

LIHEAP COVID-19 Emergency Declaration Contingent Benefit Clarifications and Frequently Asked Questions

In response to concerns related to the Stay Home and Stay Healthy Proclamation, effectively immediately, The Washington State Department of Commerce is implementing temporary policies for the LIHEAP program. To allow you to work remotely to provide energy assistance to LIHEAP customers and protect the health and welfare of your employees, applications and associated documents may be accepted by mail, email, fax, text or by telephone. **Once Gov. Inslee lifts the "Stay Home, Stay Healthy Order," LIHEAP will return to using normal business procedures.**

Clarifications and Frequently Asked Questions (FAQ)

Q: What is the COVID-19 Emergency Declaration Contingent Benefit?

A: This benefit is a flat \$500 benefit for households affected by the coronavirus pandemic within Washington state. Staying true to the flexibility of block grants, LIHEAP agencies are authorized to award any individual who both:

1. Meets the eligibility criteria and is awarded a LIHEAP or LIRAP benefit
2. States that they have been adversely affected by this crisis

Agencies may award crisis benefits on a case-by-case basis.

Q: Will any stimulus payment be considered exempt as household income?

A: Stimulus Benefits will not count as income for LIHEAP purposes.

- PL 100-707 – last updated February 19, 2020
- Under Sec. 2102(h) the Care Act specifically carves out to allow the COVID-19 language to be substituted for "major disaster" language in 20 CFR § 625.1 which is PL 100-707 (Robert T Stafford Disaster Relief).
- Sec. 312. Duplication of Benefits (42 USC 5155)
- (d) Assistance Not Income - Federal major disaster and emergency assistance provided to individuals and families under this Act, and comparable disaster assistance provided by States, local governments, and disaster assistance organizations, shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs.

Q: How do clients qualify for COVID-19 crisis assistance?

A: To be eligible for a COVID-19 crisis benefit, a household must qualify for LIHEAP at 125% FPL AND have received (or will receive) a LIHEAP or LIRAP benefit in the current program year.

Q: Can a client receive this benefit in addition to their LIHEAP or LIRAP benefit?

A: Yes, they must have been, or will be, awarded a LIHEAP or LIRAP benefit to be eligible for the COVID-19 Crisis benefit. This means that households are eligible for two benefits (i.e., up to \$1,500 in LIHEAP funds) for the duration of the Washington State emergency declaration.

Q: If an approved LIHEAP or LIRAP client states that they were financially affected by this virus, we can just provide them the additional \$500 benefit, right?

A: That is correct - so long as they also have been, or will be, awarded a LIHEAP or LIRAP benefit during this program year (or at the same time as their \$500 COVID-19 crisis benefit). Although we do not require documented proof that the client was adversely affected by COVID-19, the proper documentation procedures may be found below in the Documentation section of this FAQ.

Q: Can we automatically award COVID-19 Crisis Benefits to households that have received LIHEAP within the last 90 days... without obtaining a new signature?

A: If the client has qualified for LIHEAP within the past 90 days, they are eligible for COVID-19 Crisis Benefits. However, you must also verify that the client has been financially affected by COVID-19 before "automatically" qualifying the client. For applications shorter than 90 days old, you may default to verbal authorization (not require an updated signature). See below for further information in the Documentation section.

The policy states a household must have received LIHEAP (125%) or LIRAP (150%) to receive the contingency benefit. Many of our LIRAP household's income falls between 126%-150%, or they may be non-qualified alien households.

Q: Do LIRAP households with income of 126%-150% qualify to receive the \$500?

A: No, they must qualify at 125% FPL.

Households that fall between 126% and 150% of the federal policy guidelines are not eligible for COVID-19 Crisis Benefits.

Q: Do LIRAP households that consist of non-qualified aliens with income ranging from 0%-150% qualify to receive the \$500?

A: Follow the LIHEAP policy for non-qualified aliens. If they qualify for LIHEAP at 125%, then they can receive the contingent benefit.

Households that qualify for LIHEAP automatically qualify for the COVID-19 Crisis Benefit. If there are non-qualified aliens that live within the household, their income will be counted, but they will not be an "eligible client."

For example, if there is a household that has four eligible clients within the household and one that is not qualified, you must use all five listed residents' incomes. You will use the income and qualify them as a household of four.

Q: The household must income-qualify to obtain the contingent benefit, correct?

A: Correct, they must income qualify for the contingent benefit at 125% FPL.

The guidelines state that the household must have received LIHEAP or LIRAP to receive the contingent benefit. Does this only apply to 125% FPL since the funding source is LIHEAP?

