



STATE OF NEVADA

# **LIHEAP STATE PLAN**

**ENERGY  
ASSISTANCE  
2013-2014**

FISCAL YEAR (FY) 2014

GRANTEE: Nevada Division of Welfare and Supportive Services

EIN: 1-88-600-0022-A9

ADDRESS: 1470 College Parkway

Carson City, Nevada 89706-7924

NAME OF LIHEAP COORDINATOR Lori Wilson, Chief, Employment & Support Services

EMAIL: lwilson@dwss.nv.gov

TELEPHONE: 775-684-0626 FAX: 775-684-8766

PLEASE CHECK ONE: TRIBE \_\_\_\_\_ STATE X INSULAR AREA \_\_\_\_\_

Department of Health and Human Services  
Administration for Children and Families  
Office of Community Services  
Washington, DC 20447

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01

OMB Approval No. 0970-0075

Expiration Date: 9/30/2014

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.

Assurances

The Nevada Division of Welfare and Supportive Services agrees to:  
(Grantee Name)

- (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% of the poverty level for such State for energy assistance, an amount equal to 150% of poverty level for such State for weatherization; or
    - (ii) an amount equal to 60% 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 150% 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% 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% of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and 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.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.\* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.\*\*

Signature: 

Title: Administrator, Nevada Division of Welfare and Supportive Services

Date: 7/5/2013

\* Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.

\*\* If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.

**\*\*\* HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

statutory  
 references  
 2605(a)  
 2605(b)(1)

➔ Please 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

(use of funds)	<input checked="" type="checkbox"/>	heating assistance	<u>October 1, 2013-September 30, 2014</u>
	<input checked="" type="checkbox"/>	cooling assistance	<u>October 1, 2013-September 30, 2014</u>
	<input checked="" type="checkbox"/>	crisis assistance	<u>October 1, 2013-September 30, 2014</u>
	<input checked="" type="checkbox"/>	weatherization assistance	<u>October 1, 2013-September 30, 2014</u>

2605(c)(1)(C) → Please 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%.**

(use of funds)

	<u>55</u>	%	heating assistance
	<u>*</u>	%	cooling assistance
2605(k)(1)	<u>15**</u>	%	crisis assistance
	<u>5</u>	%	weatherization assistance
	<u>10**</u>	%	carryover to the following fiscal year
2605(b)(9)	<u>10**</u>	%	administrative and planning costs
2605(b)(16)	<u>5**</u>	%	services to reduce home energy needs including needs assessment (assurance 16)
	<u></u>	%	used to develop and implement leveraging activities (limited to the greater of 0.08% or \$35,000 for States, the greater of 2% or \$100 for territories, tribes and tribal organizations).
	<u>100</u>	%	<b>TOTAL</b>

\* Nevada has a combined year-round heating and cooling program.

\*\*Any funds allocated for energy emergencies, administrative, carryover, and Assurance 16 activities that are not expended, in part or whole, will be allocated to the combined heating/cooling program.

statutory  
references  
2605(c)(1)(C)

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

(alternate use  
of crisis assistance  
funds)

- heating assistance
- cooling assistance
- weatherization assistance
- Other (specify):

*No separate funds are reserved for winter crisis. Instead, the regular eligibility certification and determination of benefits for an eligible household experiencing a winter crisis are expedited to alleviate the crisis. In this way, the State ensures the winter energy crisis of all eligible households are alleviated through expedited processing, whether the crisis occurs prior to or after March 15.*

→Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes  No

2605(b)(2)  
2605(c)(1)(A)

→What are your maximum eligibility limits?  
(Please check the components to which they apply.)  
**Current year guidelines must be used.**

(eligibility)

- 150% of the poverty guidelines:  
heating  cooling  crisis  wx
- 125% of the poverty guidelines:  
heating  cooling  crisis  wx
- 110% of the poverty guidelines:  
heating  cooling  crisis  wx
- 60% of the State's median income:  
heating  cooling  crisis  wx
- Other (specify for each component)

- Households automatically eligible if one person is receiving
  - TANF       SSI       Food Stamps
  - Certain means-tested veterans programs  
(heating  cooling  crisis  wx 

Statutory references

2605(c)(1)(A)  
2605(b)(2)  
(eligibility)

→Do you have additional eligibility requirements for:  
**HEATING ASSISTANCE**     Yes     No

***Additional Eligibility Requirements:***

- 1. Identification of the applicant is required. If the utility bills are not in the applicant's name, identification of the individual named on the utility bills will be required.***
- 2. Applications must be submitted by the person whose name appears on the utility bill or the applicant must provide written authorization, from the individual whose name is printed on the bill, to act on their behalf. The applicant must be the person who is responsible for paying the cost of energy for the household.***

