



ADMINISTRATION FOR
CHILDREN & FAMILIES

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Low Income Home Energy Assistance Program Action Transmittal

AT#: LIHEAP-AT-2020-04

DATE: July 30, 2020

TO: ALL LIHEAP Grantees

SUBJECT: Model Plan Application for LIHEAP Funding for Federal Fiscal Year (FY) 2021 (Application deadline Tuesday, September 1, 2020)

ATTACHMENT(S): OLDC System Instructions for LIHEAP Plan Submission

RELATED REFERENCES: Low Income Home Energy Assistance Act, as amended (42 U.S.C. § 8621 *et seq.*).

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, 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 9/30/2020. The LIHEAP Plan contains required content for all LIHEAP grantees for the FY 2021 program and is due to ACF via OLDC no later than September 1, 2020. This summer ACF is initiating the process seeking renewed OMB approval of Plan form. Grantees 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 grantees with flexibility and instructions for how to apply online for FY 2021 federal LIHEAP funding. This Action Transmittal (AT) also confirms the deadline to apply is September 1, 2020. The AT reminds grantees can "clone", or pre-populate, their prior

data into a revised or new Plan submission in order to reduce the administrative reporting burden.

CONTENT: On March 13, 2020, the President [declared](#) a national emergency in response to the COVID-19 pandemic, pursuant to sections 201 and 301 of the National Emergencies Act, (50 U.S.C. 1601 et seq.) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5). This followed the U.S. Department of Health and Human Services (HHS) declaration of a nationwide public health emergency on January 31, 2020, pursuant to 42 U.S.C. 247d, and the World Health Organization (WHO) declaration of a pandemic on March 11, 2020. As various jurisdictions in the country move through phases of their respective re-opening plans, we remain aware that each state, territory, and tribal grantee faces unique local challenges in gathering information required to submit a complete FY 2021 LIHEAP Plan to OCS.

With this in mind, ACF is offering the following options for grantees to apply by September 1, 2020, for FY 2021 federal LIHEAP funding:

Option 1: Submit a new FY 2021 LIHEAP Plan in the Online Data Collection (OLDC) system. A tribe or tribal organization that wishes to administer its own program in FY 2021, but is not a current ACF-directly funded LIHEAP grantee in FY 2020, must submit a new FY 2021 Plan.

or

Option 2: FY 2020 LIHEAP grantees may submit a Revised FY 2020 LIHEAP Plan that includes an attached letter addressed to the OCS Director, Clarence H. Carter, 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 grantee requests that ACF extend the Revised FY 2020 Plan to cover the grantee's FY 2021 LIHEAP during the period of October 1, 2020 through September 30, 2021;
- The grantee 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 2021 program;
- The date the grantee adopted, or will adopt, the most current Federal Poverty Guidelines (FPG) or State Median Income (SMI) estimates. It must also confirm whether the grantee is implementing FPG or SMI as its basis for income eligibility, per the statute at 42 U.S.C. 8624(b)(2)(B);
- Attach the updated benefit matrix or benefit calculation explanation that the grantee will use in FY 2021;

- Attach an updated delegation letter if there has been a pertinent change to the terms or parties of the letter submitted for FY 2020, 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 2021 program—meaning, changes that will only apply to its FY 2021 program. This must include an update regarding the extent to which the grantee obtained public participation on its Revised FY 2021 LIHEAP Plan for use in FY 2021.

Grantees must select one of the two options listed above and take action in the OLDC system no later than September 1, 2020, before ACF will award FY 2021 LIHEAP funding.

ACF is offering this application flexibility for FY 2021 only. This flexibility is not a permanent change to the application process for future years.

Grantees should keep the following considerations in mind when deciding which submission option is appropriate for their circumstances:

REQUIREMENT	OPTION 1 (New 2021 Plan)	OPTION 2 (Revised 2020 Plan)
Public Hearing and Public Participation on Plan	Required of states and territories, but virtual hearings encouraged if permissible under statewide/territory-wide public hearing laws. Tribes are not required to hold hearings but must obtain reasonable public participation.	No hearings are required, but all grantees must obtain reasonable public participation.
Delegation Letter for Authority to Certify the Plan and LIHEAP Assurances	Required. Grantee can use its 2020 delegation letter if all of the information remains accurate regarding the governor/tribal chief, the designee, and the effective period of the delegation	Required. The existing letter will remain will automatically upload as an attachment to the Revised Plan; however, grantees must replace the attachment with a new letter

REQUIREMENT	OPTION 1 (New 2021 Plan)	OPTION 2 (Revised 2020 Plan)
	authority. A new letter must be uploaded if any of these details has changed.	if any of the key information is no longer valid.
Letter of Intent to Administer LIHEAP in FY 2021	n/a	Required attachment to the Revised 2020 Plan, as discussed above in this AT.
OLDC Submission Process	Grantees “initialize” a 2021 Plan and “clone” their most current 2020 data into the 2021 Plan. Data must be edited to make relevant updates.	Grantees find their FY 2020 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 grantees to edit, certify, and submit.