A: Yes, this only applies to 125% FPL.

Q: How long will this program remain in place?

A: These guidelines will expire when Washington State's emergency declaration ends. Once Gov. Inslee rescinds the declaration, LIHEAP will return to our regular model.

Q: Will we be notified when the governor rescinds the emergency declaration?

A: You will be notified when Gov. Inslee rescinds the emergency declaration. At that point, you will still be able to complete all files that are opened and funds committed to benefits. However, you may no longer initiate any further COVID-19 crisis benefits.

Q: Is there any estimate on how long emergency rules will last?

A: Unfortunately, we cannot issue a timeline on how long this COVID-19 Emergency Declaration Contingent Benefit will last. The program will remain in place for the duration of the state's emergency declaration.

Q: If we start an application during this statewide emergency and then the emergency is lifted, can we finish the COVID-19 Crisis applications that were started within the emergency timeframe? Will there be a wrap-up time for all applications initiated during the emergency timeframe?

A: You will be able to complete all files that are opened and funds committed to benefits during the statewide emergency declaration period. However, you may no longer initiate any further COVID-19 crisis benefits after the emergency period is rescinded.

Time will be allowed for the closeout of the contingent funding process. Timeline to be determined by the workgroup, no longer than 3 - 6 months

Q: Can the client be awarded LIHEAP (or LIRAP) at the same time as their COVID-19 Crisis benefit?

A: Yes, clients may be concurrently awarded their regular LIHEAP (or LIRAP) benefits within the same intake appointment.

Q: I want to clarify that we can only do the contingent benefit for clients that have been affected by COVID-19. If they are on Social Security or their hours have not been affected, then they do not qualify - is that correct?

A: If the client has been adversely financially affected by COVID-19, and they are eligible for and have been (or will be) awarded LIHEAP or LIRAP, then the Agency may choose to provide the benefit to them. We do not require verification of the adverse financial impact brought on by COVID-19. Fixed income, or a regular work schedule, does not necessarily fully financially protect the client from the crisis. The final discretion is left to the LIHEAP administering agency.

Q: The crisis has just begun to affect our communities financially. Our clients may be over-income if we need to use their past three months of income. Can we use one-month of income to qualify clients for both the LIHEAP and crisis benefits?

A: Yes, when determining income eligibility for LIHEAP, if a household is over-income for three months, then one-month of income can be used for eligibility determination for regular LIHEAP benefits and the Contingency Benefit. Our current policy requires three months of income to determine eligibility; the change to one month will help to mitigate unnecessary hardships on families.

Q: If the client is over-income using the three-month model and we resort to using a one-month, do we retain the records for all three months?

A: Yes, record the income for all three months, but note that this is a COVID-19 Emergency Declaration Contingent benefit and that you are using one-month of income to qualify the client's household.

Q: Does one month of income have to be specific to the one calendar month before the application month, or can it encompass 30 days before the application date?

A: One calendar month to maintain consistency with the current policy.

Q: One-month of income is allowed to qualify clients for normal LIHEAP program enrollment if someone is over at three-month. And we can recertify applicants from more than 90 days ago with one-month of income—so we don't have to try to qualify them at three-months first when recertifying, right?

A: It is best practice to initially attempt to qualify a client using the three-months of income route. If that does not work, then contractors should opt for the one-month option. The intent behind allowing one-month certification is that we are helping those who have been financially affected due to COVID-19. For applications over 90 days old, we will need a new signed HIF and updated income information.

Q: I would prefer not to advertise, but rather make contact with those who had a crisis imminent, known to struggle, on a limited income, and those that are contacting us. For those who have heat included in rent (and thus will not have their utilities shut off), for instance, I would prefer not to award the COVID-19 Crisis benefit to them. Is this acceptable?

A: Staying true to the concept of a flexible block grant, we support this. Commerce is providing this as an option to agencies. Please use the funds to best serve your community and let us know how we can support you and your efforts.

Q: If the original LIHEAP benefit was a split benefit, do we split this crisis benefit as well?

A: You may if that is what the client needs.

Q: My client does not have access to a scanner and cannot leave their home to purchase postage. Can I verbally accept their agreement and sign the HIF on their behalf?

A: We will accept this as the option of last resort.

As an alternative to providing signatures, as required in LIHEAP guidelines, the required documentation can be accepted by fax, email or text of photos of the documents or scanned copies or by direct mail of photocopies. If the applicant is unable to provide the information in any of the suggested forms because they do not have the tools/resources to do so, the intake worker may accept the information verbally as a hardship case and note the reason for the hardship in the applicant's file. The intake worker must also sign the notation.