***(Exceptions to the additional eligibility requirements may be granted by the Chief of Employment and Support Services if a hardship exists.)***

→Do you use:	<u>Yes</u>	<u>No</u>
Assets test?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

→Do you give priority in eligibility to:

Elderly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disabled?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Young children?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other: (If Yes, please describe)	<input type="checkbox"/>	<input type="checkbox"/>

*Households consisting of elderly and/or disabled members will be mailed a simplified re-determination application at least 30 days preceding the date they may be eligible for a current year benefit.*

statutory  
references

2605(c)(1)(A)  
2605(b)(2)

(eligibility)

→ Do you have additional eligibility requirements for:  
**COOLING ASSISTANCE** (  Yes  No)

***Additional Eligibility Requirements:***

- 1. Identification of the applicant is required. If the utility bills are not in the applicant's name, identification of the individual named on the utility bills will be required.***
- 2. Applications must be submitted by the person whose name appears on the utility bill or the applicant must provide written authorization, from the individual whose name is printed on the bill, to act on their behalf. The applicant must be the person who is responsible for paying the cost of energy for the household.***

*(Exceptions to the additional eligibility requirements may be granted by the Chief of Employment and Support Services if a hardship exists.)*

→ Do you use: Yes   No

Assets test?   

→ Do you give priority in eligibility to:

Elderly?   

Disabled?   

Young children?   

Other:   

(If Yes, please describe)

***Households consisting of elderly and/or disabled members will be mailed a simplified re-determination application at least 30 days preceding the date they may be eligible for a current year benefit.***

statutory references

2604(c)  
2605(c)(1)(A)

→Do you have additional eligibility requirements for:  
**CRISIS ASSISTANCE** (  X  Yes \_\_\_\_\_ No)

(eligibility)

	<u>Yes</u>	<u>No</u>
→Do you use:		
Assets test?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Must the household have received a shut-off notice or have an empty tank?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<i>(For Fast Track)</i>	
Must the household have exhausted regular benefit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Must the household have received a rent eviction notice?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Must heating/cooling be medically necessary?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (Please explain):	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Nevada has the following crisis programs available for FY14:*

1. *Fast Track*
2. *Crisis Intervention Component*
3. *Arrearage Payment Component (When funding permits at the discretion of the Administrator)*

→What constitutes a crisis? (Please describe)

**The Fast-Track Component**

*The Fast-Track Component is the expedited processing of an energy assistance application to respond in emergent situations.*

***Application Processing Times:***

- a) *When an eligible household, if having a loss of energy causes a life-threatening situation, applies for energy crisis benefits their case will be processed within 18 hours of receipt of their application and proof of eligibility.*

- b) If an eligible household has received a 48-hour disconnect notice their case will be processed within 48 hours of receipt of their application and proof of eligibility.*

*To receive fast-track case processing, the applicant household must meet EACH of the following four (4) criteria:*

statutory  
references

- 1. The household must 1) have received a 48-hour disconnect notice from their heating or electric service, or 2) have been disconnected, or 3) be in need of heating fuel and have less than 10% in their tank, or 4) need a deposit to establish service, or 5) have a life-threatening situation if they lose energy; and, 6) have paid at least \$25 on their utility bill(s) during the sixty (60) days prior to the emergency; and 7) the household must have requested a payment plan and been denied or already have a payment plan established but are unable to meet the payment requirements.*
- 2. The household's annual income must not be more than the current income limits of the federally designated level signifying poverty, as determined by the Division of Welfare and Supportive Services. Eligibility is based on the income of the entire household. The household's income is reviewed and documented during the application process.*
- 3. The household must have experienced a recent unexpected loss or reduction of income or emergency expense as approved by the program manager, in the last two to five months, of at least 15% of the household's total gross income and which caused the inability to pay heating and/or electric costs. The loss or reduction of income could not have been from a seasonal or temporary position or being terminated for misconduct. Increases in utility costs due either to harsh weather or utility fee increases levied on all residents do not qualify as unexpected since they are not individualized to any particular household.*

*Emergency expense includes: 1) Unreimbursed medical expenditures for a medical emergency, or long-term, chronic medical condition, and 2) Unreimbursed compulsory and necessary home repairs; and 3) Unreimbursed automobile repairs only if transportation is needed for ongoing medical care, the repairs are critical to the operation of the vehicle, and it is the only registered vehicle in the household. Regular vehicle maintenance is excluded, including tire purchases. The household must provide proof they paid for the expense out-of-pocket and was not charged on a credit card or paid by a friend or relative.*

