

APPENDIX C

CRISIS INTERFACE AND WEATHERIZATION ASSISTANCE PROGRAM

The mission of the Pennsylvania Department of Community and Economic Development's (DCED) Office of Energy Conservation and Weatherization is to reduce energy consumption and cost in low-income households throughout Pennsylvania. This attachment constitutes the DCED portion of the Department of Public Welfare (DPW) State Plan specifically applicable to LIHEAP for the Federal Fiscal Year 2012 program year. The Pennsylvania Weatherization Assistance Program (WAP) State Plan, as developed by DCED and submitted to the Department of Energy (DOE), is hereby incorporated for reference.

DCED has historically received a sizeable portion of the federal Department of Health and Human Services LIHEAP allocation from DPW for use in its CRISIS Interface and weatherization programs. Prior to state fiscal year 2009-2010, DCED received 15% of the total LIHEAP allocation to conduct Crisis Interface and Weatherization Services for LIHEAP clients. However, in 2009-2010 the policy changed to allow "up to" 15% of LIHEAP funds to be used.

Previously, DCED-allocated LIHEAP funds not expended on Crisis were used to weatherize homes, but because the American Recovery and Reinvestment Act (ARRA) greatly increased funding to WAP in Pennsylvania, the LIHEAP percentage allocated to DCED was reduced and applied entirely to Crisis Interface, completely eliminating LIHEAP funding to conduct Weatherization Services.

The initial allocation to DCED for the 2010-11 year was \$15.7 million with an additional allocation of \$2.3 million to meet increased Crisis Interface demands. Although the final data is not yet complete at the writing of this plan, DCED and WAP sub-grantees (hereafter referred to as "Weatherization Agencies") expect to fully expend the \$18 million.

Expenditure levels and other aspects of this plan are based on current growth and demand for both Crisis Interface and Weatherization Services. In the event that additional funding becomes available, or the total allocation is decreased, DCED reserves the right to modify this Plan in accordance with all applicable regulations and procedures. DCED understands that any changes not in accordance with the initial formula may necessitate a public hearing.

What follows is a description of the two components of weatherization accomplished and anticipated via LIHEAP funding: Crisis Interface and the Weatherization Assistance Program.

CRISIS INTERFACE COMPONENT

I. Introduction

The DCED has, since 1993, operated the Crisis Interface Program with LIHEAP funds for heating-related emergencies that are referred to the Weatherization program. This program has been labeled “Crisis Interface” because it describes the relationship between DPW and DCED, which administers the Weatherization Program statewide. The DPW Crisis program is administered through the local County Assistance Offices (CAOs) or by a local community-based organization (Crisis Contractor). Crisis Interface involves two distinct services: supply shortages and weather-related emergencies (which include repair/replacement of heating systems or fuel lines, broken windows and pipe-thawing). Supply shortages are resolved with vendor payments by DPW while weather-related emergencies are referred to local Weatherization Agencies to find resolution. Eligibility for Crisis services is determined by the local CAO or Crisis Contractor.

II. Eligibility Determination

LIHEAP eligibility for the Crisis component of the program is determined by the local CAO or the local LIHEAP Crisis Contractor based on income levels determined by DPW. No additional income eligibility determination is required to be performed by the Weatherization Agency.

Weatherization Agency personnel who find that an applicant’s situation does not meet Crisis eligibility criteria will notify the CAO of the finding. All client appeals will go through the CAO or local LIHEAP Crisis Contractor.

A housing unit will not be eligible for Crisis if it was purchased without a heating system, was purchased with an inoperable heating system, is unoccupied, or is not a primary residence. A manufactured home moved to a location that does not allow its heating system’s current fuel type will also not be eligible for Crisis.

III. Referral Procedures

Within 24 hours of determination of eligibility, the CAO or Crisis Contractor will send a referral to the local Weatherization Agency via fax or email. The Weatherization Agency then will evaluate the situation and may require an on-site visit to ascertain the needs of the household. Weatherization Agency staff will discuss the time-lines of the Crisis resolution with the household and offer the use of an electric auxiliary heater. The results of that discussion will be documented. Weatherization Agency staff will communicate with the CAO or Crisis Contractor after the course of action has been determined.

