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DETAILED MODEL PLAN (LIHEAP)

Program Name: Low Income Home Energy Assistance

Grantee Name: NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES

Report Name: DETAILED MODEL PLAN (LIHEAP)

Report Period: 10/01/2023 to 09/30/2024

Report Status: Saved -- with Errors

Report Sections

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- 15. Section 14 - Leveraging Incentive Program ,2607A**
- 16. Section 15 - Training**
- 17. Section 16 - Performance Goals and Measures, 2605(b)**
- 18. Section 17 - Program Integrity, 2605(b)(10)**
- 19. Section 18: Certification Regarding Debarment, Suspension, and Other Responsibility Matters**
- 20. Section 19: Certification Regarding Drug-Free Workplace Requirements**
- 21. Section 20: Certification Regarding Lobbying**
- 22. Assurances**
- 23. Plan Attachments**

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Mandatory Grant Application SF-424

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES

August 1987, revised 05/92,02/95,03/96,12/98,11/01
OMB Clearance No.: 0970-0075
Expiration Date: 12/31/2024

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM(LIHEAP) MODEL PLAN SF - 424 - MANDATORY

* 1.a. Type of Submission: <input checked="" type="radio"/> Plan	* 1.b. Frequency: <input checked="" type="radio"/> Annual	* 1.c. Consolidated Application/ Plan/Funding Request? Explanation:	* 1.d. Version: <input checked="" type="radio"/> Initial <input type="radio"/> Resubmission <input type="radio"/> Revision <input type="radio"/> Update
		2. Date Received:	State Use Only:
		3. Applicant Identifier:	
		4a. Federal Entity Identifier:	5. Date Received By State:
		4b. Federal Award Identifier:	6. State Application Identifier:

7. APPLICANT INFORMATION

* a. Legal Name: State of North Dakota

* b. Employer/Taxpayer Identification Number (EIN/TIN): 45-0309764W

* c. Organizational DUNS: 802743534

* d. Address:

* Street 1:	600 EAST BOULEVARD AVENUE	Street 2:	DEPARTMENT 325
* City:	BISMARCK	County:	Burleigh
* State:	ND	Province:	N/A
* Country:	United States	* Zip / Postal Code:	58505 - 0250

e. Organizational Unit:

Department Name:
Department of Human Services

Division Name:
Economic Assistance Policy Division

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:	* First Name: Robin	Middle Name: C	* Last Name: Addington
Suffix:	Title: HSPA III - LIHEAP Program Administrator	Organizational Affiliation:	
* Telephone Number: (701) 328-2065	Fax Number: (701) 328-1060	* Email: raddington@nd.gov	

* 8a. TYPE OF APPLICANT:

A: State Government

b. Additional Description:

* 9. Name of Federal Agency:

	Catalog of Federal Domestic Assistance Number:	CFDA Title:
10. CFDA Numbers and Titles	93.568	Low-Income Home Energy Assistance Program

11. Descriptive Title of Applicant's Project

12. Areas Affected by Funding:

13. CONGRESSIONAL DISTRICTS OF:

* a. Applicant 1	b. Program/Project: Statewide
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Attach an additional list of Program/Project Congressional Districts if needed.
N/A

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14. FUNDING PERIOD:		15. ESTIMATED FUNDING:	
a. Start Date: 10/01/2023	b. End Date: 09/30/2024	* a. Federal (\$): \$0	b. Match (\$): \$0
* 16. IS SUBMISSION SUBJECT TO REVIEW BY STATE UNDER EXECUTIVE ORDER 12372 PROCESS?			
a. This submission was made available to the State under the Executive Order 12372			
Process for Review on :			
b. Program is subject to E.O. 12372 but has not been selected by State for review.			
c. Program is not covered by E.O. 12372.			
* 17. Is The Applicant Delinquent On Any Federal Debt?			
<input type="radio"/> YES			
<input checked="" type="radio"/> NO			
Explanation:			
18. By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)			
**I Agree <input checked="" type="checkbox"/>			
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.			
18a. Typed or Printed Name and Title of Authorized Certifying Official		18c. Telephone (area code, number and extension)	
		18d. Email Address	
18b. Signature of Authorized Certifying Official		18e. Date Report Submitted (Month, Day, Year)	
Attach supporting documents as specified in agency instructions.			

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Section 1 - Program Components

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES

August 1987, revised 05/92,02/95,03/96,12/98,11/01
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LOW INCOME HOME ENERGY ASSISTANCE PROGRAM(LIHEAP) MODEL PLAN SF - 424 - MANDATORY

Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, DC 20201

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01
OMB Approval No. 0970-0075
Expiration Date: 12/31/2023

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.

Section 1 Program Components

Program Components, 2605(a), 2605(b)(1) - Assurance 1, 2605(c)(1)(C)

1.1 Check which components you will operate under the LIHEAP program. (Note: You must provide information for each component designated here as requested elsewhere in this plan.)		Dates of Operation	
		Start Date	End Date
<input checked="" type="checkbox"/>	Heating assistance	10/01/2023	05/31/2024
<input checked="" type="checkbox"/>	Cooling assistance	10/01/2023	09/30/2024
<input checked="" type="checkbox"/>	Crisis assistance	10/01/2023	09/30/2024
<input checked="" type="checkbox"/>	Weatherization assistance	10/01/2023	09/30/2024

Provide further explanation for the dates of operation, if necessary

North Dakota's regular heating season program runs from October 1 through May 31 each year. Applications for North Dakota's emergency (year-round crisis) program are accepted from October 1 through September 30 of each fiscal year..

The North Dakota State LIHEAP reserves the option to implement a temporary cooling program contingent upon available funding, or in the event of unusual cooling needs due to weather aberrations, or an emergency disaster.

See Section C (Scope of the Program) and Section X (Cooling Assistance Program) of the ND State Plan Attachments document for details.

Estimated Funding Allocation, 2604(C), 2605(k)(1), 2605(b)(9), 2605(b)(16) - Assurances 9 and 16

1.2 Estimate what amount of available LIHEAP funds will be used for each component that you will operate: The total of all percentages must add up to 100%.	Percentage (%)
Heating assistance	58.00%
Cooling assistance	17.00%
Crisis assistance	10.00%
Weatherization assistance	5.00%
Carryover to the following federal fiscal year	0.00%
Administrative and planning costs	10.00%

Services to reduce home energy needs including needs assessment (Assurance 16)	0.00%
Used to develop and implement leveraging activities	0.00%
TOTAL	100.00%

Alternate Use of Crisis Assistance Funds, 2605(c)(1)(C)

1.3 The funds reserved for winter crisis assistance that have not been expended by March 15 will be reprogrammed to:

<input checked="" type="checkbox"/>	Heating assistance	<input checked="" type="checkbox"/>	Cooling assistance
<input checked="" type="checkbox"/>	Weatherization assistance	<input checked="" type="checkbox"/>	Other (specify:) NOTE: Year-round crisis assistance end date extends beyond the federal winter crisis; crisis percentage includes funds for Furnace Repair and Replacement Program

Categorical Eligibility, 2605(b)(2)(A) - Assurance 2, 2605(c)(1)(A), 2605(b)(8A) - Assurance 8

1.4 Do you consider households categorically eligible if one household member receives one of the following categories of benefits in the left column below? ☐ Yes ☒ No

If you answered "Yes" to question 1.4, you must complete the table below and answer questions 1.5 and 1.6.

	Heating	Cooling	Crisis	Weatherization
TANF	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
SSI	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
SNAP	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Means-tested Veterans Programs	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

	Program Name	Heating	Cooling	Crisis	Weatherization
Other(Specify) 1		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

1.5 Do you automatically enroll households without a direct annual application? ☐ Yes ☒ No

If Yes, explain:

1.6 How do you ensure there is no difference in the treatment of categorically eligible households from those not receiving other public assistance when determining eligibility and benefit amounts?

SNAP Nominal Payments

1.7a Do you allocate LIHEAP funds toward a nominal payment for SNAP households? ☐ Yes ☒ No

If you answered "Yes" to question 1.7a, you must provide a response to questions 1.7b, 1.7c, and 1.7d.

1.7b Amount of Nominal Assistance: \$0.00

1.7c Frequency of Assistance

<input type="checkbox"/>	Once Per Year
<input type="checkbox"/>	Once every five years
<input type="checkbox"/>	Other - Describe:

1.7d How do you confirm that the household receiving a nominal payment has an energy cost or need?

Determination of Eligibility - Countable Income

1.8. In determining a household's income eligibility for LIHEAP, do you use gross income or net income?

<input checked="" type="checkbox"/>	Gross Income
<input type="checkbox"/>	Net Income

1.9. Select all the applicable forms of countable income used to determine a household's income eligibility for LIHEAP

<input checked="" type="checkbox"/>	Wages
<input checked="" type="checkbox"/>	Self - Employment Income
<input checked="" type="checkbox"/>	Contract Income

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<input checked="" type="checkbox"/>	Payments from mortgage or Sales Contracts
<input checked="" type="checkbox"/>	Unemployment insurance
<input checked="" type="checkbox"/>	Strike Pay
<input checked="" type="checkbox"/>	Social Security Administration (SSA) benefits
	<input type="checkbox"/> Including MediCare deduction <input checked="" type="checkbox"/> Excluding MediCare deduction
<input checked="" type="checkbox"/>	Supplemental Security Income (SSI)
<input checked="" type="checkbox"/>	Retirement / pension benefits
<input checked="" type="checkbox"/>	General Assistance benefits
<input checked="" type="checkbox"/>	Temporary Assistance for Needy Families (TANF) benefits
<input type="checkbox"/>	Supplemental Nutrition Assistance Program (SNAP) benefits
<input type="checkbox"/>	Women, Infants, and Children Supplemental Nutrition Program (WIC) benefits
<input type="checkbox"/>	Loans that need to be repaid
<input type="checkbox"/>	Cash gifts
<input type="checkbox"/>	Savings account balance
<input type="checkbox"/>	One-time lump-sum payments, such as rebates/credits, winnings from lotteries, refund deposits, etc.
<input checked="" type="checkbox"/>	Jury duty compensation
<input checked="" type="checkbox"/>	Rental income
<input checked="" type="checkbox"/>	Income from employment through Workforce Investment Act (WIA)
<input type="checkbox"/>	Income from work study programs
<input checked="" type="checkbox"/>	Alimony
<input checked="" type="checkbox"/>	Child support
<input checked="" type="checkbox"/>	Interest, dividends, or royalties
<input checked="" type="checkbox"/>	Commissions
<input checked="" type="checkbox"/>	Legal settlements
<input checked="" type="checkbox"/>	Insurance payments made directly to the insured
<input type="checkbox"/>	Insurance payments made specifically for the repayment of a bill, debt, or estimate
<input checked="" type="checkbox"/>	Veterans Administration (VA) benefits
<input type="checkbox"/>	Earned income of a child under the age of 18
<input type="checkbox"/>	Balance of retirement, pension, or annuity accounts where funds cannot be withdrawn without a penalty.
<input type="checkbox"/>	Income tax refunds

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<input type="checkbox"/>	
<input type="checkbox"/>	Stipends from senior companion programs, such as VISTA
<input type="checkbox"/>	Funds received by household for the care of a foster child
<input type="checkbox"/>	Ameri-Corp Program payments for living allowances, earnings, and in-kind aid
<input type="checkbox"/>	Reimbursements (for mileage, gas, lodging, meals, etc.)
<input checked="" type="checkbox"/>	Other In determining a household income eligibility for LIHEAP, an adjusted gross income is used. (Gross income minus allowable deductions). Some of the above categories of income may or may not be counted. For example, Interest on savings and CDs is not counted, however, dividends and interest on investments and trusts are counted when included as part of monthly or regular payment from annuity, pension fund or other retirement plan. One-time inheritance and insurance settlements are excluded as income if they are non-recurring lump-sum payment. Annual payments are considered recurring payments. See: 1) Section H.1. (Income Eligibility Criteria for Heating Assistance) of the attached ND State Plan Attachments document for list of income inclusions, exclusions, and allowable deductions. 2) Section C (Scope of the Program) of the attached ND State Plan Attachments document. 3) Countable income, Income Exclusions and Deductions from income lists are attached.
If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.	