4. *Households are ineligible for Fast-Track assistance if they; 1) Received Fast-Track assistance in the previous program year, or 2) Received arrearage assistance, unless there are extenuating circumstances, e.g. terminal illness, car accident, etc.*

#### *The Crisis Intervention Component*

*The Crisis Intervention Component assists households experiencing a special circumstance or crisis and whose gross annual income exceeds the current income limits to be set by the Administrator, not to exceed 150% of poverty except for allowable qualifying expenses that reduce the annual income to the current income limits of poverty or less.*

statutory  
references

*Qualifying expenses may include: 1) Unreimbursed medical expenses for medical emergencies or long-term, chronic medical conditions; 2) Unreimbursed compulsory and necessary home repairs; 3) Automobile repairs only if transportation is needed for ongoing medical care, the repairs are critical to the operation of the vehicle, and, it is the only registered vehicle in the household. Regular maintenance is excluded, including tire purchases. The qualifying expense must be supported by valid and verifiable documentation, and must create a financial hardship for a period of no less than three (3) months.*

#### *Arrearage Payment Component*

*This program enables targeted low-income households to achieve energy self-sufficiency through a combined one-time arrearage payment and an ongoing Fixed Annual Credit (FAC) benefit. The DWSS Administrator has the flexibility to restrict the Arrearage Payment Component to special households (child under 6, elderly, or disabled) or suspend the program entirely when program funding is limited following a 30 day public notice period. The arrearage payment is an amount eliminating the applicant's debt owed to their heating and/or cooling vendor(s). The following criterion applies:*

1. *The household's income must not exceed the current income limits of the federally designated level signifying poverty, as determined by the Division of Welfare and Supportive Services.*
2. *An eligible household may receive an arrearage benefit only once in a lifetime. The only exceptions are households with chronic, long-term medical conditions that create a financial hardship and/or increase energy consumption. The one-time payment may be for both energy vendors. However, a subsequent request for arrearage assistance may not be at a later date in the event the previous arrearage payment did not cover one of the household's energy vendors.*

3. *The request for Arrearage Payment assistance may be at, or subsequent to the date of FAC benefit. Arrearage assistance cannot be made without the household receiving a FAC benefit.*

4. *The household must have paid at least the prior year's energy burden amount of their current gross income toward the arrearage during the 12 months in which the arrearage occurred.*

statutory  
references

5. *Once eligible for arrearage payment assistance, the household must budget their FAC benefit over 12 months to ensure an arrearage does not occur again. If the household fails to budget its FAC and incurs a subsequent arrearage, and receives a shut-off notice or service is terminated, the household is ineligible for expedited case processing, such as Fast Track.*

6. *Applicant households may seek a hardship exemption to the policies noted in numbers 1, 4 and 5 above, by written petition to the Administrator of the Division of Welfare and Supportive Services.*

statutory  
references  
2605(c)(1)(A)

→Do you have additional eligibility requirements for:  
**WEATHERIZATION** (  Yes  N/A)

(eligibility)

→Do you use:	<u>Yes</u>	<u>No</u>
Assets test?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Priority groups? (Please list)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Elderly	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disabled	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Young children	<input checked="" type="checkbox"/>	<input type="checkbox"/>
→Are you using Department of Energy (DOE) Low Income Weatherization Assistance Program (LIWAP) rules to establish eligibility or to establish priority eligibility for households with certain characteristics?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Priority assistance is provided to households who have weatherization related health and safety hazards or inoperative primary heating or cooling systems.

→ If Yes, are there exceptions?

 

Please list below.

statutory  
references

2605(b)(3)  
2605(c)(3)(A)  
  
(outreach)

→ Please check the outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:

- provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).
- place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.
- publish articles in local newspapers or broadcast media announcements.
- include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.
- make mass mailing to past recipients of LIHEAP.
- inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.
- execute interagency agreements with other low-income program offices to perform outreach to target groups.
- other (Please specify):

statutory  
references

2605(b)(4)

➔ Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

(coordination)

1. ***Public Assistance Clients – Recipients of other Division of Welfare services such as TANF, Food Stamp and Medicaid are maintained in the NOMADS database. Through a fully automated process, recipient households in NOMADS meeting LIHEAP/Energy Assistance Program (EAP) income guidelines, and who have not applied for energy assistance in the previous or current year, may be periodically mailed a special EAP application preprinted with data from NOMADS. A cover letter accompanies each application explaining the household may qualify for energy assistance by reviewing the application, completing missing information and correcting any errors in the preprinted data, signing and dating the application and submitting to the EAP.***
2. ***Weatherization Assistance Program (WAP) –Monthly, a list of all eligible EAP households is automatically provided to the Housing Division’s WAP via an electronic transfer. These transfers are made to apprise the WAP of high-energy usage households.***
3. ***Independent Fuel Funds – The Division of Welfare coordinates the eligibility criteria and applicant information with energy providers and organizations that administer fuel fund programs.***
4. ***Other Programs – The Division of Welfare provides program brochures, posters and/or applications for dissemination to their clients.***

2605(b)(5)

2605(b)(2)

2605(b)(8A)

➔ The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.

