and territories to conduct public hearings on the initial FY 2023 LIHEAP Plan (42 U.S.C. Section 8624(a)(2)). However, states/territories are strongly encouraged to follow the [CDC guidance](#) for avoiding

and/or minimizing congregation of people in its administration of LIHEAP. Grant recipients should follow their own state and territorial procedures for public hearings.

- Tribes: No hearing is required of tribal grant recipients. However, tribal grant recipients are required to obtain timely and meaningful public participation/input from their communities regarding their proposed/draft FY 2023 LIHEAP Plan. This may include some combination of web postings, public service announcements, comments by email/phone, stakeholder calls, etc. Tribes must follow their tribal-wide rules for public participation that they would use with tribal funding. **Note:** Timely means that public participation process must be done in advance of and prior to the submission of the plan to get public comments and allow enough time for internal review.

OPTION 2 (Revised 2022 Plan): No hearing is required under the federal LIHEAP law. However, all grant recipients are required to obtain public input on any substantial changes (as defined by the grantee) to the Revised FY 2022 Plan covering 2023 (42 U.S.C. § 8624(c)(2)). The public input should be reasonable to provide the grantee information about how the proposed changes will impact their stakeholders, including target beneficiary population.

Required Plan Attachments: The following documents must be attached to the application in OLDC to be considered complete.

OPTION 1 (new FY 2023 Plan):

- Delegation Letter (required if someone other than the Governor or Chairman certified this report).
- Benefit matrices showing all applicable benefit types, such as heating, cooling, and crisis.
- Minutes, notes, or transcripts of public hearing(s) (states/territories only) or public participation (tribes).

OPTION 2 (Revised 2022 Plan):

- All of the attachments noted for Option 1 above; and,
- The certification letter requesting the extension of the Plan to cover FY 2023, as described earlier in this AT.

For Tribal Applicants: For directly funded tribes that annually receive smaller LIHEAP grant amounts, HHS encourages those grant recipients to join an existing consortium in their states or form a consortium with neighboring tribes to apply for LIHEAP federal grants to reduce their administrative burdens in submitting the LIHEAP Plan and the required reports. For information on how to form or join a consortium, inquire with the [assigned liaisons](#) listed in the LIHEAP website. This information is available at Section B of the [LIHEAP Grantee Resource Guide](#) (formerly known as the Tribal Manual).

Separate Reports Required for Funding: This is a summary of the annual reports grant recipients should anticipate submitting this year before ACF issues any FY 2023 LIHEAP funding. ACF anticipates releasing separate ATs for each of the following reports.

FY 2022 LIHEAP HOUSEHOLD REPORT:

The statute requires that complete LIHEAP Plans MUST include the LIHEAP Household Report for the current federal fiscal year regarding assisted households and households applying for assistance.

The LIHEAP statute requires the Secretary to collect data on the number and income levels of households assisted and the following additional household data for both regular funding and separately for supplemental funding such as ARPA and IJJA:

- Number of assisted households with at least one young child;
- Number and income levels of households applying for LIHEAP assistance; and
- Number of assisted households with at least one or more individuals who are 60 years or older or disabled.

States, the District of Columbia, and territories with regular allotments of \$200,000 or more must collect this data on their FY 2022 applicant and recipient households in order to submit the data on the FY 2022 LIHEAP Household Report Long Form – ACF-121 as part of their FY 2023 grant applications.

All tribal grant recipients, and territories with regular allotments of less than \$200,000, are required to submit the FY 2022 LIHEAP Household Report Short Form, ACF-120, that contains information on just the number of households served in each of its program components, i.e., heating, cooling, crisis, and weatherization. ACF will issue a separate AT with further instructions for the Household Report.

The deadline for the estimated FY 2022 Household Report is September 1, 2022, but we will consider written reasonable extension requests. If grant recipients report estimates or have changes to previously reported data, grant recipients must submit a Revised FY 2022 Household Report no later than December 31, 2022, with final data. ACF will consider written reasonable extension requests.

Regardless of submission option exercised, all grant recipients must submit an estimated or final LIHEAP Household Report through OLDC prior to receiving FY 2023 funding.

FY 2022 LIHEAP CARRYOVER AND REALLOTMENT REPORT:

The federal statute requires that complete LIHEAP Plans MUST include data from grant recipients regarding the amount of federal LIHEAP funding grant recipients intend to carry over from the current federal fiscal year.

This report includes the amount of all regular block grant funds each grant recipient will carry over from FY 2022 to FY 2023 up to the 10 percent limit. When determining the total carryover amount, grant recipients must conduct a separate analysis of their FY 2021 supplemental ARPA funding because these funds have a different obligation timeframe, e.g., ARPA funds can only be obligated between March 11, 2021 through September 30, 2022. ARPA funds awarded in FY 2021 cannot be carried over to FY 2023, but grant recipients must report any ARPA funds that remain unobligated after September 30, 2022.