Section 2 - HEATING ASSISTANCE

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIESAugust 1987, revised 05/92,02/95,03/96,12/98,11/01
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Section 2 - Heating Assistance

Eligibility, 2605(b)(2) - Assurance 2

2.1 Designate the income eligibility threshold used for the heating component:

Add	Household size	Eligibility Guideline	Eligibility Threshold
1	All Household Sizes	State Median Income	60.00%

2.2 Do you have additional eligibility requirements for HEATING ASSISTANCE? ☒ Yes ☐ No

2.3 Check the appropriate boxes below and describe the policies for each.

Do you require an Assets test? ☐ Yes ☒ No

Do you have additional/differing eligibility policies for:

Renters?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Renters Living in subsidized housing?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Renters with utilities included in the rent?	<input type="radio"/> Yes <input checked="" type="radio"/> No

Do you give priority in eligibility to:

Elderly?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Disabled?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Young children?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Households with high energy burdens?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Other? Crisis situations	<input checked="" type="radio"/> Yes <input type="radio"/> No

Explanations of policies for each "yes" checked above:

Subsidized Housing: Households that pay rent in a government-subsidized housing project or program and are not directly responsible for home energy costs are considered to be fully protected from the rising cost of heating fuel and are not eligible for LIHEAP. The rental costs for these households are based on a fixed percentage of the household's income and/or other factors and does not increase or decrease when fuel costs increase or decrease. (See Section H (2) of the attached ND State Plan Attachments document for details)

Preference is given to high-risk households that are identified when the heating assistance application is received, or a utility or other fuel supplier may refer a household when a serious payment problem is first discovered.

Link to LIHEAP Policy Manual: <http://www.nd.gov/dhs/policymanuals/415/415.htm>

Determination of Benefits 2605(b)(5) - Assurance 5, 2605(c)(1)(B)

2.4 Describe how you prioritize the provision of heating assistance to vulnerable populations, e.g., benefit amounts, early application periods, etc.

Generally, household are served on a first come-first served basis, however, applications from fixed income households are accepted prior to the official start of the heating season. A mass mailing of applications to fixed income households is completed in September.

Early identification and crisis prevention is considered essential for "high risk" households, particularly those with vulnerable members (Elderly, Disabled, Young children). These households may be identified when the heating assistance application is received; or a utility or other fuel supplier may establish appropriate procedures to refer households with a vulnerable member for assistance or when a serious payment problem is first discovered.

In addition, all outreach activities emphasize reaching those households that include at least one elderly person or person with a disability. Each of the county social service boards is also responsible to administer TANF, SNAP, Medicaid, and Title XX and other service programs. Therefore, the county social service boards can assure that these programs and energy programs are fully coordinated and are able to refer households with vulnerable members.

2.5 Check the variables you use to determine your benefit levels. (Check all that apply):

☒ Income

<input checked="" type="checkbox"/>	Family (household) size
<input checked="" type="checkbox"/>	Home energy cost or need:
<input checked="" type="checkbox"/>	Fuel type
<input type="checkbox"/>	Climate/region
<input checked="" type="checkbox"/>	Individual bill
<input checked="" type="checkbox"/>	Dwelling type
<input type="checkbox"/>	Energy burden (% of income spent on home energy)
<input type="checkbox"/>	Energy need
<input checked="" type="checkbox"/>	Other - Describe:

Cost/Consumption Tables (Estimated Cost of Heating Matrix): LIHEAP in North Dakota uses a statewide cost/consumption table to determine a household's estimated costs of heating. The table is used to establish heating assistance benefit percentage only. The table is based upon actual cost and consumption data reported for LIHEAP recipients in the LIHEAP data system.

Billing data reported directly from fuel suppliers, either electronically or on paper billing statements, is used to determine the cost of heating a dwelling/residence for the entire heating season. Billing data (i.e., total amount billed to client) is determined by several factors, including fuel consumption, cost of fuel, temperature/heating degree day data, the heating values of various fuels, and furnace efficiency factor for various fuels. Billing data therefore accounts for these factors in a single number/value.

Using actual billing data from the five most recent federal fiscal years (i.e., heating seasons), a distribution of total amount billed is generated, and MEDIAN house values are identified. Using historical billing data, the median house values are adjusted to estimate the total amount billed (i.e. heating costs) for various building types and number of bedrooms. These heating costs are then multiplied by a set percentage, based on historical billing data, to estimate the maximum cost of heating for each identified building type. Using these adjusted values, a single cost/consumption table is produced for the entire state, based on various sizes of living units, various types of buildings, and various types of fuel. A single cost/consumption table is produced for the entire state, based on various sizes of living units, various types of buildings, and various types of fuel.

Accurate consumption/cost data are not available for wood, coal, and other miscellaneous types of fuel, due to the very small number of LIHEAP recipients with these primary fuel types. Therefore, consumption and cost rates are best negotiated with the individual household on a case-by-case basis, using the previous year's usage and cost data. If not available, the natural gas rate will be used to compute benefits. (See Section I of the ND State Plan Attachments Document)

Benefit Calculation (See Section J of the ND State Plan Attachments Document): Heating assistance benefits are an individually determined percentage of the eligible household's actual heat cost incurred during each eligible month of the heating season, October through May. Heating fuel and some incidental charges may be included in the household's cost of heat.

The household is responsible to pay an affordable percentage of the actual heat cost. The amount each household can afford to pay for heat cost is based on family size and income (described in Section H, 1 of the ND State Plan Attachments Document):

- One percent of the household's adjusted annual income if that income is less than or equal to one-third (1/3) of the income eligibility limits, or
- Two percent of the household's annual income if the income is more than one-third (1/3) but less than or equal to two-thirds (2/3) of the income eligibility limits, or
- Three percent of the household's adjusted annual income if the income is more than two-thirds (2/3) of the income eligibility limits.

The household's percentage share is the amount calculated in (1), (2), or (3) above, divided by the estimated cost of heat from the cost/consumption tables described in Section I, 2, and rounded down to the nearest 5%. The remainder is the LIHEAP percentage share of the actual heat cost. Some households can demonstrate that they maintain home temperatures higher than anticipated in the cost/consumption tables due to age, disability, or health problem. If so, the household's percentage share will be based on the higher estimated cost of heat. Therefore, benefits take into account family size, income, and heat cost so that the greatest amount of assistance is provided to households with the lowest income and the highest energy costs.

The maximum LIHEAP percentage is 95% and the minimum LIHEAP percentage share is 10%. Eligible households whose LIHEAP percentage calculates to less than 6% will receive a one-time, \$50 cash benefit. These limits will assure that the eligible household will always pay a portion of each heat bill. The total amount paid for households whose heating bills include non-residential heating costs will not exceed the amount of that household's Estimated Cost of Heat multiplied by their calculated LIHEAP Share Percentage. All households that meet the heating assistance eligibility criteria in any month of the year may be provided any of the defined services and/or premium assistance, as needed, anytime through September 30, 2024, the end of federal fiscal year 2024. (See Section N of the ND State Plan Attachments Document for Emergency Assistance Eligibility Criteria)

Minimum/Maximum Benefit Note:

The maximum benefit for FY2024 is unknown due to the uniqueness of our program. We do not issue a flat benefit amount from a matrix table. Instead, LIHEAP in North Dakota is a cost-sharing program in which the LIHEAP benefit is calculated as a LIHEAP Share Percentage (LS%). Once the LS% is established, LIHEAP will pay the LS% of total heating bills for any fuel received during the household's eligibility period. Therefore, the estimated minimum benefit for FY2024 is based on actual minimum benefit from FY2022, the latest complete FY, while the estimated maximum benefit for FY2024 is the average benefit amount for FY2022, the latest complete FY, as an average benefit is the most accurate representation of a maximum benefit for LIHEAP in ND.

Attached is a copy of the Statewide Estimated Cost of Heating (ECH) Table for the 2023-2024 Heating Season.

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2.6 Describe estimated benefit levels for the fiscal year for which this plan applies			
Minimum Benefit	\$6	Maximum Benefit	\$1,100
2.7 Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits? <input checked="" type="radio"/> Yes <input type="radio"/> No			
If yes, describe.			
Temporary heating devices and/or other consumer type goods may be provided under the <u>emergency component only</u> in order to protect household members from a severe loss or lack of home energy.			
If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.			

Section 3 - COOLING ASSISTANCE

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIESAugust 1987, revised 05/92,02/95,03/96,12/98,11/01
OMB Clearance No.: 0970-0075
Expiration Date: 12/31/2024LOW INCOME HOME ENERGY ASSISTANCE PROGRAM(LIHEAP)
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Section 3 - Cooling Assistance

Eligibility, 2605(c)(1)(A), 2605 (b)(2) - Assurance 2

3.1 Designate The income eligibility threshold used for the Cooling component:

Add	Household size	Eligibility Guideline	Eligibility Threshold
1	All Household Sizes	State Median Income	60.00%

3.2 Do you have additional eligibility requirements for COOLING ASSISTANCE? ☒ Yes ☐ No

3.3 Check the appropriate boxes below and describe the policies for each.

Do you require an Assets test? ☐ Yes ☒ No

Do you have additional/differing eligibility policies for:

Renters?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Renters Living in subsidized housing?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Renters with utilities included in the rent?	<input type="radio"/> Yes <input checked="" type="radio"/> No

Do you give priority in eligibility to:

Elderly?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Disabled?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Young children?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Households with high energy burdens?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Other? Medical Necessity	<input checked="" type="radio"/> Yes <input type="radio"/> No

Explanations of policies for each "yes" checked above:

The North Dakota State LIHEAP reserves the option to implement a temporary cooling program contingent upon available funding, or in the event of unusual cooling needs due to weather aberrations or an emergency disaster.

This component may implement any or all of the following cooling components, depending upon the nature of the cooling need or the amount of funding available.

- 1) Direct payments to LIHEAP households or vendors for cooling costs incurred June - September.
- 2) Purchase and installation of approved cooling devices for households with income eligibility for LIHEAP.

Households who have **not** been approved for LIHEAP during the regular heating season (October -May) will need to complete a regular heating assistance application to establish that the income of the household is within the guidelines allowed under the Heating Assistance component, as described in Section H, 1 of the ND State Plan Attachments Document.

An emergency application is NOT required for the cooling device component, however, an approved emergency application IS required in order to issue direct payments for these households.

If the assistance is for cooling devices, the applicant does not need to have responsibility to pay a heating or cooling bill. Therefore, households who are not eligible under the Heating Assistance component, as described in Section H, 2, of the state plan may be eligible for purchase of cooling devices under this cooling component.