IV. Weatherization Program Responsibilities

It is the responsibility of the Weatherization Agency to address the crisis within 48 hours or, if the client is in a life-threatening situation, within 18 hours. This does not mean that the repair must be made within 48 (or 18) hours. Instead, the Weatherization Agency is responsible to document that Weatherization Agency staff have discussed with the household time-frames needed to complete the necessary repairs or replacement of the heating system. The staff must also resolve that the household has a safe place to go until the immediate crisis is over or was provided an electric auxiliary heater for use until the crisis has been resolved. These actions do not absolve the Weatherization Agency's responsibility to resolve the actual crisis at the earliest possible date, although resolution to the crisis may, in some circumstances, be confined to providing a warm room within the home.

The measures for which Weatherization Agencies will be responsible under the LIHEAP Crisis program are as follows:

Crisis Code/Measure

D	–	Repair of heating system
E	–	Loan of auxiliary heater
F	–	Repair of gas or other fuel lines
G	–	Replacement of un-repairable heating systems
H	–	Repair of hot water heating system
I	–	Heating system pipe thawing service
J	–	Repair of broken windows
K	–	Provide blankets

The purchase of a new heating system is only allowable if documentation is provided that the heating system cannot be repaired or repairs will correct the problem only temporarily. The repair of a water heating system, including repair of water pumps and accessories, is only allowable if the system is essential for producing home heat. The repair of broken windows is only allowable if the heating system is also being repaired or replaced.

Weatherization Agencies will provide client education regarding all weatherization and conservation measures completed. Weatherization Agencies will also provide a client complaint procedure for Crisis Interface clients.

V. Allowable Expenditures

Any funds not spent on Crisis Interface at the close of the Crisis program are to be used for standard Weatherization Services. All expenditures for allowable Crisis measures are to be paid from LIHEAP funds allocated to the WAP. There is no reimbursement required from the CAO or for any Crisis work performed by the Weatherization Agency.

VI. Rental Dwellings

Department of Health and Human Services' regulations require that owners and renters receive equitable treatment under the LIHEAP program. Therefore tenants, when referred, are considered eligible for Crisis services. However, on the basis of an implied warranty of habitability assumed by the landlord, prior to referral, appropriate action should be taken by the CAO to have furnace repair/replacement completed by the landlord. In all cases, prior written permission must be granted by the landlord to enter the premises to provide Crisis or Weatherization Services.

Department of Health and Human Services regulations allow LIHEAP benefits to only those households eligible under LIHEAP income guidelines; therefore, a heating system that supplies heat to those other than LIHEAP eligible clients (e.g., in a multi-unit dwelling) is not eligible for service under the LIHEAP Crisis component.

VII. Subcontracting for Crisis Services

In order to maintain the greatest consistency with WAP guidelines, contractors under current subcontract agreement with the Weatherization Agency should be utilized to provide Crisis services.

However, due to the demand and emergency requirements of the Crisis program, it may be necessary to secure services from contractors not normally utilized and/or not currently under a subcontract with the Weatherization Agency. In this case, Weatherization Agencies are authorized to procure services from contractors on a temporary basis without entering into a formal subcontract agreement, provided that their qualifications have been reviewed and approved, a cost/price analysis is performed to determine the reasonableness of compensation requested by the contractor, and that all DCED procurement procedures are followed.

A client may request that a contractor of his/her choice provide Crisis services (e.g., those who have a service contract or a current fuel vendor). If, after review, the Weatherization Agency determines through its experience that a bid received in this manner is questionable, an additional bid must be secured and documented prior to approval.

All Crisis heating system installations performed by a contractor that is not normally affiliated with the WAP must be inspected prior to payment.

WEATHERIZATION ASSISTANCE PROGRAM COMPONENT

I. Introduction

The Energy Conservation in Existing Buildings Act of 1976, Title IV of the Energy Conservation and Production Act (referred to as "the Act"), authorized the Federal Energy Administration, which is now part of the DOE, to establish a Weatherization Assistance Program to aid low-income households, with emphasis on those who are elderly and disabled, decrease fuel consumption and related energy costs.