Plan Submission Deadline:

The deadline for the FY 2021 Plan or Revised FY 2020 Plan covering 2021 is September 1, 2020.

Grantees must submit an application (LIHEAP Plan) to ACF each federal fiscal year in order to receive LIHEAP funds from ACF. However, due to the declaration of public health emergency, grantees 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 (2021 Plan): All LIHEAP grantees selecting this option must complete the entire LIHEAP Plan for FY 2021 in OLDC. Grantees can transfer information from the FY 2020 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, grantees must update responses to the following sections:

- SF-424 Mandatory Grant Application section
- 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 grantees only and optional for other grantees.

Attach supporting documentation or provide links to supporting documents online, as needed.

OPTION 2 (Revised 2020 Plan): Grantees selecting this option must create a Revised FY 2020 Plan by locating their FY 2020 Plan in OLDC on the Report Form Entry screen. After locating the 2020 Plan, grantees select the activity to create a “new/edit revise”. The Report Form will automatically duplicate the last version of the grantee’s FY 2020 LIHEAP Plan and make all fields available for editing by the grantee. The grantee must follow the usual steps to edit, validate, certify and submit the Revised Plan in order to complete its submission to ACF. For step-by-step instructions for how to create a Revised LIHEAP Plan, see the LIHEAP OLDC training tool, pages 51-53, available online here:

<https://www.grantsolutions.gov/oldcdocs/pdf/liheap/Session%20%20-%20OLDC%20Intro%20-LIHEAP%20Grantees%206.4.2013.pdf>

A note on leveraging activities: The LIHEAP Plan includes an optional section to explain possible leveraging activities the grantee may take during FY 2021. 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 Incentive Program (Leveraging) grants in the fiscal year following the year the grantee conducted the leveraging activities. Therefore, if funding is available, ACF would award leveraging grants in FY 2022 based on upon a separate LIHEAP Leveraging Report that would be reconciled against the responses in the FY 2021 LIHEAP Plan for leveraging activities that took place in FY 2021. 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 must be

certified by the grantee'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 2021, please be sure that the governor or Tribal chairperson (1) certifies the Assurances or (2) has specifically delegated authority to "certify" to the LIHEAP Assurances to another person and/or position (not merely the department or agency). The grantee 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 to Assurances but which fails to specify LIHEAP.

In addition to the Plan, grantees must also complete or update the Mandatory Grant Application SF- 424M, 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- 424M requires electronic signatures to 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 2021 LIHEAP Plan.

The OLDC Administrator in your office can establish additional OLDC accounts for users such as the Governor or Tribal Chairperson. Please contact your liaison with our office if you need assistance with this. The contact information for all LIHEAP Liaisons is at the end of this guidance. Grantees can find a tutorial on how to create new accounts in OLDC here: https://extranet.acf.hhs.gov/oldcdocs/docs/OLDC%20Assignment%20Module_10-12.pdf

States, the District of Columbia, and territories receiving more than \$200,000 must describe in their new FY 2021 Plans how they will carry out Assurance 15 (Section 2605(b)(15) of the LIHEAP statute. Assurance 15 requires such grantees to offer LIHEAP intake services in addition to those available through agencies also administering the Temporary Assistance for Needy Families (TANF) program.

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 grantees must agree to the Certification Regarding Debarment, Suspension, and Other Responsibility Matters.
2. All LIHEAP grantees 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 grantee'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 (2021 Plan):

- States and Territories: The federal law requires states and territories to conduct public hearings on the initial FY 2021 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 during this COVID-19 national emergency. LIHEAP grantees should explore options available within each state to conduct reasonable alternatives to an in-person public hearing on the FY 2021 LIHEAP Plan, such as telephonic or web-based public hearings. Grantees should follow their own state and territorial procedures for public hearings.
- Tribes: No hearing is required of tribal grantees. However, tribal grantees are required to obtain reasonable public participation/input from their communities regarding their proposed/draft FY 2021 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 must follow with tribal funding.

OPTION 2 (Revised 2020 Plan): No hearing is required under the federal LIHEAP law. However, all grantees are required to obtain public input on any substantial changes (as defined by grantee) to the Revised FY 2020 Plan covering 2021 (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 2021 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, such as heating cooling, and crisis.

- Minutes, notes, or transcripts of public hearing(s) (states/territories only) and public participation (tribes)

OPTION 2 (Revised 2020 Plan):

- All of the attachments noted for Option 1 above; and,
- The certification letter requesting the extension of the Plan to cover FY 2021, as described earlier in this AT.

Separate Reports Required for Funding: This is a summary of the annual reports grantees should anticipate submitting this year before ACF issues any FY 2021 LIHEAP funding. ACF anticipates releasing separate ATs for each of the following reports.

FY 2020 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:

- 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 2020 applicant and recipient households in order to submit the data on the FY 2020 LIHEAP Household Report Long Form – ACF 121 as part of their FY 2021 grant applications.