3.4 Describe how you prioritize the provision of cooling assistance to vulnerable populations, e.g., benefit amounts, early application periods, etc.

Income eligibility is the only requirement for the **cooling device** component, therefore all households approved for heating assistance qualify for the cooling device component and priority is based on household's request/need for the services.

If direct payments are issued as part of this component, all established LIHEAP households who are responsible for their electric utility costs and who were on heating through May will automatically qualify for the assistance if their electric utility vendor information can be verified.

Direct payments on behalf of households who were not on LIHEAP during the regular heating season, would require an approved emergency assistance application.

Determination of Benefits 2605(b)(5) - Assurance 5, 2605(c)(1)(B)

3.5 Check the variables you use to determine your benefit levels. (Check all that apply):

<input checked="" type="checkbox"/>	Income
<input checked="" type="checkbox"/>	Family (household) size
<input checked="" type="checkbox"/>	Home energy cost or need:
<input type="checkbox"/>	Fuel type
<input type="checkbox"/>	Climate/region
<input type="checkbox"/>	Individual bill
<input type="checkbox"/>	Dwelling type
<input type="checkbox"/>	Energy burden (% of income spent on home energy)
<input type="checkbox"/>	Energy need
<input checked="" type="checkbox"/>	Other - Describe:

The income of the household must be within the guidelines allowed under the Heating Assistance component, as described in Section H, 1 of the ND State Plan Attachments Document. (Also see Section X of the ND State Plan Attachments document for details).

North Dakota does not have a cooling benefit matrix. We do not issue benefits based on a flat benefit amount from a matrix. The **cooling device program** is part of the furnace repair/replacement contract with the Department of Commerce who, in turn, subcontracts with the Community Action Agencies to perform the services. The cooling device component of the cooling program is comprised entirely of AC installations, repairs/replacement of existing unit/system, or for the purchase of fans and NOT for payment of electric bills.

If direct payments are issued, the amount and frequency of the payment(s) will be based on the LIHEAP share percentage that was established for heating, solicited from the vendor, or obtained from available electricity cost reports.

Benefit Levels, 2605(b)(5) - Assurance 5, 2605(c)(1)(B)

3.6 Describe estimated benefit levels for the fiscal year for which this plan applies

Minimum Benefit	\$1	Maximum Benefit	\$1,000
-----------------	-----	-----------------	---------

3.7 Do you provide in-kind (e.g., fans, air conditioners) and/or other forms of benefits? ☒ Yes ☐ No

If yes, describe.

The **cooling device** component of the cooling program does not pay a household's cooling costs. Instead, a LIHEAP-eligible household may qualify for a cooling device (an air conditioner or a fan, as the need dictates) or repair on an existing cooling device, if a member of the household is elderly or has a documented medical need. The household need not be responsible for paying heating costs so tenants in subsidized housing may qualify.

The income of the household must be within the guidelines allowed under the Heating Assistance component, as described in Section H, 1 of the ND State Plan Attachments Document.

NOTE re MAXIMUM BENEFIT: There is no maximum amount that can be spent on an air conditioner except in the case of installing a central air unit where there was not one previously existing (\$1,000.00). However, this requirement can be waived under special circumstances with State Office approval.

See DOC Residential Cooling Program FY2023 document attached.

If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

Section 4 - CRISIS ASSISTANCE

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES

August 1987, revised 05/92,02/95,03/96,12/98,11/01
OMB Clearance No.: 0970-0075
Expiration Date: 12/31/2024

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM(LIHEAP) MODEL PLAN SF - 424 - MANDATORY

Section 4: CRISIS ASSISTANCE

Eligibility - 2604(c), 2605(c)(1)(A)

4.1 Designate the income eligibility threshold used for the crisis component

Add	Household size	Eligibility Guideline	Eligibility Threshold
1	All Household Sizes	State Median Income	60.00%

4.2 Provide your LIHEAP program's definition for determining a crisis.

See Section E of the ND State Plan Attachments document for details:

Energy Crisis: This term means weather-related and supply shortage emergencies and other household energy-related emergencies.

4.3 What constitutes a life-threatening crisis?

See Section E of the ND State Plan Attachments document for details:

Life-Threatening Energy Crisis: This term refers to an energy-related crisis that poses a serious threat to the health and safety of one or more members of the household.

Crisis Requirement, 2604(c)

4.4 Within how many hours do you provide an intervention that will resolve the energy crisis for eligible households? 48Hours

4.5 Within how many hours do you provide an intervention that will resolve the energy crisis for eligible households in life-threatening situations? 18Hours

Crisis Eligibility, 2605(c)(1)(A)

4.6 Do you have additional eligibility requirements for CRISIS ASSISTANCE? ☒ Yes ☐ No

4.7 Check the appropriate boxes below and describe the policies for each

Do you require an Assets test? ☐ Yes ☒ No

Do you give priority in eligibility to:

Elderly?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Disabled?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Young Children?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Households with high energy burdens?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Other?	<input type="radio"/> Yes <input checked="" type="radio"/> No

In Order to receive crisis assistance:

Must the household have received a shut-off notice or have a near empty tank? ☐ Yes ☒ No

Must the household have been shut off or have an empty tank? ☐ Yes ☒ No

Must the household have exhausted their regular heating benefit? ☐ Yes ☒ No

Must renters with heating costs included in their rent have received an eviction notice? ☐ Yes ☒ No

Must heating/cooling be medically necessary? ☐ Yes ☒ No

Must the household have non-working heating or cooling equipment? ☐ Yes ☒ No

Other? ☐ Yes ☒ No

Do you have additional/differing eligibility policies for:	
Renters?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Renters living in subsidized housing?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Renters with utilities included in the rent?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Explanations of policies for each "yes" checked above:	
<p style="text-align: center;">Renters living in subsidized housing and are not responsible for paying their heat do not qualify for emergency assistance.</p>	
Determination of Benefits	
4.8 How do you handle crisis situations?	
<input checked="" type="checkbox"/>	Separate component
<input type="checkbox"/>	Fast Track
<input type="checkbox"/>	Other - Describe:
4.9 If you have a separate component, how do you determine crisis assistance benefits?	
<input checked="" type="checkbox"/>	Amount to resolve the crisis.
<input type="checkbox"/>	Other - Describe:
Crisis Requirements, 2604(c)	
4.10 Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served?	
<input checked="" type="radio"/> Yes <input type="radio"/> No Explain.	
<p>Applications are available at all zone offices, formerly called county social service offices. Emergency procedures include home visits when necessary, counseling, referrals, communication with suppliers, or other services and a 24-hour telephone number for requesting aid or reporting a crisis. Outreach activities assure that all potentially eligible households are informed of the heating assistance and emergency assistance components of the program and have the opportunity to submit an application. Aging service area coordinators and the North Dakota Council of Community Action Agency Directors, representing the seven (7) regional community action agencies, have agreed to continue to provide outreach and intake function for LIHEAP heating assistance and crisis situations.</p> <p>In addition, the Department contracted with Community Options to provide outreach services which includes information to potential clients or current clients, providing applications, assist completing applications and obtaining required verifications.</p>	
4.11 Do you provide individuals who are physically disabled the means to:	
Submit applications for crisis benefits without leaving their homes?	
<input checked="" type="radio"/> Yes <input type="radio"/> No If No, explain.	
Travel to the sites at which applications for crisis assistance are accepted?	
<input checked="" type="radio"/> Yes <input type="radio"/> No If No, explain.	
If you answered "No" to both options in question 4.11, please explain alternative means of intake to those who are homebound or physically disabled?	
Benefit Levels, 2605(c)(1)(B)	
4.12 Indicate the maximum benefit for each type of crisis assistance offered.	
Winter Crisis	\$0.00 maximum benefit
Summer Crisis	\$0.00 maximum benefit
Year-round Crisis	\$500.00 maximum benefit
4.13 Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?	
<input checked="" type="radio"/> Yes <input type="radio"/> No If yes, Describe	
<p>Emergency assistance can provide assistance for the following:</p> <ol style="list-style-type: none"> Supplemental heating assistance, including unavoidable mandatory finance and other incidental charges, for households that are financially unable to pay all of the household's percentage share of a heat bill. The emergency assistance component may be used to justify re-computing the basic heating assistance benefit level if the financial shortage is expected to be long-term, or it may be used to pay the amount needed to resolve the current crisis, or a combination of both options. An eligible household may receive up to \$500.00 per season for heating costs (including re-connection charges). SEE EMERGENCY DISASTER RESPONSE BELOW FOR EXCEPTION. if the household is financially unable to contribute all or part of their co-payment percentage to the purchase of the fuel. <u>Amounts in excess of the seasonal maximum must be approved by the state office.</u> (See policy sections below) Repair or replacement, whichever is appropriate and cost effective, of a defective, inoperable, unsafe, or inefficient heating system or water heater for an eligible homeowner or an eligible renter with verifiable responsibility for such costs may be provided, depending on the availability of funds, weatherization or other resources, expected payback, and other related factors. The heating system includes chimney, air ducts, burners, tanks, pipes and all other components necessary to produce heat safely and efficiently. (No maximum for this portion of crisis assistance and includes the cost of equipment and replacement of heating system or parts.) Minor home repairs or replacement components (excludes additions) to prevent the loss of home energy in the living unit of an eligible 	

- homeowner or a renter with verifiable responsibility for such costs. (up to \$400/season)
4. Temporary shelter, temporary heating or cooling devices and/or other consumer type goods that may be needed to protect household members from a severe loss or lack of home energy. (Up to \$100.00/season).
 5. The state may delegate some or all of the responsibility for delivering the services described in 2, 3 and 4 above by administrative agreement with the Division of Community Services.
 6. The costs necessary to prevent the loss of or to restore electrical service for an eligible household. (See Section N of the ND State Plan attachments document)

Supporting policy for #1:

Supplemental Fuel 415-50-05-05

An eligible household may receive up to \$500.00 per season for heating costs (including re-connection charges) if the household is financially unable to contribute all or part of their co-payment percentage to the purchase of the fuel. (For exceptions, see 415-50-15)

Exception to Limitation for Emergency Services 415-50-15

Whenever an eligible household has an emergency fuel assistance need that exceeds the county maximum, the state approval should be requested. Very few requests for exceptions are expected inasmuch as community negotiations and individual households plans should usually restrict emergency assistance to the specified limits.

Emergency Disaster Responses

Additional enhancements to the LIHEAP emergency program may be implemented in the event of state or federal disaster declarations or other emergencies as determined by the department.

To streamline the emergency process and ensure an effective and timely response to disaster-type emergencies, any or all of the following changes may be implemented as part of an emergency disaster response:

- Telephonic emergency applications with a verbal signature will be allowed. Worker must indicate applicant's name and notate "Verbal Signature" in the applicant signature line of the emergency application.
- Client statement will be allowed as an acceptable source of verification of income and expenses on the emergency application if currently acceptable sources of verification are not readily available. Worker must be sure to document the verification source used.
- The seasonal maximum amount for supplemental fuel may be increased to accommodate the emergency. State office approval should be obtained for amounts that exceed the maximum amount.
- If additional funding is available to the program, a temporary disaster assistance program may be considered. The temporary program may include but is not limited to:

- 1) Extension of the heating season,
- 2) Additional assistance with heating costs,
- 3) Assistance with non-heating electric utility costs, or
- 4) A combination of the above options

4.14 Do you provide for equipment repair or replacement using crisis funds?

☒ Yes ☐ No

If you answered "Yes" to question 4.14, you must complete question 4.15.

