



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

Dear Colleague Letter

DCL#: LIHEAP-DCL-2020-07

DATE: April 1, 2020

TO: States, Tribes and Territories

SUBJECT: Low Income Home Energy Assistance Program (LIHEAP) Initial COVID-19 Program Guidance

ATTACHMENT(S): N/A

Dear Colleagues,

On March 13, 2020, the President [declared](#) a national emergency in response to COVID-19, 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.

Your personal health and well-being, and that of your subgrantees and clients, are very important to us. The Office of Community Services (OCS) has been responding daily to your questions on a case-by-case basis. We have compiled those questions and responses in this letter and added additional guidance to assist your decision-making as you administer your LIHEAP in the midst of the COVID-19 situation.

On March 12, 2020, the Division of Energy Assistance (DEA) released LIHEAP-DCL-2020-05, titled: *Partnership to Address the Spread of COVID-19*. This DCL included batched COVID-19-related information on funding and guidance released by HHS divisions, such as the Centers for Disease Control and Prevention (CDC).

Monitoring

The Office of Management and Budget (OMB) has directed Federal agencies to postpone non-essential travel. One of our top priorities is the safety of our staff as well as those we serve. For the aforementioned reasons, OCS will postpone all LIHEAP on-site [monitoring visits](#) now through May 2020. Should OMB's direction change, we will assess all new information, including the capacity of LIHEAP grantees and subgrantees to receive OCS for on-site monitoring and make a determination on a case-by-case basis. State agencies may also need to postpone monitoring visits of subgrantees depending on the capacity of states as well as their subgrantees scheduled for visits.

Reporting

All deadlines for LIHEAP-specific reports for federal Fiscal Year (FY) 2019 have already passed; however, to the extent you still need to submit a new or a revised report, please contact your [federal LIHEAP liaison](#) to request an extension as needed.

Regarding upcoming reporting deadlines about FY 2020, the LIHEAP Carryover and Reallotment Report deadline is extended from August 1, 2020 to September 1, 2020. The FY 2021 LIHEAP Plan and the FY 2020 LIHEAP Household Report (both Short and Long Form) deadlines remain September 1, 2020; however, grantees should contact in writing their federal LIHEAP liaison on a case-by-case basis before that date to request an extension, if needed. OCS will extend the obligation of LIHEAP grantees to submit their FY 2020 LIHEAP Plans into the beginning of FY 2021, as needed and requested in writing by LIHEAP grantees to their federal LIHEAP liaison.

As with any emergency or disaster situation, OCS is assessing the extent to which LIHEAP services are impacted on a local or national level. OCS reports this information daily to the Administration for Children and Families' (ACF) Office of Human Services Emergency Preparedness and Response (OHSEPR). We appreciate any efforts you can make to keep your [federal LIHEAP liaison](#) informed of intake office closures, alternative outreach and service delivery processes, and other changes you are making to your policies and procedures to address this event in the context of your LIHEAP.

Wages and Benefits

In response to COVID-19, OCS is advising grantees to coordinate with local health authorities and implement their existing policies and procedures related to closure during infectious disease outbreaks, which is an important element of containing and limiting its spread.

In recognition of the unique circumstances associated with COVID-19, OCS is recommending States allow subrecipients such as Community Action Agencies (CAAs), other non-profits, and local agencies to continue to pay wages and provide benefits for staff unable to report to work during closures necessary to address COVID-19. During subrecipient closures, employees should continue to engage households and to deliver services to the extent possible, remotely. We are

recommending that our tribal and U.S. territory grantees continue to pay wages and provide benefits for staff unable to work during closures. Relevant to this issue is [guidance](#) from the Occupational Safety and Health Administration (OSHA) about workplace safety and workers' rights, a link to which OCS had included under the heading "Guidance for Preparing Workplaces" in the [Dear Colleague Letter](#) referenced above and released on March 12, 2020.

This additional emergency response flexibility is important to ensure critical grants management activities can continue during closures. It will help ensure staff are ready and able to return to work as soon as it is possible to resume operations. This flexibility remains in effect through April 30, 2020, unless further extended by OCS.

We will continue to develop more guidance that is specific to this issue and other critical issues as more information becomes available.

Grantee Questions Specific to LIHEAP and COVID-19

Question: Does OCS anticipate a delay in grantees drawing down federal LIHEAP funds from the federal Payment Management System (PMS) during federal FY 2020?