All tribal grantees, and territories with regular allotments of less than \$200,000, are required to submit the FY 2020 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 2020 Household Report is September 1, 2020, but we will grant written extension requests. If grantees report estimates or have changes to previously

reported data, grantees must submit a Revised FY 2020 Household Report no later than December 31, 2020, with final data. ACF will consider written extension requests.

Regardless of submission option exercised, all grantees must submit an estimated or final LIHEAP Household Report through OLDC prior to receiving 2021 funding.

FY 2020 LIHEAP CARRYOVER AND REALLOTMENT REPORT:

The federal statute requires that complete LIHEAP Plans MUST include data from grantees regarding the amount of federal LIHEAP funding grantees intend to carryover from the current federal fiscal year.

This report includes the amount of all regular block grant funds each grantee will carry over from FY 2020 to FY 2021 up to the 10 percent limit. When determining your total carryover amount, you must conduct a separate analysis of FY 2020 supplemental CARES Act funding because these funds have an obligation timeframe of March 27, 2020 through September 30, 2021 and are not subject to the 10% statutory limit of carryover funds to FY 2021. However, if CARES Act funds were obligated between March 27, 2020 through September 30, 2020, those funds must be included into the total FY 2020 obligation amount. The report also includes any balance of funds that the grantee has available for reallocation by ACF (i.e., due to exceeding the carryover limit). Prompt submission of this report allows grantees and ACF to identify potential under-obligation of funds such that program administration adjustments might be made to ensure timely obligation of funds before the end of the federal fiscal year.

ACF extended the deadline for the FY 2020 Carryover Report (0970-0106) from August 1, 2020 to September 1, 2020. ACF will consider further extension requests on a case-by-case basis upon written request from grantees. ACF will issue a separate AT with further instructions for the FY 2020 Carryover and Reallocation Report.

Grantees are strongly encouraged to submit final Carryover and Reallocation Report data by December 31, 2020 as they reconcile the data with their FY 2020 Federal Financial Report SF-425 and 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 grantees are required to submit an annual SF-425 Federal Financial Report (FFR) no later than December 31 regarding the prior federal fiscal year. A separate SF-425 is due for each “CAN” in the Payment Management System (PMS) related to LIHEAP. For example, all LIHEAP grantees must submit separate SF-425s for the regular FY 2020 regular block grant LIHEAP funding, the supplemental FY 2020 CARES Act award, and the 2019 reallocation grant award that will be forthcoming in FY 2020. All three of these SF-425s will be due to ACF via online submission by December 31, 2020, and

reflect how much of those respective federal funds you obligated by September 30, 2020. ACF will issue a separate AT with further instructions for the SF-425 Report.

LIHEAP PERFORMANCE DATA REPORT:

This annual program report is due January 31, 2021 and is required of state LIHEAP grantees only. ACF will issue a separate AT to state grantees with further instructions for the FY 2020 LIHEAP Performance Data Report.

Timely Submission and Completion of Plan and Reports: OCS requires grantees to submit the FY 2020 LIHEAP Carryover and Reallotment Report, an estimated FY 2020 LIHEAP Household Report, and the annual LIHEAP Plan through OLDC by September 1, 2020.

These documents are only accept via the OLDC system, unless technical limitations require an alternative submission method. If this is the case, please contact LIHEAP Regional Liaisons 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 grantee official before it can be accepted by OCS as complete and ready for to ACF issue a grant award.

Submission Deadline Extension: If a grantee anticipates needing an extension of the September 1 submission deadline, the grantee must submit a letter requesting a deadline extension. The letter must be uploaded as an attachment to an “initialized” FY 2021 Plan or the “initialized” Revised FY 2020 Plan. The letter must provide a specific, reasonable alternative date and a brief explanation of the reason for needing an extension. Tribal grantees must obtain written agreement of the extension date from the states in which the tribes service areas are located. The state’s email or letter of concurrence must also be included as an attachment to the initialized 2021 Plan or Revised 2020 Plan. **Extension requests must be submitted to OCS prior to September 1, 2020.**

Follow-up Action on Plan Submissions: Upon receipt of 2021 Plans and Revised 2020 Plans, OCS staff will review the plans and either reject the Plan back to the grantee via OLDC or accept the plan in OLDC. Grantees whose plans are “accepted” in OLDC have no further action to take on the Plan. Grantees 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, 2020. 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 2021 LIHEAP funding upon receipt and review of a LIHEAP Plan submission that ACF considers “complete” with respect to statutorily required information.

All LIHEAP grantees 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](#). You may also contact Akm Rahman, Operations Branch Chief at akm.rahman@acf.hhs.gov or (202) 401-5306 with any Plan submission flexibility related questions.

ATTACHMENT 1: OLDC System Instructions for LIHEAP Plan Submission

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

/s/

Lauren Christopher
Director, Division of Energy Assistance
Office of Community Services