4.15 Check appropriate boxes below to indicate type(s) of assistance provided.

	Winter Crisis	Summer Crisis	Year-round Crisis
Heating system repair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Heating system replacement	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cooling system repair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cooling system replacement	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wood stove purchase	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pellet stove purchase	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Solar panel(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility poles / gas line hook-ups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.16 Do any of the utility vendors you work with enforce a moratorium on shut offs?

☒ Yes ☐ No

If you responded "Yes" to question 4.16, you must respond to question 4.17.

4.17 Describe the terms of the moratorium and any special dispensation received by LIHEAP clients during or after the moratorium period.

Investor-owned utilities (there are four in the state) must follow the attached PSC disconnect rules.

If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

Section 5 - WEATHERIZATION ASSISTANCE

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIESAugust 1987, revised 05/92,02/95,03/96,12/98,11/01
OMB Clearance No.: 0970-0075
Expiration Date: 12/31/2024LOW INCOME HOME ENERGY ASSISTANCE PROGRAM(LIHEAP)
MODEL PLAN
SF - 424 - MANDATORY

Section 5: WEATHERIZATION ASSISTANCE

Eligibility, 2605(c)(1)(A), 2605(b)(2) - Assurance 2

5.1 Designate the income eligibility threshold used for the Weatherization component

Add	Household Size	Eligibility Guideline	Eligibility Threshold
1	All Household Sizes	State Median Income	60.00%

5.2 Do you enter into an interagency agreement to have another government agency administer a WEATHERIZATION component? ☒ Yes ☐ No

5.3 If yes, name the agency. North Dakota Department of Commerce

5.4 Is there a separate monitoring protocol for weatherization? ☒ Yes ☐ No

WEATHERIZATION - Types of Rules

5.5 Under what rules do you administer LIHEAP weatherization? (Check only one.)

- ☐ Entirely under LIHEAP (not DOE) rules
- ☐ Entirely under DOE WAP (not LIHEAP) rules
- ☐ Mostly under LIHEAP rules with the following DOE WAP rule(s) where LIHEAP and WAP rules differ (Check all that apply):
- ☐ Income Threshold
- ☐ Weatherization of entire multi-family housing structure is permitted 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).
- ☐ Other - Describe:
- ☒ Mostly under DOE WAP rules, with the following LIHEAP rule(s) where LIHEAP and WAP rules differ (Check all that apply.):
- ☒ Income Threshold
- ☒ Weatherization not subject to DOE WAP maximum statewide average cost per dwelling unit.
- ☐ Weatherization measures are not subject to DOE Savings to Investment Ratio (SIR) standards.

☒ Other - Describe:

Income eligibility for LIHEAP is a pre-requisite for weatherization services.

DOC weatherization does not require ASHRAE 62.2 compliance.

DOC weatherization does not require Quality Control Certified Inspections.

DOC weatherization does not follow the 15-year requirement for reweatherization.

DOC weatherization does not replace refrigerators in rental properties

We allow omission of some measures if there are documented reasons for NOT doing them, such as a health and safety issue.

Beginning in FY2020, a combination of Department of Energy (DOE) funds and LIHEAP funds may be used on an LIHEAP-eligible household's home in order to maintain average cost (per funding source) at a consistent, acceptable level. Federal reporting will count only those LIHEAP households for which LIHEAP funds were expended and, likewise, will only report LIHEAP dollars spent. DOE funds expended will not be included in LIHEAP reporting.

DOE rules will be followed if a combination of funds are used to weatherize a LIHEAP household

Eligibility, 2605(b)(5) - Assurance 5

5.6 Do you require an assets test?	<input type="radio"/> Yes <input checked="" type="radio"/> No
5.7 Do you have additional/differing eligibility policies for :	
Renters	<input type="radio"/> Yes <input checked="" type="radio"/> No
Renters living in subsidized housing?	<input type="radio"/> Yes <input checked="" type="radio"/> No
5.8 Do you give priority in eligibility to:	
Elderly?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Disabled?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Young Children?	<input checked="" type="radio"/> Yes <input type="radio"/> No
House holds with high energy burdens?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Other? High Energy Usage	<input checked="" type="radio"/> Yes <input type="radio"/> No
<p>If you selected "Yes" for any of the options in questions 5.6, 5.7, or 5.8, you must provide further explanation of these policies in the text field below.</p> <p>Income eligibility for LIHEAP is a pre-requisite for weatherization services.</p> <p>All heating assistance households will automatically be referred for energy conservation (weatherization) services. The Department of Commerce/Community Action Agencies receive a monthly referral list of LIHEAP approved applicants so they can verify LIHEAP eligibility for households who inquire about weatherization services or so they may contact households who are eligible for weatherization services.</p> <p>Discussion with applicants who live in poor quality housing, that have high-energy usage, or who are demonstrating a pattern of reliance on Energy Assistance should focus on the benefits of conservation services.</p> <ol style="list-style-type: none"> 1. Energy conservation will stretch LIHEAP dollars. 2. The amount of money required for heating from the applicant's own pocket is reduced. 3. The conservation and weatherization services will continue to reduce energy costs, so even if the applicant is not eligible for LIHEAP, the out-of-pocket costs will be lower. 4. Their home will be more comfortable with fewer drafts and cold spots. <p>The long range advantage of taking the extra time to encourage participation in conservation services now is that program expenditures will be reduced, allowing more people to be served and reducing the chances that benefit levels will have to be decreased in the future.</p> <p>North Dakota contracts with the Department of Commerce for weatherization services who in turn contracts with Community Action agencies. The Community Action agencies receive written approval from a landlord for weatherization work before any work is started for eligibility LIHEAP households who reside in subsidized housing. The following further defines subsidized housing:</p> <ul style="list-style-type: none"> • Renters of units in some governmental subsidized housing (including HAP renter/heat paid clients) are not directly responsible for heating costs. The rental costs for these households are based on a fixed percentage of the household's income and other factors. Their rental costs do not increase when heating costs increase; therefore, these households are not eligible for heating assistance from LIHEAP. • Those renters in governmental subsidized housing who are responsible for part or all of their heating costs may be eligible for LIHEAP benefits. Their eligibility and benefit level is determined in the same manner as other LIHEAP households. <p>See Section M (3) and Section O of the ND State Plan attachments document.</p> <p>In rental situations, permission is obtained from the property owner in the form of an agreement that is signed by the landlord. See Department of Commerce Weatherization Policy and Procedures, Section 700 covering rentals. Specific section is 700.22</p>	
Benefit Levels	
5.9 Do you have a maximum LIHEAP weatherization benefit/expenditure per household? <input type="radio"/> Yes <input checked="" type="radio"/> No	
5.10 If yes, what is the maximum? \$0	
Types of Assistance, 2605(c)(1), (B) & (D)	
5.11 What LIHEAP weatherization measures do you provide ? (Check all categories that apply.)	
<input checked="" type="checkbox"/> Weatherization needs assessments/audits	<input checked="" type="checkbox"/> Energy related roof repair
<input checked="" type="checkbox"/> Caulking and insulation	<input type="checkbox"/> Major appliance repairs
<input checked="" type="checkbox"/> Storm windows	<input checked="" type="checkbox"/> Major appliance replacement
<input checked="" type="checkbox"/> Furnace/heating system modifications/repairs	<input checked="" type="checkbox"/> Windows/sliding glass doors
<input checked="" type="checkbox"/> Furnace replacement	<input checked="" type="checkbox"/> Doors
<input checked="" type="checkbox"/> Cooling system modifications/repairs	<input checked="" type="checkbox"/> Water Heater
<input type="checkbox"/> Water conservation measures	<input checked="" type="checkbox"/> Cooling system replacement
<input checked="" type="checkbox"/> Compact florescent light bulbs	<input checked="" type="checkbox"/> Other - Describe: If weatherization expenditures are above \$8,000 per household, state approval must be obtained. LED Bulbs are used instead of compact florescent light bulbs

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If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

Section 6 - Outreach, 2605(b)(3) - Assurance 3, 2605(c)(3)(A)

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES

August 1987, revised 05/92,02/95,03/96,12/98,11/01
OMB Clearance No.: 0970-0075
Expiration Date: 12/31/2024

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM(LIHEAP) MODEL PLAN SF - 424 - MANDATORY

Section 6: Outreach, 2605(b)(3) - Assurance 3, 2605(c)(3)(A)

6.1 Select all outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:

<input checked="" type="checkbox"/>	Place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.
<input checked="" type="checkbox"/>	Publish articles in local newspapers or broadcast media announcements.
<input type="checkbox"/>	Include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.
<input checked="" type="checkbox"/>	Mass mailing(s) to prior-year LIHEAP recipients.
<input checked="" type="checkbox"/>	Inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.
<input checked="" type="checkbox"/>	Execute interagency agreements with other low-income program offices to perform outreach to target groups.
<input checked="" type="checkbox"/>	<p>Other (specify):</p> <p>The state issues press releases regarding LIHEAP.</p> <p>Human service zone offices and alternate outreach organizations distribute heating assistance application forms to all individuals upon request, and provide such application forms to fuel suppliers, Community Action Agencies, senior citizen centers or any other individuals or organizations that are willing to distribute the form to potentially eligible households.</p> <p><u>Community Options Outreach</u></p> <p>The Department contracts with Community Options to provide outreach services with a focus on elderly and disabled people.</p> <p>Community Options Specialists participates in local events at Senior Centers, businesses and organizations to give marketing presentations for LIHEAP and provide information and education about the program by placing flyers/door hangers in local communities statewide. They also attend various conferences around the state and conduct outreach activities via booth presentations.</p> <p>In addition, they provide applications to interested clients, assist clients with completing applications and obtaining the required verifications, assist counties in obtaining necessary verifications for eligibility, and conduct home visits to home-bound individuals to assist with the application process.</p> <p>All activities are coordinated with county social service office and the community action agencies to ensure that there is no duplication of services.</p> <p>LIHEAP applications are also sent to all fixed income households from the prior year via mass-mailing in September.</p> <p>In FY2023 (through 6/30/2023) LIHEAP Outreach Specialists from across the state turned in 607 LIHEAP applications:</p> <ul style="list-style-type: none">• 385 Approved for LIHEAP• 134 Denied• 2 Withdrawn• 1 Closed ineligible• 0 Pending• 85 N/A - Not found in system <p>Total 607</p> <p><u>Marketing</u></p> <p>The state will use pandemic-related funds to implement a marketing campaign via a third-party vendor. The marketing efforts will focus on promoting the emergency furnace repair and replacement and cooling efforts.</p>

If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

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Section 7 - Coordination, 2605(b)(4) - Assurance 4

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES

August 1987, revised 05/92,02/95,03/96,12/98,11/01
OMB Clearance No.: 0970-0075
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LOW INCOME HOME ENERGY ASSISTANCE PROGRAM(LIHEAP) MODEL PLAN SF - 424 - MANDATORY

Section 7: Coordination, 2605(b)(4) - Assurance 4

7.1 Describe how you will ensure that the LIHEAP program is coordinated with other programs available to low-income households (TANF, SSI, WAP, etc.).



Joint application for multiple programs



Intake referrals to/from other programs



One - stop intake centers



Other - Describe:

Each of the human service zone offices are responsible for administering TANF, SNAP, Medicaid, Child Care Assistance Program and Title XX and other service programs. Therefore, the human service zone offices can assure that these programs and energy programs are fully coordinated.