Answer: No, OCS does not anticipate a delay in grantees accessing and drawing down federal LIHEAP funds from the PMS. No restriction has been placed on LIHEAP accounts in PMS, other than preliminary steps necessary to reallocate unobligated grantee LIHEAP funds from FY 2019 as new grants in FY 2020. If you experience a problem accessing your funding in PMS, you can contact the federal LIHEAP grants management officer noted on your LIHEAP Notice of Award.

Question: Will there be any additional release of federal LIHEAP funding in FY 2020?

Answer: OCS anticipates a third release soon of regular block grant LIHEAP funding to grantees, which will account for the remaining 1% of federal LIHEAP funding available to grantees for FY 2020. Additionally, OCS anticipates a separate small release of unobligated FY 2019 LIHEAP funding available for reallocation in FY 2020. OCS also anticipates a release of funds pursuant to the CARES Act, Public Law 116-136 (2020) regarding supplemental funding for home energy assistance to help prevent, prepare for, and respond to the coronavirus.

Question: Do states/grantees have to adjust their LIHEAP application locations/operations—including those run by subgrantees such as local governments and Community Action Agencies (CAAs)—where many people congregate each day, e.g., alternate intake methods, limited office hours?

Answer: Decisions concerning how to conduct LIHEAP application intake and benefit processing are within the discretion of each LIHEAP prime grantee (states, tribes and territories). Each LIHEAP grantee has authority and responsibility to establish—and adjust them throughout the year as needed—reasonable, written policies and procedures for receiving and processing LIHEAP applications. The U.S. Department of Agriculture, for example, has given states flexibility with switching from in person to telephonic quality control interviews with people receiving Supplemental Nutrition Assistance Program (SNAP) benefits. LIHEAP grantees, likewise, may determine that telephonic interviews or other alternatives help minimize people

congregating at intake centers. The CDC has issued a framework for local and state public health departments to use a community mitigation strategy to slow or prevent the continued spread of COVID-19. Page 7 of the CDC framework discusses considerations relevant to community and faith-based organizations. This includes an analysis of options based on the severity of risk and discourages gatherings to the extent they can be avoided. It also encourages identification of alternate methods for providing services. To review the CDC framework and how it may relate to your LIHEAP program, visit: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf>

Question: Can LIHEAP grantees implement the LIHEAP disaster response flexibilities to address the COVID-19 situation?

Answer: Yes. As discussed above, COVID-19 has been declared a national emergency. Each grantee should also assess the applicability of any state and local declarations of emergency and disaster concerning COVID-19. The flexibilities noted in the LIHEAP disaster response guidance are always available to LIHEAP grantees as they interpret what is a home energy-related emergency or disaster in their area. To see prior OCS guidance related to disaster response, visit:

- <https://www.acf.hhs.gov/ocs/resource/liheap-disaster-relief-and-outreach-in-the-wake-of-recent-storms-and-power>
- <https://www.acf.hhs.gov/ocs/resource/liheap-disaster-relief>

Question: Should grantees deploy, or develop, a Continuity of Operations Plan (COOP) for LIHEAP as it relates to COVID-19?

Answer: It is always recommended to have an up-to-date COOP in place on which you regularly train your team and partners, such as subgrantees. A COOP helps each team members/partner understand what his or her role and responsibilities are during an emergency, including alternate ways to conduct mission essential business during emergencies and identify such an emergency. For ideas on how to develop or strengthen your COOP, you can see guidance such as from the Federal Emergency Management Agency (FEMA), here: https://www.fema.gov/media-library-data/20130726-1828-25045-0014/cpg_101_comprehensive_preparedness_guide_developing_and_maintaining_emergency_operations_plans_2010.pdf

Question: May federal LIHEAP funding be used to respond to the COVID-19? If so, may LIHEAP grantees issue secondary/supplemental LIHEAP benefits to existing, recipient households?

Answer: Yes, so long as there is a connection to residential home energy. LIHEAP grantees have broad flexibility in interpretation of the federal LIHEAP law (statute at 42 U.S.C. 8621 *et seq.* and regulations at 45 CFR Part 96). LIHEAP grantees may, for example, choose to adjust their benefit matrices, program operation timeframes, eligibility rules, coordination with heating and cooling shelters, and other related policies and procedures in light of changing need during the COVID-19 situation. The changing needs may present as lost wages, jobs, increased home heating and cooling expenditures, temporary shelter needs, and so forth as people follow “social distancing” guidance from their local and state authorities, their places of employment close, and/or they are home recovering from the virus. LIHEAP grantees and subgrantees may

need to also adjust their obligations of LIHEAP funding for staffing to ensure that there is coverage for LIHEAP services when staff absences occur due to COVID-19.