Maintain a list of all hardship cases and is to include the applicant's name, file number and reason for the hardship. Email us the list with A-19 payment reports. Obtain missing documentation once social distancing restrictions and emergency measures are lifted, but no later than the end of the 2019/2020 Plan Year.

Tribal Assistance

Q: Will tribal members who received LIHEAP through their tribes be eligible to receive the additional \$500? I would imagine we would need to qualify them (as opposed to receiving some form of verification from the Tribe). I'm thinking about it like Furnace Repair, where they can receive that from us but still receive LIHEAP from their Tribe.

A: At this time, the Tribal governments have their own state plan. Further discussion is required. At this time, tribal members that receive LIHEAP from a tribal organization are not eligible for the contingent benefit. Commerce will reach out to the tribal organizations and see if and how they are responding. HHS has included tribal set-asides in the CARES Act, and tribal organizations will receive additional funding. If tribal organizations do not receive additional funding, then we will review this decision at that time.

Q: I have been in contact with our tribal partner at Lummi Nation today. They are under a shelter in place requirement, and the typical staff that works at the LIHEAP office are not onsite and cannot provide us with the typical referral we get indicating that a household has not received LIHEAP from the Tribe and will not receive LIHEAP from the Tribe. I would like to request a temporary waiver to lift this requirement so that we can serve the tribal members we currently have scheduled with LIHEAP from our Agency without the referral, and we would use a self-declaration instead of the referral.

A: Commerce approves the waiver under the following conditions:

- The waiver ends once Gov. Inslee lifts the Stay Home, Stay Healthy order
- Documentation in file and on self-declaration signed by applicant and agency staff
- Follow-up with a request for a referral indicating that a household has not received LIHEAP from the Tribe and will not receive LIHEAP from the Tribe (not required to provide assistance)

Electronic Signatures for the Application/Disclaimer

Applications require the applicant's signature on the disclaimer. After updating the required applicant information, the intake worker must read the disclaimer to the applicant. If the applicant agrees that the information provided is true and accurate, to the best of their knowledge, and agrees to the language in the disclaimer, the intake worker must make a note in the customer's file as to why the signature could not be obtained and sign the notation.

Q: If the client has been awarded a LIHEAP (or LIRAP) benefit within the past 90 days, a verbal confirmation from the client accepting the award will suffice, right?

A: That is correct.

Q: If the client was awarded a LIHEAP (or LIRAP) benefit beyond the past 90 days, we must have a new signed HIF and income documentation, right?

A: That is correct.

Q: My client does not have access to a scanner and cannot leave their home to purchase postage. Can I verbally accept their agreement and sign the HIF on their behalf?

A: We will accept this as the option of last resort.

As an alternative to providing signatures, as required in LIHEAP guidelines, the required documentation can be accepted by fax, email or text of photos of the documents or scanned copies or by direct mail of photocopies. If the applicant is unable to provide the information in any of the suggested forms because they do not have the

tools/resources to do so, the intake worker may accept the information verbally as a hardship case and note the reason for the hardship in the applicant's file. The intake worker must also sign the notation.

Maintain a list of all hardship cases and is to include the applicant's name, file number and reason for the hardship. Email us the list with A-19 payment reports. Obtain missing documentation once social distancing restrictions and emergency measures are lifted, but no later than the end of the 2019/2020 Plan Year.

Q: The Governor of Washington has issued a "Stay Home, Stay Healthy" order. Are we authorized to accept digital signatures on HIFs when needed?

A: The current policy states, "Signatures: All documents may include scanned or electronic/digital signatures. You do not need to maintain hard copies with the original signatures unless you cannot obtain a complete and accurate copy of the source record.

Commerce recommends LIHEAP agencies:

- Develop written quality control procedures
- Train their staff to understand and follow the procedures

Q: Can we expand the definition of "electronic/digital signatures" to include a typed signature with a COVID-19 disclaimer (e.g. "due to COVID-19, this typed signature indicates my confirmation and consent")?

We will accept this as the option of last resort.

Required Documentation

Social Security Number verification and income documentation are required to process applications. Every attempt should be made to obtain the required documentation according to the LIHEAP policy manual.

As an alternative to providing identification, as required in LIHEAP guidelines, the required documentation can be accepted by fax, email or text of photos of the documents or scanned copies or by direct mail of photocopies. If the applicant is unable to provide the information in any of the suggested forms because they do not have the tools/resources to do so, the intake worker may accept the information verbally as a hardship case and note the reason for the hardship in the applicant's file. The intake worker must also sign the notation.