See Section M of the ND State Plan attachments document.

LIHEAP is part of an integrated eligibility system called SPACES that determines eligibility for LIHEAP, Child Care Assistance (CCAP), Medicaid, SNAP, and TANF. SPACES allows applicants to jointly apply for all programs that are part of SPACES.

If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

Section 8 - Agency Designation,, 2605(b)(6) - Assurance 6

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES

August 1987, revised 05/92,02/95,03/96,12/98,11/01
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LOW INCOME HOME ENERGY ASSISTANCE PROGRAM(LIHEAP) MODEL PLAN SF - 424 - MANDATORY

Section 8: Agency Designation, 2605(b)(6) - Assurance 6 (Required for state grantees and the Commonwealth of Puerto Rico)

8.1 How would you categorize the primary responsibility of your State agency?

<input checked="" type="checkbox"/>	Administration Agency
<input type="checkbox"/>	Commerce Agency
<input type="checkbox"/>	Community Services Agency
<input type="checkbox"/>	Energy/Environment Agency
<input type="checkbox"/>	Housing Agency
<input type="checkbox"/>	Welfare Agency
<input type="checkbox"/>	Other - Describe:

Alternate Outreach and Intake, 2605(b)(15) - Assurance 15

If you selected "Welfare Agency" in question 8.1, you must complete questions 8.2, 8.3, and 8.4, as applicable.

8.2 How do you provide alternate outreach and intake for HEATING ASSISTANCE?

The North Dakota Council of Community Action Agency Directors, representing the seven (7) regional community action agencies, have agreed to continue to provide outreach and intake function for LIHEAP heating assistance and crisis situations. In addition, the Department has contracted with Community Options to conduct statewide outreach services.

The North Dakota Department of Health and Human Services, Aging Services Division, as the statewide agency for Aging Services employs coordinators in each of the eight (8) regional Human Service Centers. The division has agreed that the regional Aging Services coordinators will continue to provide outreach and intake functions for LIHEAP heating assistance and crisis situations.

The North Dakota LIHEAP has agreed to provide appropriate staff training, administrative forms and printed information to the regional community action agencies and the regional Aging Services coordinators.

The outreach function and the intake function assigned to these alternate sites are defined in Section E of the ND State Plan attachments document.

Intake Function: Intake is defined as the beginning formal contact(s) with a potential applicant to provide program information and explanations, and to provide the application form with instructions for completion and submission.

Outreach Function: This term is similar to the general outreach activities and processes described in Section G except that special service outreach activities are not included. To assure that all households are aware of the program and the application process, the outreach function takes advantage of opportunities to publicize the LIHEAP through a variety of publicity methods including, but not limited to, the public media, meetings and presentations, fliers and brochures.

The Department also contracts with Community Options Inc. to provide outreach services with a focus on elderly and disabled people.

Outreach - Marketing

The state will LIHEAP funds to implement a marketing campaign via a third-party vendor. The marketing efforts will focus on promoting the emergency furnace repair and replacement and cooling efforts.

See Section B (2) of State Plan of Operations attached:

8.3 How do you provide alternate outreach and intake for COOLING ASSISTANCE?

See Section B (2) of the ND State Plan attachments document: See 8.2 above.

8.4 How do you provide alternate outreach and intake for CRISIS ASSISTANCE?

See Section B (2) of the ND State Plan Attachments document. See 8.2 above.

8.5 LIHEAP Component Administration.	Heating	Cooling	Crisis	Weatherization
8.5a Who determines client eligibility?	Local County Government	Local County Government Community Action Agencies	Local County Government	Local County Government
8.5b Who processes benefit payments to gas and electric vendors?	Local County Government Other	Non-Applicable	Local County Government	
8.5c who processes benefit payments to bulk fuel vendors?	Local County Government Other	Non-Applicable	Local County Government	
8.5d Who performs installation of weatherization measures?				Community Action Agencies

If any of your LIHEAP components are not centrally-administered by a state agency, you must complete questions 8.6, 8.7, 8.8, and, if applicable, 8.9.

8.6 What is your process for selecting local administering agencies?

53 Counties (51 county offices) organized into 19 Human Service Zones

By North Dakota Century Code, North Dakota is a state supervised, county administered state.

Section Powers and duties of the department - 50-06-05.1.19. states, "To act as the official agency of the state in the administration of the Low Income Home Energy Assistance Program; to direct and supervise county administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. The department with the consent of the budget section of the legislative management may terminate the program if the rate of federal financial participation in administrative costs is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits.

CAAs (7):

The Department of Commerce utilizes the following process in accordance with 10 CFR 440:

§440.15 Subgrantees.

(a) The grantee shall ensure that:

(1) Each subgrantee is a CAA or other public or nonprofit entity;

(2) Each subgrantee is selected on the basis of public comment received during a public hearing conducted pursuant to §440.14(a) and other appropriate findings regarding:

(i) The subgrantee's experience and performance in weatherization or housing renovation activities;

(ii) The subgrantee's experience in assisting low-income persons in the area to be served; and

(iii) The subgrantee's capacity to undertake a timely and effective weatherization program.

(3) In selecting a subgrantee, preference is given to any CAA or other public or nonprofit entity which has, or is currently administering, an effective program under this part or under title II of the Economic Opportunity Act of 1964, with program effectiveness evaluated by consideration of factors including, but not necessarily limited to, the following:

(i) The extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion;

(ii) The quality of work performed by the subgrantee;

(iii) The number, qualifications, and experience of the staff members of the subgrantee; and

(iv) The ability of the subgrantee to secure volunteers, training participants, public service employment workers, and other Federal or State training programs.

(b) The grantee shall ensure that the funds received under this part will be allocated to the entities selected in accordance with paragraph

(a) of this section, such that funds will be allocated to areas on the basis of the relative need for a weatherization project by low-income persons.

(c) If DOE finds that a subgrantee selected to undertake weatherization activities under this part has failed to comply substantially with the provisions of the Act or this part and should be replaced, such finding shall be treated as a finding under §440.30(i) for purposes of §440.30.

(d) Any new or additional subgrantee shall be selected at a hearing in accordance with §440.14(a) and upon the basis of the criteria in paragraph (a) of this section.

(e) A State may terminate financial assistance under a subgrant agreement for a grant period only in accordance with established State procedures that provide to the subgrantee appropriate notice of the State's reasons for termination and afford the subgrantee an adequate opportunity to be heard.

8.7 How many local administering agencies do you use? 19

8.8 Have you changed any local administering agencies in the last year?

☐ Yes

☒ No

8.9 If so, why?

☐

Agency was in noncompliance with grantee requirements for LIHEAP -

☐

Agency is under criminal investigation

☐

Added agency

☐

Agency closed

☐

Other - describe

If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

Section 9 - Energy Suppliers,, 2605(b)(7) - Assurance 7

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ADMINISTRATION FOR CHILDREN AND FAMILIES

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LOW INCOME HOME ENERGY ASSISTANCE PROGRAM(LIHEAP) MODEL PLAN SF - 424 - MANDATORY

Section 9: Energy Suppliers, 2605(b)(7) - Assurance 7

9.1 Do you make payments directly to home energy suppliers?

Heating ☒ Yes ☐ No

Cooling ☐ Yes ☒ No

Crisis ☒ Yes ☐ No

Are there exceptions? ☒ Yes ☐ No

If yes, Describe.

Generally, payment is issued directly to the vendor for fuel costs incurred during a client's eligibility period. If, however, the fuel costs have been paid in full by the client, payment may be issued to the client.

Renters whose heating costs are included as an undesignated portion of their rent payment will receive LIHEAP payments directly. Payments will generally be made once per month, on the third Tuesday, and will continue for the client's eligibility period.

In unusual circumstance, third party payments may be issued (Ex: landlord who refuses to have the tenant's name on the vendor's account).

See Section K (Supplier Agreements) of the ND State Plan attachments document.

9.2 How do you notify the client of the amount of assistance paid?

A notice detailing specific payments to be made is sent to the household (and supplier when appropriate) whenever miscellaneous, emergency, or premium payments are entered into the eligibility system by county or state office workers.

County eligibility workers have 45 days to process an application. Upon entry of the households information into the eligibility system, a notice is sent to the household notifying them of percentage is their responsibility and the state share for heating costs.

See Section L (4) of the ND State Plan attachments document.

9.3 How do you 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?

The fuel supplier will be required to sign a standard agreement statement that is included on the Heating Assistance billing form. Suppliers who submit electronic tape in lieu of the Heating Assistance billing form will sign a similar agreement (See attached Vendor Participation Agreement).

The standard agreement (on the Heating Assistance billing form) will commit the fuel supplier:

- a. To charge the eligible household, in a normal billing process, the difference between the actual cost of the home energy and the amount of payment to be made by the State. (The household's co-payment)
- b. To give assurance that no household receiving assistance under this program will be treated adversely because of such assistance under applicable provisions of State Law or public regulatory requirements.
- c. Not to discriminate, either in the cost of the goods supplied or the services provided, against the eligible household on whose behalf payments are made.
- d. To cooperate in reviews or audits of LIHEAP payments, and to refund to the State any over-payments.

Violations of the agreements due to suspected fraud or other criminal action will be referred to the county attorney for action. Other agreement violations may be cause to suspend the supplier from participating in LIHEAP or the program director may prescribe other appropriate action.

At the end of the regular heating season, all LIHEAP households receive a payment notice showing all payments made on behalf of the household for the heating season. The notice instructs the client to review the payments and contact the county with any discrepancies or questions. The notice provides a level of program integrity by allowing client to review/verify what has been paid on their behalf.

See Section K (Supplier Agreements) of the ND State Plan Attachments Document.

Also see attached **Vendor Participation Agreement**

9.4 How do you assure that no household receiving assistance under this title will be treated adversely because of their receipt of LIHEAP assistance?

Per agreement signed with vendor (See Section K of the ND State Plan Attachments Document).

Households eligible for heating assistance and/or emergency assistance will receive an electronically produced "notice of action" at the time their eligibility and benefits have been determined. This form will include co-payment percentages and duration of benefits, right to appeal, and all other necessary explanations. It also conveys their right to file a written complaint if they believe they have been discriminated against because of race, color, religion, national origin, age, gender, disability or status with respect to marriage or public assistance.

9.5. Do you make payments contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households?

☒ Yes ☐ No

If so, describe the measures unregulated vendors may take.

Payments that are contingent on a vendor actions are typically reserved for emergency assistance. Good faith efforts of the household, and energy supplier if appropriate, to avoid or resolve crisis should be apparent. A budget payment plan or other formalized Action Plan to avoid future crises may be required as a condition of emergency payments.

The energy supplier's collection efforts and cooperation in extending credit and offering a reasonable payment plan is considered when a household requests emergency assistance.

If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

Section 10 - Program, Fiscal Monitoring, and Audit, 2605(b)(10) - Assurance 10

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Section 10: Program, Fiscal Monitoring, and Audit, 2605(b)(10)

10.1. How do you ensure good fiscal accounting and tracking of LIHEAP funds?

See the following sections of the ND State Plan attachments document: P (Distribution of Grant Funds by Priority) Q (Benefits Excluded as Income) R (Administrative/Service Costs) S (Control of Fraud, Waste and Abuse) T (Fiscal Controls, Fund Accounting and Annual Audit) U (Reporting and Investigations)

Audit Process

10.2. Is your LIHEAP program audited annually under the Single Audit Act and OMB Circular A - 133?

☒ Yes ☐ No

10.3. Describe any audit findings rising to the level of material weakness or reportable condition cited in the A-133 audits, Grantee monitoring assessments, inspector general reviews, or other government agency reviews of the LIHEAP agency from the most recently audited fiscal year.