Question: Do the normal LIHEAP crisis assistance administration federal requirements apply during this COVID-19 emergency, e.g., the 18 and 48-hour intervention timeframes, geographically-accessible intake options, etc.?

Answer: No, LIHEAP grantees are exempted from these crisis assistance operations standards while there is a federal disaster declaration in effect (45 CFR Section 96.89). However, LIHEAP grantees are strongly encouraged to try to meet these standards or use reasonable alternatives to meet the spirit of the crisis assistance component—namely, to help prevent death or serious illness because people lack adequate home heating/cooling. The elderly and those with underlying medical conditions—particularly respiratory conditions—appear to be most vulnerable to serious complications from [COVID-19](#). LIHEAP grantees are strongly encouraged to target their crisis assistance to these types of households during this COVID-19 emergency.

Question: Does OCS have any waiver authority to exempt LIHEAP grantees from normal federal LIHEAP requirements this year in light of the COVID-19 situation, e.g., waiver of income eligibility for households, submission of household supporting documentation, the grantee's administrative cost cap, etc.?

Answer: No, for the most part, OCS does not have the authority to waive the usual federal LIHEAP requirements, with two exceptions: (1) the usual written OCS weatherization waiver, determined on a case-by-case basis, to allow up to 25% of a grantee's LIHEAP grant to be obligated for weatherization; and a potential crisis intervention waiver regarding crisis performance standards for timeliness of intervention and geographic accessibility of crisis intake and services. The latter exception requires approval of the HHS Secretary and may require a request from the chief executive officer of the grantee (45 CFR Section 96.89). Other than these two specific exceptions, OCS lacks authority to waive federal LIHEAP requirements, regarding income eligibility, administrative costs, etc. However, LIHEAP grantees can change their LIHEAP income eligibility cut-off if they had originally set them below the federally permitted maximum—the greater of [150% of the Federal Poverty Guidelines](#) or [60% State Median Income \(SMI\)](#). Grantees can adjust to the federal maximum and submit to ACF Revised FY 2020 LIHEAP Plans within a reasonable amount of time after implementing that change.

Question: Can grantees waive a signature requirement for submission of the LIHEAP application, especially for the elderly or people who have tested positive for COVID-19?

Answer: Yes, from a federal perspective, this is a decision of each LIHEAP grantee to make, ensuring it does not conflict with the grantee's own rules that govern grantee money (45 CFR Section 96.30(a)).

Question: May LIHEAP grantees accept a self-declaration of income, or newly changed household income, to expand LIHEAP assistance to households affected by COVID-19, such as lost wages or jobs due to business closures, etc.?

Answer: Yes, from a federal perspective, this is a decision of each LIHEAP grantee to make, ensuring it does not conflict with the grantee's own rules that govern grantee money (45 CFR Section 96.30(a)).

Question: Do LIHEAP grantees still need to provide LIHEAP crisis assistance, if regulated utility companies are implementing temporary suspensions of disconnections, e.g., for 30 days, etc.?

Answer: This is a determination that each LIHEAP grantee will need to make after assessing the overall crisis needs of its community, e.g., the extent to which there are eligible households that use non-regulated heating or cooling services from deliverable fuel vendors, and cooperative or municipal utilities, and are not protected by such disconnection exemptions/protectations. Grantees are permitted to make decisions within the context of their own policies and procedures, such as crisis service delivery options, definitions of home energy crisis, utility moratorium coordination, administration of non-LIHEAP home energy assistance funds. We are strongly encouraging grantees to review their crisis assistance operations and determine which policies and procedures must be temporarily revised to address the COVID-19 emergency.

Question: Do LIHEAP grantees need to submit Revised FY 2020 LIHEAP Plans to OCS regarding how they are using LIHEAP to respond to COVID-19? If so, do grantees need to hold a public hearing before submitting the Revised LIHEAP Plans?

Answer: Grantees need only submit Revised FY 2020 LIHEAP Plans if they make a "substantial revision", as defined by the grantee (42 U.S.C. Section 8624(c)(2)). Grantees may implement their revised policies/procedures and then submit their Revised LIHEAP Plans to OCS via the OLDC system within a reasonable amount of time afterward, i.e., grantees do not need prior OCS approval of their Revised LIHEAP Plans. Grantees do not need to hold a public hearing on Revised LIHEAP Plans, but must make them "available for public inspection," which could include publishing on a website. Grantees must allow for "timely and meaningful review of, and comment upon" substantial changes to their Revised LIHEAP Plans or underlying policies. Public participation can be tailored to facilitate the timely implementation of urgent substantial changes, e.g., via brief public comment opportunities, stakeholder communications, etc. Grantees should follow their own state, territorial, or tribal procedures for making administrative changes to rules or policies.