A list is to be maintained of all hardship cases and is to include the applicant's name, file number and reason for the hardship. Email the list with A-19 payment reports. Missing documentation is to be obtained once social distancing restrictions and emergency measures are lifted, but no later than the end of the 2019/2020 Plan Year.

Self-Certification

Q: If a customer has electronic access such as email and no ability to provide docs, but they can self-certify their income, can we accept their emailed acknowledgment as an electronic signature? The example being we performed a phone appointment and the customer cannot get the docs, so our office fills out the self-certification document. Then we email it to the customer, and they email back that they acknowledge the document is accurate can we accept that as the electronic signature?

A: We will accept this as the option of last resort.

As an alternative to providing identification, as required in LIHEAP guidelines, the required documentation can be accepted by fax, email or text of photos of the documents or scanned copies or by direct mail of photocopies. If the

applicant is unable to provide the information in any of the suggested forms because they do not have the tools/resources to do so, the intake worker may accept the information verbally as a hardship case and note the reason for the hardship in the applicant's file. The intake worker must also sign the notation.

Maintain a list of all hardship cases and is to include the applicant's name, file number and reason for the hardship. Email the list with A-19 payment reports. Obtain missing documentation once social distancing restrictions and emergency measures are lifted, but no later than the end of the 2019/2020 Plan Year.

Q: If a customer does not have electronic means (email, etc.), and if our office stops collecting regular mail (which is being considered), can we read a statement to the applicant by phone and fill out that they verbally acknowledged the statement was true and accept that as a complete self-certification form?

A: We will accept this as the option of last resort.

As an alternative to providing identification, as required in LIHEAP guidelines, the required documentation can be accepted by fax, email or text of photos of the documents or scanned copies or by direct mail of photocopies. If the applicant is unable to provide the information in any of the suggested forms because they do not have the tools/resources to do so, the intake worker may accept the information verbally as a hardship case and note the reason for the hardship in the applicant's file. The intake worker must also sign the notation.

Maintain a list of all hardship cases and is to include the applicant's name, file number and reason for the hardship. Email us the list with A-19 payment reports. Obtain missing documentation once social distancing restrictions and emergency measures are lifted, but no later than the end of the 2019/2020 Plan Year.

Utility Bills

Applicant utility bills are requested to verify client account information. If the applicant cannot provide their utility bill digitally, please email or call the utility provider for the information.

Shelter Assistance

Q: This assistance is great for utilities and heating assistance, but what about shelter assistance? There is currently a moratorium on evictions, but clients will need assistance rebounding after the crisis has ended, and the moratorium has been lifted. Can we increase our services for shelter assistance?

A: During the declaration period, and for six months after it is lifted, the cap for shelter assistance is raised to 15% to allow for a recovery period. The increased cap on shelter assistance will go into effect once the moratorium on evictions is lifted. Please note the following:

- Temporary shelter may be provided to an eligible household with a 14-day eviction notice, through an agreement that is signed by the landlord to secure the residence for a full calendar month within program limits.
- Client Files must document the request and/or need for the service.
- Shelter assistance may not exceed \$1,000.
- Shelter Assistance is allowed once per program year

Q: During this COVID-19 crisis, can CAPs resort to collecting one bid rather than three in their OES projects to minimize the number of contractors entering our client's dwelling?

A: Yes, for the duration of the COVID-19 declaration.

- Put the job out to more than one contractor, and if they do not receive more than one bid, that is OK.

- Document the file with justification for lack of competitive bids if offers are not obtained.

Waiver for Policy 1.4.1 (B) - #4: Verifying Completion of the Scope of Work

The Agency must verify work completed. Some examples of verification methods are, but not limited to:

- An inspection by a certified Weatherization Auditor or Heat System Specialist
- Photo documentation of the completed scope of work
- A signed client statement confirming the completion of the work
- Any reasonable method that is pre-approved by Commerce staff

If the steps above are unable to be completed due to the COVID-19 declaration, then Commerce will allow agencies to call the household and get a verbal OK to pay from the client with the following condition:

1. The waiver ends once Gov. Inslee lifts the Stay Home, Stay Healthy Order
2. Verbal confirmation from both contractor and client that work was completed
3. Documentation in file and on invoice signed by agency staff
4. Follow-up with a request for a signed client statement confirming the completion of the work (not required to pay invoice)