No Findings ☐

Finding	Type	Brief Summary	Resolved?	Action Taken
1	reporting	Subrecipient Reporting for FFATA: DHHS did not properly distinguish Department of Commerce as a "pass through entity" and failed to identify the subawards to Community Action agencies.	Yes	procedure/policy changes
2	reporting	SF 425 Missing Line Items: Reported Cash Receipts and Cash Disbursement lines as zero on three SF425 reports due to oversight.	Yes	training changes
3	financial	Improper eligibility determination in relation to households that receive rent-free housing as condition of employment agreement	Yes	
4	financial	Duplicate Payment arising because of lack of documentation for households in 50-50 custody situation.	Yes	procedure/policy changes
5	other	Use of NDVerify for verifying eligibility information is optional for LIHEAP. Clarification needed in State Plan to indicate use of NDVerify as optional.	Yes	procedure/policy changes

10.4. Audits of Local Administering Agencies

What types of annual audit requirements do you have in place for local administering agencies/district offices?
Select all that apply.

- ☐ Local agencies/district offices are required to have an annual audit in compliance with Single Audit Act and OMB Circular A-133
- ☐ Local agencies/district offices are required to have an annual audit (other than A-133)
- ☐ Local agencies/district offices' A-133 or other independent audits are reviewed by Grantee as part of compliance process.
- ☒ Grantee conducts fiscal and program monitoring of local agencies/district offices

Compliance Monitoring

10.5. Describe the Grantee's strategies for monitoring compliance with the Grantee's and Federal LIHEAP policies and procedures: Select all that apply

Grantee employees:

- ☒ Internal program review
- ☒ Departmental oversight
- ☒ Secondary review of invoices and payments
- ☐ Other program review mechanisms are in place. Describe:

Local Administering Agencies/District Offices:

- ☒ On - site evaluation
- ☐ Annual program review
- ☒ Monitoring through central database
- ☒ Desk reviews
- ☒ Client File Testing/Sampling
- ☐ Other program review mechanisms are in place. Describe:

Weatherization Monitoring by Department of Commerce (See attached document).

10.6 Explain, or attach a copy of your local agency monitoring schedule and protocol.

Each month, the Department's Quality Assurance Unit generates a random sample of LIHEAP cases for which a payment was made during the sample review month. A state-wide monthly random sample of fifteen (15) Low Income Home Energy Assistance Program (LIHEAP) cases are selected for review by the Quality Assurance Unit staff. The sample consists of one (1) case per region along with an additional two (2) random selections from the state-wide sample. In addition, a state-wide monthly random sample of five (5) denied/closed cases are selected and reviewed.

The necessary outcome of this process is the assurance that clients are qualified, and that they receive the benefits for which they are eligible.

The results of the reviews are shared with the eligibility worker, county director and program administrators. If overpayments exist as a result of the review, overpayments are established regardless if it is due to an agency or recipient error. At the time an overpayment is established, the family is informed of the overpaid amount and their responsibility for repayment. Any corrections (over or underpayment) are the responsibility of the eligibility worker.

Error trends are used to identify areas of the program in need of training or possible policy revisions. LIHEAP eLearning courses are available online 24 hours a day for eligibility workers to develop competency and skills in applying LIHEAP policy. Economic Assistance Regional Representatives provide training for county eligibility workers on new policy and revisions. In addition, they work one-on-one with eligibility workers as needed.

Monitoring

The North Dakota Department of Health and Human Services has a stand-alone, web-based verification system called NDVerify that streamlines the search of different interfaces/sources to obtain verification electronically. NDVerify allows eligibility workers to search multiple interfaces/sources for all household members included in a LIHEAP case at the same time. NDVerify also stores the search based on the date completed for historical purposes. NDVerify has been incorporated into the integrated eligibility system (SPACES), however, the stand-alone system is also available for use.

The following interfaces/sources are included in NDVerify:

- Birth/Death Records (ND Vital Records)
- Health Insurance (DEERS)
- ND Child Support
- ND Department of Corrections
- ND Motor Vehicle/Watercraft (Motor Vehicle/Game & Fish)
- ND State Directory of New Hire
- ND State Hospital Admission/Discharge
- ND Unemployment Insurance Benefits (Job Service)
- ND Wages (Job Service)
- Other Benefit Information (SSA)
- SNAP Intentional Program Violations
- WSI Medical Claims Status
- Request UPA
- Request 40 Quarters
- SAVE

NDVerify is an **optional verification tool**. LIHEAP also allows for other means of verification, such as hard copy verification from applicant or third-party, to support eligibility determination.

In addition to these interfaces/sources, eligibility workers also have access to additional verifications received through other program interfaces such as the Income and Eligibility Verification System (IEVS), Social Security Administration and Public Assistance Reporting Information System (PARIS).

For weatherization and emergency furnace services, monitoring is flagged in the Department's electronic contract system on a specified schedule throughout the life of the contract.

North Dakota is a state-supervised, county-administered state. DHHS has the responsibility of building and maintaining the computer system that determines eligibility and benefits state-wide. DHHS Fiscal Administration, LIHEAP Administrator and Economic Assistance Director monitor the funding of the program.

Local agency utilization of LIHEAP is monitored monthly through statistical reports that are generated for review of caseload and expenditures by county. These reports are shared within DHS and each county agency for their review and information. If there are any discrepancies identified, they are reviewed by the LIHEAP Administrator.

In addition, an abstract is created each week of payments authorized by the eligibility worker in the LIHEAP eligibility system along with payments requested by fuel vendors. The abstract is reviewed by DHHS policy staff and fiscal administration before payments are released and paid through the PeopleSoft payment system. In addition, Fiscal Administration provides monthly spenddown tables on the utilization of program funds to the Economic Assistance Director.

For Weatherization Monitoring by DOC, see attached document.

10.7. Describe how you select local agencies for monitoring reviews.

Site Visits:

On-site county visits are not conducted unless deemed necessary based on reviews completed by Quality Assurance Unit or Policy and System Support (PaSS) Unit.

Weatherization Monitoring by DOC; see attached document.

Desk Reviews:

The Quality Assurance Unit conducts monthly case file reviews. The human service zone office provides the case file or an electronic case file is retrieved from FileNet for the review process. A standard form is used for the review process. The form includes LIHEAP policy and procedures, i.e. verification of income, household members, etc. The results of the case file reviews are shared with the eligibility worker and Human Service Zone director. If overpayment exists as a result of the review, overpayments are established regardless if the overpayment is due to agency error or recipient error. At the time an overpayment is established, the family is informed of the overpaid amount and that they are responsible for repayment of the overpayment.

Weatherization Monitoring by DOC; see attached document.

10.8. How often is each local agency monitored?

See 10.6

10.9. What is the combined error rate for eligibility determinations? OPTIONAL

Not Available.

10.10. What is the combined error rate for benefit determinations? OPTIONAL

Not available.

10.11. How many local agencies are currently on corrective action plans for eligibility and/or benefit determination issues? 0

10.12. How many local agencies are currently on corrective action plans for financial accounting or administrative issues? 0

If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

Section 11 - Timely and Meaningful Public Participation, , 2605(b)(12) - Assurance 12, 2605(c)(2)

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LOW INCOME HOME ENERGY ASSISTANCE PROGRAM(LIHEAP) MODEL PLAN SF - 424 - MANDATORY

Section 11: Timely and Meaningful Public Participation, 2605(b)(12), 2605(C)(2)

11.1 How did you obtain input from the public in the development of your LIHEAP plan?
Select all that apply.

- ☐ Tribal Council meeting(s)
- ☒ Public Hearing(s)
- ☒ Draft Plan posted to website and available for comment
- ☒ Hard copy of plan is available for public view and comment
- ☒ Comments from applicants are recorded
- ☒ Request for comments on draft Plan is advertised
- ☐ Stakeholder consultation meeting(s)
- ☐ Comments are solicited during outreach activities
- ☒ Other - Describe:

See Section D (Public Participation, Review and Comments on State Plan) of the ND State Plan attachments document.

11.2 What changes did you make to your LIHEAP plan as a result of this participation?

There were no changes to the state plan.

Public Hearings, 2605(a)(2) - For States and the Commonwealth of Puerto Rico Only

11.3 List the date and location(s) that you held public hearing(s) on the proposed use and distribution of your LIHEAP funds?

	Date	Event Description
1	08/09/2023	Public Hearing regarding ND LIHEAP for FY2024

11.4. How many parties commented on your plan at the hearing(s)? to be updated

11.5 Summarize the comments you received at the hearing(s).

To be updated after public hearing and comment period have expired

Affidavit of Publication and minutes attached

11.6 What changes did you make to your LIHEAP plan as a result of the comments received at the public hearing(s)?

To be updated after public hearing and comment period have expired

If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

Section 12 - Fair Hearings,2605(b)(13) - Assurance 13

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Section 12: Fair Hearings, 2605(b)(13) - Assurance 13

12.1 How many fair hearings did the grantee have in the prior Federal fiscal year? 0

12.2 How many of those fair hearings resulted in the initial decision being reversed? 0

12.3 Describe any policy and/or procedural changes made in the last Federal fiscal year as a result of fair hearings?

None

12.4 Describe your fair hearing procedures for households whose applications are denied.

If a client believes the decision made on their Heating Assistance or Emergency Assistance application may be wrong, or if they do not receive a written notice of the action taken on their Heating Assistance application within 45 days from the date their application is received, they should first contact the human service zone office to be sure the eligibility worker has all the information they need to correctly determine your eligibility. If they still believe the decision is wrong for some reason, they can make a written request for a hearing before the North Dakota Department of Health and Human Services. They are instructed to contact the human service zone office for instructions on how to request a hearing. The written request for a hearing must be received within 30 days of the date of the notice of action. The client can have an attorney, relative, friend or other person assist them at the hearing. If the hearing request is received within that time, benefits will not be changed until a decision is reached. However, they will be required to pay back any excess benefits received if their appeal is not successful. A hearing officer will contact them to arrange a hearing time and place that is convenient for them. The client will receive a written decision from the North Dakota Department of Health and Human Services.

See attached DN 263 "Rights to a Hearing" notice.

12.5 When and how are applicants informed of these rights?

Whenever a case is processed or changed, the client receives a notice of the action taken on the case. The "Rights to a Hearing" information is included with notices sent to clients.

Appeal rights are also included on the instruction page of the LIHEAP application.

12.6 Describe your fair hearing procedures for households whose applications are not acted on in a timely manner.

Same as above.

12.7 When and how are applicants informed of these rights?

Same as above

If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

DRAFT

Section 13 - Reduction of home energy needs,2605(b)(16) - Assurance 16

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Section 13: Reduction of home energy needs, 2605(b)(16) - Assurance 16

13.1 Describe how you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance?

Not applicable

13.2 How do you ensure that you don't use more than 5% of your LIHEAP funds for these activities?

Not Applicable

13.3 Describe the impact of such activities on the number of households served in the previous Federal fiscal year.

Not Applicable

13.4 Describe the level of direct benefits provided to those households in the previous Federal fiscal year.

Not Applicable

13.5 How many households applied for these services? N/A

13.6 How many households received these services? N/A

If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

DRAFT

Section 14 - Leveraging Incentive Program ,2607A

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Section 14:Leveraging Incentive Program, 2607(A)

14.1 Do you plan to submit an application for the leveraging incentive program?

☐ Yes ☒ No

14.2 Describe instructions to any third parties and/or local agencies for submitting LIHEAP leveraging resource information and retaining records.