Question: Do LIHEAP grantees still need to submit a written waiver request to OCS for exceeding the 15% weatherization earmarking cap for FY 2020?

Answer: Yes, and OCS is permitted to issue waivers beginning April 1, 2020 under the normal federal requirements (45 CFR Section 96.83).

Question: Do LIHEAP grantees, particularly states/territories, still need to hold public hearings for their FY 2021 LIHEAP Plans?

Answer: Yes, the federal law still requires states and territories to hold public hearings on the initial LIHEAP Plan (42 U.S.C. Section 8624(a)(2)). Tribes and tribal organizations are exempt from public hearings, but required to obtain public participation on their FY 2021 LIHEAP Plans prior to submission to OCS via the OLDC system (45 CFR Section 96.48(d)). 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, territorial, or tribal procedures for public hearings.

Mental Health Needs

Children, families, and social services staff may experience heightened stress, anxiety and even trauma related to the consequences of this emergency situation. Responses may vary by the individual and a short-term priority may be placed on remotely delivered support for coping and adaptive functioning while helping set the stage for additional services and supports.

- **Disaster Distress Helpline** - One national telephone resource for linkage to crisis counseling services is the Disaster Distress Helpline, which is administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). This is a 24/7, 365-day-a-year, national hotline dedicated to providing immediate crisis counseling for people who are experiencing emotional distress related to any natural or human-caused disaster. This toll-free, multilingual, and confidential crisis support service is available to all residents in the United States and its territories. Stress, anxiety, and other depression-like symptoms are common reactions after a disaster. Individuals experiencing distress may call [1-800-985-5990](tel:1-800-985-5990) or text **TalkWithUs to 66746** to connect with a trained crisis counselor. Additional information on the Disaster Distress Helpline is available in the link below:
 - <https://www.samhsa.gov/find-help/disaster-distress-helpline>
- **National Child Traumatic Stress Network** - Additional information on children and trauma is available through the National Child Traumatic Stress Network which is a federally sponsored network focused on trauma-informed care in multiple settings. The website for this network and a link to a resource for parents and caregivers focused specifically on COVID-19 is below:
 - General Website: <https://www.nctsn.org/>
 - Parent/Caregiver Guide: <https://www.nctsn.org/resources/parent-caregiver-guide-to-helping-families-cope-with-the-coronavirus-disease-2019>

Additional Information

While we recommend that you work closely with your state and local public health authorities on issues related to preparing for COVID-19 in your organization and community, we want to share with you federal guidance in a number of areas, which is continuously being updated.

- Measures to prevent COVID-19 in your community, including at home, in childcare settings and schools, homeless centers, at work and in faith-based settings: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>
- Information for higher-risk and special populations: <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/index.html>
- Information specifically related to domestic and international travel: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>
- General Frequently Ask Questions, including how it spreads, symptoms, and what to do if you are sick: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html>

If you are unable to find federal guidance to address your concerns or are encountering any challenges in implementing your programs as a result of the COVID-19 disease, caused by the virus SARS-CoV-2, please reach out to your federal program manager, so that we can share this information with the relevant stakeholders to connect you to the information and/or resources you need.

Grantees should direct program questions to their assigned federal [program liaison](#):

Vikki Pretlow
 Energy Assistance Program Specialist
 Regions VII and VIII
 Email: vikki.pretlow@acf.hhs.gov
 Phone: 202-205-9901

Josephine Rago-Adia
 Program Analyst
 Regions II, IV, and IX
 Email: josephine.ragoadia@acf.hhs.gov
 Phone: 202-401-4710

Kate Thomas
 Energy Assistance Program Specialist
 Regions III and VI
 Email: kate.thomas@acf.hhs.gov
 Phone: 202-690-5737

Patrice West
 Energy Assistance Program Specialist
 Regions I, V, and X
 Email: rhonda.west@acf.hhs.gov
 Phone: 202-401-5999

If you cannot reach your federal program liaison, feel free to contact Akm Rahman, Operations Branch Chief at akm.rahman@acf.hhs.gov or (202) 401-5306.

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