The program is intended to reduce national energy consumption and to reduce the impact of higher fuel costs on low-income families. Funds are provided to install a number of energy conservation measures such as building shell air-sealing, hot water conservation measures, attic and foundation insulation and oil and gas furnace modifications.

Funds are allocated by DOE, on a formula basis, determined by the relative need for weatherization assistance among the states. The formula takes into account the number of low-income households, the percentage of total residential energy used for space heating and cooling and the number of heating and cooling degree days in each state.

In the Commonwealth of Pennsylvania, the Secretary of DCED, as the designee of the governor, applies for, receives and administers these funds. The funds are distributed by DCED to local governments and nonprofit organizations such as community action agencies.

It is the mission of the Weatherization Assistance Program of the Commonwealth of Pennsylvania to minimize the adverse effects of high energy costs on low-income citizens. Such adverse effects include a diminished ability to maintain utility services, including oil and coal deliveries, and to keep residences at temperatures necessary for health and comfort. This mission will be accomplished by providing high quality weatherization services, including heating system modifications, energy education and other energy conservation services, to low-income households.

Each Federal fiscal year, a State Plan is required for continued participation in the program. As such, the State Plan establishes the number of homes to be weatherized within the limits of available resources, the specific energy conservation measures to be undertaken, eligibility requirements, projected energy savings, program implementation strategies and other program requirements. These requirements will apply to the LIHEAP portion of the Weatherization Assistance Program. The organization and content of the proposed plan are derived directly from DOE regulations as contained in the Federal Register, 10 CFR Part 440 Final Rule, published February 1, 2002, and subsequent DOE instructions.

Guidelines provided in the Weatherization Work Plan outline allowable costs for standard weatherization activities and health and safety abatement and provide a sub-grantee budget format to appropriately allocate costs for these measures.

II. Production and Expenditure Schedule

DCED proposes to assist eligible households through weatherization, pending receipt of the LIHEAP allocation. Societal benefits of Weatherization include reduction of energy costs for LIHEAP clients, improved bill payment, and enhanced health and safety of clients by encouraging healthy homes coordination and integration.

III. Average Cost Per Dwelling Unit

Weatherization costs are established at an average expenditure of \$6,500 per unit; which includes cost for material, program support, and labor.

IV. Types of Weatherization Work to be Performed

The Weatherization Assistance Program is designed to reduce energy consumption of dwellings through the installation of energy conservation measures approved by DCED, based on their savings-to-investment ratio or cost-effectiveness. Additional measures are approved and selected as incidental repairs necessary for the safe and effective installation of the energy conservation measures, to correct an existing health or safety problem or to assure health and safety in conjunction with the installation of the energy conservation measures.

The specific methodologies to accomplish the program measures are based, to an extent, on the condition and design of the dwelling. These methodologies are further directed on individual dwelling units through blower door guided analysis and air-sealing and inspection of the heating system.

Household treatment measures are to be selected for installation based on the priority of their savings-to-investment ratio, taking into account:

- The structural, occupant or other considerations particular to the dwelling;
- The need and associated costs for installation of additional required measures as defined under item C, of this section;
- The contractual per-unit cost limits of the program.

The DOE approved Weatherization Priority List in conjunction with the PA Weatherization Field Standards will be used to determine the most cost effective or appropriate health and safety measures for a particular dwelling unit. The candidate measures are specified by the priority list specified in the PA Weatherization Standards and Field Guide, re-issued March 2011.

V. Minimum Program Requirements

Minimum program requirements as outlined under 10 CFR 440.16 include the following subsections. Where noted, these requirements remain unchanged from the previous year's State Plan.