14.3 For each type of resource and/or benefit to be leveraged in the upcoming year that will meet the requirements of 45 C.F.R. § 96.87(d)(2)(iii), describe the following:

Resource	What is the type of resource or benefit ?	What is the source(s) of the resource ?	How will the resource be integrated and coordinated with LIHEAP?
1			

If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

Section 15 - Training

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
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Section 15: Training

15.1 Describe the training you provide for each of the following groups:

a. Grantee Staff:

☒ Formal training on grantee policies and procedures

How often?

☐ Annually

☐ Bi-annually

☒ As needed

☒ Other - Describe: Federal webinars, conferences, work groups

☒ Employees are provided with policy manual

☒ Other-Describe:

There are various committees, groups, or taskforces that work to develop policy that is consistent among economic assistance programs and to provide training, and clarification on existing policies and procedures. These various groups also provide an excellent opportunity to develop effective communications and build rapport with human service zone staff.

b. Local Agencies:

☒ Formal training conference

How often?

☐ Annually

☐ Bi-annually

☒ As needed

☐ Other - Describe:

☒ On-site training

How often?

☐ Annually

☐ Bi-annually

☒ As needed

☒ Other - Describe: Policy and System Support (PaSS) provide monthly webinar policy and procedure training on all Economic Assistance Programs which includes LIHEAP.

☒ Employees are provided with policy manual

☒ Other - Describe

PaSS provides the following: - Initial and ongoing education for policy and system - Maintenance of SPACES system online help - Publishes monthly newsletters for system and policy updates - Publishes monthly system release updates - Review and maintains LIHEAP eLearning courses for policy training LIHEAP eLearning courses are available online 24 hours a day to eligibility workers and sub-grantees. The courses provide an opportunity to become familiar with program operations and allows eligibility workers to develop competency and skills in applying LIHEAP policy.

c. Vendors

☐ Formal training conference

How often?

☐ Annually

☐ Bi-annually

☒ As needed

DRAFT

<input type="checkbox"/>	Other - Describe:
<input checked="" type="checkbox"/>	Policies communicated through vendor agreements
<input checked="" type="checkbox"/>	Policies are outlined in a vendor manual
<input checked="" type="checkbox"/>	Other - Describe: Regular oral communication with vendors (many on a daily basis) Annual start-up packet to vendors includes applicable policy and procedure changes, reminders regarding refunds/overpayments and emergency assistance, and check run schedule for the upcoming heating season.
15.2 Does your training program address fraud reporting and prevention?	
<input checked="" type="radio"/> Yes <input type="radio"/> No	
If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.	

DRAFT

Section 16 - Performance Goals and Measures, 2605(b)

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Section 16: Performance Goals and Measures, 2605(b) - Required for States Only

16.1 Describe your progress toward meeting the data collection and reporting requirements of the four required LIHEAP (Benefit Targeting Index, Burden Reduction Targeting Index, Restoration of Home Energy Service, and Prevention of Loss of Home Energy Service). Include timeframes and plans for meeting these requirements and what you believe will be accomplished in the coming federal fiscal year.

North Dakota meets all federal requirements (per directive in the OCS Action Transmittal) for reporting the data for the LIHEAP Performance Measures report. For FY2024, the eligibility system (SPACES) will collect the data that is needed to report these measures as required.

If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

Section 17 - Program Integrity, 2605(b)(10)

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LOW INCOME HOME ENERGY ASSISTANCE PROGRAM(LIHEAP) MODEL PLAN SF - 424 - MANDATORY

Section 17: Program Integrity, 2605(b)(10)

17.1 Fraud Reporting Mechanisms

a. Describe all mechanisms available to the public for reporting cases of suspected waste, fraud, and abuse. Select all that apply.



Online Fraud Reporting



Dedicated Fraud Reporting Hotline



Report directly to local agency/district office or Grantee office



Report to State Inspector General or Attorney General



Forms and procedures in place for local agencies/district offices and vendors to report fraud, waste, and abuse



Other - Describe:

The Department of Health and Human Services has a fraud toll free hot-line and a website for individuals to report suspect fraud. The suspected fraud reports are logged and researched to determine appropriate action. In addition, intentional program violations determined for Child Care Assistance, Medicaid/CHIP, Supplemental Nutrition Assistance and Temporary Assistance for Needy Families programs are reviewed to determine if there is a LIHEAP case and if action needs to be taken on the LIHEAP case.

b. Describe strategies in place for advertising the above-referenced resources. Select all that apply



Printed outreach materials



Addressed on LIHEAP application



Website



Other - Describe:

As part of the DHHS delivery system in North Dakota, LIHEAP has a visible presence in all 53 of the state's counties (19 Human Service Zones). In addition, DHHS has a toll-free fraud hot-line and an e-mail address on the website by which cases of suspected fraud can be reported at any time (www.nd.gov/dhs).

The Department has an active public information unit which publishes press releases which include the website address.

A fraud log is used to document all calls and emails regarding possible fraud that are received from interested parties. The log is maintained by program administrators and support staff. The log includes the issue complaint, the research and the finding which may or may not have been determined to be fraud

17.2. Identification Documentation Requirements

a. Indicate which of the following forms of identification are required or requested to be collected from LIHEAP applicants or their household members.

Type of Identification Collected	Collected from Whom?					
	Applicant Only		All Adults in Household		All Household Members	
Social Security Card is photocopied and retained	<input type="checkbox"/>	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>	Required
	<input type="checkbox"/>	Requested	<input type="checkbox"/>	Requested	<input type="checkbox"/>	Requested
Social Security Number (Without actual Card)	<input type="checkbox"/>	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>	Required

	<input checked="" type="checkbox"/>	Requested	<input checked="" type="checkbox"/>	Requested	<input checked="" type="checkbox"/>	Requested	
Government-issued identification card (i.e.: driver's license, state ID, Tribal ID, passport, etc.)	<input type="checkbox"/>	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>	Required	
	<input checked="" type="checkbox"/>	Requested	<input type="checkbox"/>	Requested	<input type="checkbox"/>	Requested	
Other		Applicant Only Required	Applicant Only Requested	All Adults in Household Required	All Adults in Household Requested	All Household Members Required	All Household Members Requested
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

b. Describe any exceptions to the above policies.

LIHEAP in North Dakota utilizes case numbers and clients IDs as the primary identifiers for individuals in SPACES, the integrated eligibility system that includes LIHEAP.

SPACES does not require SSN's be entered or verified in LIHEAP only cases. It is voluntary for LIHEAP applicants to provide their SSN. However, SPACES is a combined eligibility system with Child Care Assistance, Medicaid, SNAP and TANF. Since most of the other programs require the SSNs of all applicants, SSN is received for virtually all LIHEAP households.

Also, in multi program cases, SPACES may require verification of an individual's SSN when it is applicable to that program. When this occurs, the SSN may be verified through hard copy documentation or through an interface.

SPACES also assigns a Billing Number to the head of household (Primary Individual) and it is this Billing Number that is used to communicate with vendors and other entities outside of DHS and county social service offices.

If HHS directs that providing the SSN can no longer be voluntary, DHS will comply.

NOTE regarding Identification Documentation Required (Question 17.2a):

Government-issued ID cards are requested for the applicant if they have not already been submitted for another program or if questionable.

17.3 Identification Verification

Describe what methods are used to verify the authenticity of identification documents provided by clients or household members. Select all that apply

- ☒ Verify SSNs with Social Security Administration
- ☒ Match SSNs with death records from Social Security Administration or state agency
- ☒ Match SSNs with state eligibility/case management system (e.g., SNAP, TANF)
- ☒ Match with state Department of Labor system
- ☒ Match with state and/or federal corrections system
- ☒ Match with state child support system
- ☐ Verification using private software (e.g., The Work Number)
- ☐ In-person certification by staff (for tribal grantees only)
- ☐ Match SSN/Tribal ID number with tribal database or enrollment records (for tribal grantees only)

☐ **Other - Describe:**

Verification of applicant's identity can be requested for any case where the information provided is questionable.

North Dakota Department of Health and Human Services currently has a stand-alone verification application called NDVerify. This interface tool allows eligibility workers to access identifying information such as North Dakota Vital Records for birth date and death record, Social Security Administration information for validation of SSN's and amount of benefits received, North Dakota Motor Vehicle registration, and North Dakota Child Support for child support income and paid out. NDVerify is incorporated into the integrated eligibility system (SPACES) however, the stand-alone system is still available for use.

In addition, LIHEAP eligibility workers have access to additional information received through other major programs such as Numident through Social Security verification system, IRS information on income and assets, and PARIS interface information. They may also access SAVE to determine qualified alien status.

In FY2022, LIHEAP became part of SPACES (Self-Service Portal and Consolidated Eligibility System). Medicaid, Child Care Assistance,

SNAP, and TANF are also included in SPACES.

All individuals entered into SPACES go through a file clearance process that checks if the individual is already known to the system. When an individual is known to the system, all prior applications and information are associated to that individual. In addition to the file clearance process, SPACES interfaces with the Social Security Administration (SSA). Search results from this interface provide verification of an individual's social security number when applicable. Additional interfaces such as ND Vital Records, Job Services of ND, ND Motor Vehicle and ND Game and Fish can also be used to verify identity.

The following interfaces are included in NDVerify (as a stand-alone tool or as part of SPACES) to verify information that is needed to determine eligibility:

- Birth/Death records (ND Vital Records)
- Health Insurance
- ND Child Support
- ND Department of Corrections
- ND Motor Vehicle/Watercraft (ND Motor Vehicle/Game & Fish)
- ND State Director of New Hire
- ND State Hospital (Admission/Discharge)
- ND Unemployment Insurance Benefits (Job Service)
- Social Security Administration
- SNAP Intentional Program Violations
- WSI Medical Claims Status
- Request UPA
- Request 40 Quarters

Access to these interfaces is provided to workers based on their role (i.e. eligibility worker).

NDVerify is an **optional verification tool**. LIHEAP also allows for other means of verification, such as hard copy verification from applicant or third-party, to support eligibility determination.

17.4. Citizenship/Legal Residency Verification

What are your procedures for ensuring that household members are U.S. citizens or aliens who are qualified to receive LIHEAP benefits? Select all that apply.

- ☒ Clients sign an attestation of citizenship or legal residency
- ☒ Client's submission of Social Security cards is accepted as proof of legal residency
- ☒ Noncitizens must provide documentation of immigration status
- ☐ Citizens must provide a copy of their birth certificate, naturalization papers, or passport
- ☒ Noncitizens are verified through the SAVE system
- ☐ Tribal members are verified through Tribal enrollment records/Tribal ID card
- ☐ Other - Describe:

DHHS' verification system (NDVerify) is able to provide verification of citizenship, qualified noncitizens through SAVE as an interface and web service. In addition, verification of identity through numerous interfaces in NDVerify. See 17.3 for further information.

17.5. Income Verification

What methods does your agency utilize to verify household income? Select all that apply.