If ARPA funds were obligated between March 11, 2021 through September 30, 2022, those funds must be included in the total FY 2021 or FY 2022 obligation amount and must be reported in FY 2021 and/or FY 2022 Carryover and Reallotment Report, depending on the obligation fiscal year.

The report also includes any balance of funds that the grant recipient has available for reallotment by ACF, i.e., due to exceeding the carryover limit or failure to obligate within the allowed timeframe. Prompt submission of this report allows grant recipients and ACF to identify potential under-obligation of funds so that program administration adjustments might be made to ensure timely obligation of funds before the end of the federal fiscal year.

The deadline for the FY 2022 Carryover Report (0970-0106) is August 1, 2022. ACF will consider reasonable extension requests on a case-by-case basis upon advance written request from grant recipients. ACF will issue a separate AT with further instructions for the FY 2022 Carryover and Reallotment Report.

Grant recipients must submit final Carryover and Reallotment Report data by December 31, 2022 as they reconcile the data with their FY 2022 Federal Financial Report SF- 425 and for states, the LIHEAP Performance Data Form (LIHEAP PDF).

STANDARD FORM (SF) 425, FEDERAL FINANCIAL REPORT (FFR):

As required by the two sets of ACF Grant Terms and Conditions (for all mandatory grants—paragraph 21—and for LIHEAP grants—paragraph 7), all LIHEAP grant recipients are required to submit an annual SF-425 Federal Financial Report (FFR) no later than December 31st regarding the prior federal fiscal year. A separate SF-425 is due for each LIHEAP “CAN” in the Payment Management System (PMS). For example, all LIHEAP grant recipients must submit separate SF-425s for the regular FY 2022 regular block grant LIHEAP funding, the supplemental FY 2021 ARPA funding, FY 2022 IJIA Funds and the 2021 reallotment grant award that will be

forthcoming in FY 2022. All of these SF-425s will be due to ACF via online submission in the Payment Management System by December 31, 2022. Each form must reflect how much of those respective federal funds you obligated by September 30, 2021. ACF will issue a separate AT with further instructions for the SF-425 Report. Note: the submission process for FY 2022 reflects a change in which system grant recipients must submit their SF-425s, i.e., via PMS instead of OLDC. This system change only applies to the SF-425 form.

LIHEAP PERFORMANCE DATA REPORT (PDF):

This annual program report is due January 31, 2023 and is required of state LIHEAP grant recipients only. ACF will issue a separate AT to state grant recipients with further instructions for the FY 2022 LIHEAP Performance Data Report.

Timely Submission and Completion of Plan and Reports: OCS requires grant recipients to submit the FY 2022 LIHEAP Carryover and Reallotment Report by August 1, 2022, an estimated FY 2022 LIHEAP Household Report, and the annual LIHEAP Plan through OLDC no later than September 1, 2022.

These documents are only accepted via the OLDC system unless technical limitations require an alternative submission method. If this is the case, please contact the LIHEAP Regional Liaison for your region in advance of the deadline.

As noted above, all necessary information must be included in the Plan and properly certified by the appropriate grant recipient official before it can be accepted by OCS as complete and ready for to ACF issue a grant award.

Submission Deadline Extension: If a grant recipient anticipates needing an extension of the September 1st submission deadline, the grant recipient must submit a letter requesting a deadline extension. The letter must be uploaded as an attachment to an “initialized” FY 2023 Plan or the “initialized” Revised FY 2022 Plan. The letter must provide a specific, reasonable alternative date and a brief explanation of the reason for needing an extension. Tribal grant recipients must obtain written agreement of the extension date from the states in which the tribe’s service areas are located. The state’s email or letter of concurrence must also be included as an attachment to the initialized 2023 Plan or Revised 2022 Plan. **Extension requests must be submitted to OCS prior to September 1, 2022.**

Follow-up Action on Plan Submissions: Upon receipt of 2023 Plans and Revised 2022 Plans, OCS staff will review the Plans and either reject the Plan back to the grant recipient via OLDC or accept the plan in OLDC. Grant recipients whose plans are “accepted” in OLDC have no further action to take on the Plan. Grant recipients whose plans are “rejected” in OLDC must take immediate action to edit their Plans according to the comments in the OLDC review sections of the Plan and resubmit the edited Plan to OCS within the deadline indicated in the Plan review

remarks in OLDC. The federal LIHEAP regulations require that this editing process must be completed no later than December 15, 2022. This deadline is only regarding edits and attachments that are necessary to resolve missing or inadequate information in the original Plan submission.

ACF will only issue FY 2023 LIHEAP funding upon receipt and acceptance of a LIHEAP Plan submission that ACF considers “complete” with respect to statutorily required information.

All LIHEAP grant recipients have an ongoing responsibility throughout the grant period to submit revised Plans and reports, as needed, to reflect changes to ensure ACF has final, actual program data.

INQUIRIES: [LIHEAP Regional Liaisons](#).

Thank you for your attention and OCS looks forward to continuing to provide high quality services to OCS partners.

/s/

Akm Rahman
Program Operations Branch Chief
Division of Energy Assistance
Office of Community Services