Eligibility Criteria for Weatherization Services

A dwelling unit shall be eligible for Weatherization assistance if a family unit occupies it:

- whose income is at or below 200 percent of the poverty level in accordance with criteria established by the Office of Management and Budget;
- contains a member who has received cash assistance payments under Title IV (AFDC) or Title XVI (SSI) of the Social Security Act or applicable state or local law at anytime during the twelve (12)-month period preceding the determination of eligibility; or

In accordance with DOE program regulations, 200 percent of the Federal Poverty Income Guidelines is the determinant for income eligibility for all services provided under the Weatherization Assistance Program.

The eligible income level for Crisis services is determined annually by DPW, which may be lower than the Weatherization Assistance Program income eligibility levels.

Weatherization Agencies may weatherize a building containing rental dwelling units wherein occupants meet the income eligibility requirements and where:

- written permission of the owner or authorized agent is obtained; and
- not less than 66 percent (50 percent for duplexes and four-unit buildings) of the dwelling units in the building are eligible dwelling units, or will become eligible dwelling units within 180 days under a Federal, State or local government program for rehabilitating the building;

Except that only those households determined income eligible may be weatherized with LIHEAP funds and in the case of vacant dwelling units, only if the specific households intended to occupy the unit have been identified and certified as eligible prior to work being done; and

- an agreement is signed by both the owner/agent and tenant and witnessed by the Weatherization Agency to insure that for a reasonable period of time (not less than 18 months), the tenant(s) will not be subject to rent increases or eviction unless it can be demonstrated that it is related to matters other than the weatherization work performed; and

- no undue or excessive enhancement shall occur to the value of the dwelling units.

DCED will continue to weatherize rental dwelling units in accordance with DOE regulations as identified in this Plan and the DCED Weatherization Assistance Program Guidelines.

Re-weatherization of a dwelling unit is not allowable except:

- If the unit has been damaged by fire, flood, or act of God and repair of the damage to weatherization materials is not paid for by insurance; or
- That dwelling units partially weatherized during the period September 30, 1975 through September 30, 1994, may receive further weatherization assistance. These units may be counted as completions for compliance with the per-home expenditure limit. Each dwelling unit must receive a new energy audit, which takes into account any previous energy conservation improvements.

VI. Resolution of Client Complaints

Client complaints are to be dealt with in a timely manner, and any action taken toward resolution is to be adequately documented.

Procedure

The sub-grantee is required to develop and provide to the client a form that identifies three points of contact for the resolution of a Weatherization complaint.

The document provided should indicate that these are progressive steps of notification and appeal and that they must first attempt to resolve the issue at the local level prior to involvement by the State.

Further, the information to be provided should be left with the client at the time of application. In this way, a problem that may arise at any point during the weatherization process, including income verification, may be dealt with through the complaint procedure.

- The first point of contact is the weatherization program coordinator. He or she should document the contact and take necessary action to correct the problem if it is legitimate, or to inform the client of the Weatherization Agency's position on the issue.
- The second is the coordinator's supervisor or the executive director who will be responsible to assure that the appropriate follow-up action was taken, or if further action is required.

- The third is the regional monitor assigned to the Weatherization Agency. The regional monitors will be instructed to verify that contact was made with the local Weatherization Agency in the manner described, prior to any action by the State. This is not meant to imply that a local Weatherization Agency may not contact their regional specialist or appropriate State staff for technical assistance to resolve a client complaint. The regional monitors will be instructed to verify that contact was made with the local Weatherization Agency in the manner described, prior to any action by the State.

If a complaint is resolved by the local Weatherization Agency, the nature of the complaint and the action taken to resolve the problem must be documented and maintained in the client file.

- If the complaint reaches the regional office level, the monitor will make direct contact with both the client and the Weatherization Agency to assess the nature of the problem, establish responsibility and recommend corrective action in writing to the Weatherization Agency. Upon completion of the corrective action, the Weatherization Agency must provide written documentation to the regional office. A copy of both documents will be forwarded to the regional monitor and to the central office and maintained in the contract file.
- If the complaint involves work quality, the monitor will inspect the unit prior to recommending corrective action.
- When the complaint involves an interpretation of program policy (e.g., income verification, liability, etc.) the State central office will make a final determination and provide its decision to the local Weatherization Agency. In some cases this could require referral to DOE or DCED's Legal Office.