- ☒ Require documentation of income for all adult household members
- ☒ Pay stubs
- ☒ Social Security award letters
- ☒ Bank statements
- ☒ Tax statements
- ☒ Zero-income statements
- ☒ Unemployment Insurance letters
- ☒ Other - Describe:

All sources and types of income that exceed \$500 per year must be verified. This may be accomplished by the use of wage stubs, signed statement from an employer, Internal Revenue Service (IRS) forms, automatic bank deposit slips for social security, award letters for SSI, other types of benefits, SPACES or NDVerify.

Eligibility workers have access to a verification system that includes interfaces with sources that verify both earned and unearned income. These include:

- ND Child Support
- ND Directory of New Hire
- ND Unemployment Insurance Benefits
- Social Security Administration
- ND Wage Match

Eligibility workers are trained on the requirements to verify information necessary to support eligibility determinations.

<input checked="" type="checkbox"/>	Computer data matches:
<input type="checkbox"/>	Income information matched against state computer system (e.g., SNAP, TANF)
<input checked="" type="checkbox"/>	Proof of unemployment benefits verified with state Department of Labor
<input checked="" type="checkbox"/>	Social Security income verified with SSA
<input checked="" type="checkbox"/>	Utilize state directory of new hires
<input checked="" type="checkbox"/>	Other - Describe: <p>North Dakota Department of Health and Human Services currently utilizes services in SPACES and a verification application called NDVerify that interfaces with the Social Security Administration, Child Support Enforcement System, ND Unemployment Insurance Benefits and ND Job Service. It can be accessed to verify Social Security/Supplemental Security Income benefits, Child Support and spousal support received and paid, ND New Hire, quarterly wage match and unemployment benefits (through North Dakota Job Service). Information is not available from out-of-state employers.</p> <p>NDVerify is an optional verification tool. LIHEAP also allows for other means of verification, such as hard copy verification from applicant or third-party, to support eligibility determination.</p>
17.6. Protection of Privacy and Confidentiality	
Describe the financial and operating controls in place to protect client information against improper use or disclosure. Select all that apply.	
<input checked="" type="checkbox"/>	Policy in place prohibiting release of information without written consent
<input checked="" type="checkbox"/>	Grantee LIHEAP database includes privacy/confidentiality safeguards
<input checked="" type="checkbox"/>	Employee training on confidentiality for:
<input checked="" type="checkbox"/>	Grantee employees
<input checked="" type="checkbox"/>	Local agencies/district offices
<input checked="" type="checkbox"/>	Employees must sign confidentiality agreement
<input checked="" type="checkbox"/>	Grantee employees
<input checked="" type="checkbox"/>	Local agencies/district offices
<input checked="" type="checkbox"/>	Physical files are stored in a secure location
<input checked="" type="checkbox"/>	Other - Describe: <p>DHHS took significant steps in safeguarding client's privacy in 2011 with its SSN suppression initiative. All written communications being mailed out identify the client with a system-assigned "billing number" rather than a Social Security Number. This will continue ongoing.</p> <p>Economic Assistance Policy Division addresses safeguarding of client information in Administrative Procedural manual 448-01 which may be found on North Dakota Department of Human Services website at</p> <p>https://www.nd.gov/dhs/policymanuals/44801/44801.htm</p> <p>The Economic Assistance Policy Division Administrative Procedural manual 448-01 is utilized to provide county eligibility workers with guidance on policy and procedures of client information.</p> <p>In addition, eligibility workers and Economic Assistance staff are required to take an online Safeguard training annually. The training includes what information must be safeguarded and penalties for improper disclosure.</p>
17.7. Verifying the Authenticity	
What policies are in place for verifying vendor authenticity? Select all that apply.	
<input checked="" type="checkbox"/>	All vendors must register with the State/Tribe.
<input type="checkbox"/>	All vendors must supply a valid SSN or TIN/W-9 form
<input checked="" type="checkbox"/>	Vendors are verified through energy bills provided by the household
<input checked="" type="checkbox"/>	Grantee and/or local agencies/district offices perform physical monitoring of vendors
<input type="checkbox"/>	Other - Describe and note any exceptions to policies above: <p>North Dakota's status as a rural state lends a generous hand to vendor authenticity. A majority of the vendors in the state are small 'mom and pop' businesses that have been established in the communities for many years and, in many cases, generations. Vendors of fuels other than the four primary ones (natural gas, electricity, propane and fuel oil), serve less than one percent of our clients (Wood vendors, in particular, are rare because of the dearth of trees in the state). When a client buys fuel from one of these vendors, it is common practice for the eligibility worker to check with local sources to determine the authenticity of the vendor.</p> <p>Eligibility workers have developed an excellent working relationship with vendors in their areas as most of the vendors and their employees are part of rural community. Vendor reputation is very well known to county staff.</p>
17.8. Benefits Policy - Gas and Electric Utilities	
What policies are in place to protect against fraud when making benefit payments to gas and electric utilities on behalf of clients? Select all that apply.	
<input type="checkbox"/>	Applicants required to submit proof of physical residency

<input checked="" type="checkbox"/> Applicants must submit current utility bill
<input checked="" type="checkbox"/> Data exchange with utilities that verifies:
<input checked="" type="checkbox"/> Account ownership
<input checked="" type="checkbox"/> Consumption
<input checked="" type="checkbox"/> Balances
<input checked="" type="checkbox"/> Payment history
<input checked="" type="checkbox"/> Account is properly credited with benefit
<input type="checkbox"/> Other - Describe:
<input checked="" type="checkbox"/> Centralized computer system/database tracks payments to all utilities
<input checked="" type="checkbox"/> Centralized computer system automatically generates benefit level
<input checked="" type="checkbox"/> Separation of duties between intake and payment approval
<input checked="" type="checkbox"/> Payments coordinated among other energy assistance programs to avoid duplication of payments
<input checked="" type="checkbox"/> Payments to utilities and invoices from utilities are reviewed for accuracy
<input checked="" type="checkbox"/> Computer databases are periodically reviewed to verify accuracy and timeliness of payments made to utilities
<input checked="" type="checkbox"/> Direct payment to households are made in limited cases only
<input checked="" type="checkbox"/> Procedures are in place to require prompt refunds from utilities in cases of account closure
<input checked="" type="checkbox"/> Vendor agreements specify requirements selected above, and provide enforcement mechanism
<input type="checkbox"/> Other - Describe: <p>Applicants are asked to include a copy of their current heating bill with their application. This serves to verify heating vendor's authenticity and to ensure that the proper vendor is authorized to submit heating bills on behalf of the client.</p> <p>LIHEAP benefits are based on a percentage co-payment between the client and LIHEAP. The percentage for which the client is responsible is determined by the household's income, household size, type of fuel and type of dwelling. The vendor sends the household's bill directly to the DHS central office, and DHS remits payment to the vendor for the LIHEAP share. With the bill coming directly to the central office, DHS is able to review them for potential irregularities prior to any payment being made.</p> <p>In addition, SPACES also includes substantial edits to spot irregularities and prevent duplicate payments.</p>
17.9. Benefits Policy - Bulk Fuel Vendors
What procedures are in place for averting fraud and improper payments when dealing with bulk fuel suppliers of heating oil, propane, wood, and other bulk fuel vendors? Select all that apply.
<input checked="" type="checkbox"/> Vendors are checked against an approved vendors list
<input checked="" type="checkbox"/> Centralized computer system/database is used to track payments to all vendors
<input checked="" type="checkbox"/> Clients are relied on for reports of non-delivery or partial delivery
<input type="checkbox"/> Two-party checks are issued naming client and vendor
<input checked="" type="checkbox"/> Direct payment to households are made in limited cases only
<input type="checkbox"/> Vendors are only paid once they provide a delivery receipt signed by the client
<input type="checkbox"/> Conduct monitoring of bulk fuel vendors
<input type="checkbox"/> Bulk fuel vendors are required to submit reports to the Grantee
<input checked="" type="checkbox"/> Vendor agreements specify requirements selected above, and provide enforcement mechanism
<input checked="" type="checkbox"/> Other - Describe: <p>Applicants are asked to include a copy of their current heating bill with their application. This serves to verify heating vendor's authenticity and to ensure that the proper vendor is authorized to submit heating bills on behalf of the client.</p> <p>LIHEAP benefits are based on a percentage co-payment between the client and LIHEAP. The percentage for which the client is responsible is determined by the household's income, household size, type of fuel and type of dwelling. The vendor sends the household's bill directly to the DHS central office, and DHS remits payment to the vendor for the LIHEAP share. With the bill coming directly to the central office, DHS is able to review them for potential irregularities prior to any payment being made.</p> <p>Unregulated energy vendors, primarily of deliverable fuels, tend to be located in North Dakota's rural areas.</p> <p>In addition to the billing procedures described above, SPACES incorporates a substantial number of edits to spot irregularities and assure that duplicate payments are not issued. These edits apply to all vendors.</p>

17.10. Investigations and Prosecutions
Describe the Grantee's procedures for investigating and prosecuting reports of fraud, and any sanctions placed on clients/staff/vendors found to have committed fraud. Select all that apply.
<input type="checkbox"/> Refer to state Inspector General
<input checked="" type="checkbox"/> Refer to local prosecutor or state Attorney General
<input type="checkbox"/> Refer to US DHHS Inspector General (including referral to OIG hotline)
<input checked="" type="checkbox"/> Local agencies/district offices or Grantee conduct investigation of fraud complaints from public
<input checked="" type="checkbox"/> Grantee attempts collection of improper payments. If so, describe the recoupment process See Section J.1.4. (Erroneous Payments) of attached state plan of operation
<input type="checkbox"/> Clients found to have committed fraud are banned from LIHEAP assistance. For how long is a household banned?
<input type="checkbox"/> Contracts with local agencies require that employees found to have committed fraud are reprimanded and/or terminated
<input type="checkbox"/> Vendors found to have committed fraud may no longer participate in LIHEAP
<input type="checkbox"/> Other - Describe:
If any of the above questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

Section 18: Certification Regarding Debarment, Suspension, and Other Responsibility Matters

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.

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.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

(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.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--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.

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.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--Lower Tier Covered Transactions

(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.

DRAFT

(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.

☒ By checking this box, the prospective primary participant is providing the certification set out above.

Section 19: Certification Regarding Drug-Free Workplace Requirements

Section 19: 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.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

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);

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).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

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; and
 - (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 -(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:

Place of Performance (Street address, city, county, state, zip code)

600 East Boulevard Avenue

*** Address Line 1**

Department 325

Address Line 2

Burleigh County

Address Line 3

Bismarck

*** City**

ND

*** State**

58505-0250

*** Zip Code**

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]



By checking this box, the prospective primary participant is providing the certification set out above.

Section 20: Certification Regarding Lobbying

Section 20: Certification Regarding Lobbying

The submitter of this application 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 an agency, a Member of Congress, an officer or employee of Congress, or an 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.

Statement for Loan Guarantees and Loan Insurance

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

If any 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 commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement 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 statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

☒ By checking this box, the prospective primary participant is providing the certification set out above.

Assurances

(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.

*** This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

(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

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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.

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Plan Attachments

PLAN ATTACHMENTS
The following documents must be attached to this application
<ul style="list-style-type: none">• Delegation Letter is required if someone other than the Governor or Chairman Certified this Report.
<ul style="list-style-type: none">• Heating component benefit matrix, if applicable
<ul style="list-style-type: none">• Cooling component benefit matrix, if applicable
<ul style="list-style-type: none">• Minutes, notes, or transcripts of public hearing(s).