(benefit  
levels)

***Client eligibility is based on income and energy burden.***

statutory  
references

### HEATING COMPONENT

2605(b)(5) → Please check the variables you use to determine your benefit levels (check all that apply):

(determination  
of benefits)

- income
- family (household) size
- home energy cost or need
- fuel type
- climate/region
- individual bill
- dwelling type
- energy burden (% of income spent on home energy)
- energy need
- other (describe)

1. *Eligible households having a Fixed Annual Credit (FAC) benefit of zero to, and including, \$179 will receive a payment of \$180.*
2. *Eligible households residing in master metered residences will have the following rules applied:*
  - *If all utilities are in the landlord's name and included in the rent, and the household does not reside in subsidized housing, and does not receive a separate bill that includes consumption and dollar usage, the household will receive a payment of \$180.*
  - *If all utilities are in the landlord's name but the household receives a separate bill that includes consumption and dollar usage, the household is eligible for a fixed annual credit or \$180, whichever is greater, payable to the household;*

*If one of the utilities is in the landlord's name and one is in the household's name, the household will receive a fixed annual credit based on the utility in the household's name payable to the household's utility, unless the household receives a separate bill from the landlord that includes energy consumption and dollar usage. If the household receives both, the household may receive a fixed annual credit based on both utilities payable to the household's utility not to exceed the annual usage, and the remainder payable to the household.*

2605(b)(5) → Describe how you will assure that the highest benefits go to households  
2605(c)(1)(B) with the lowest incomes and the highest energy costs or needs in relation  
to income, taking into account family size.

(benefit levels) Please describe benefit levels or attach a copy of your payment matrix.

*A minimum benefit cap standard is established in which the administrator may adjust the benefit cap above or below this standard to optimize the assistance provided to eligible households based on the projected caseload and available program funding. A 30-day notice will be posted prior to decreasing or eliminating the benefit cap adjustment. Households utilizing heating oil or propane as their energy source have an established benefit cap separate and distinct from all other energy source users in consideration of the higher cost per British Thermal Unit (BTU) of heating oil and propane. A flat \$50 increase to the cap will apply to households with an elderly, disabled or child under 6 years of age member. A Fixed Annual Credit (FAC) benefit will be calculated for each eligible household. A FAC is an amount of money sufficient to reduce the percentage of the applying household's income spent on natural gas and electricity to the median percentage of household income spent on natural gas and electricity statewide. The lower the income and the higher the usage (which takes into account family size), the greater the benefit.*

*In Nevada, the median household income is \$69,475 for FFY 14. The statewide median household energy burden for natural gas and electricity is 2.23% for FFY 14. Both the median household income and the median household energy burden will be updated annually for each new state plan program year.*

*The total annual energy burden, which includes natural gas and/or electric in combination with other sources of energy, i.e., wood, oil, propane, kerosene, etc., is identified for the resident address at which the applicant household resides at the time of application. When actual usage cannot be verified, such as if the household resides in a newly constructed residence where 12 months historical energy usage does not exist, or resides in a residence new to the household where 12 months historical energy usage is not representative of the potential usage of the applicant household, staff may use the median energy burden for the residence type (single family or multi-family) from the applicable utility. Calculating a Household's FAC Benefit:*

- 1. Identify eligible household's annual income and apply the statewide median household energy burden for natural gas and electricity to determine the amount the household is expected to pay for their energy burden.*
- 2. Identify eligible household's annual energy usage in dollars (to include all energy sources).*
- 3. Compare the statewide median household energy burden for natural gas and electricity figure to the eligible household's annual energy burden (usage in dollars):*
  - a. If the household energy burden is greater than the statewide median household energy burden for natural gas and electricity of the household's annual income, the difference is the FAC for that household. The FAC is the benefit amount the household receives up to the maximum allowable.*

*If the household energy burden is less than the statewide median household energy burden for natural gas and electricity of the household's annual income, the household receives a payment of \$180.*

→Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

Yes  No  If Yes, please describe.

*Funds may be utilized to provide emergency supplies to households experiencing loss of electricity and/or heating for an extended period of time.*

Statutory  
references  
2605(b)(5)  
2605(c)(1)(B)

### **COOLING COMPONENT**

→Please check the variables you use to determine your benefit levels (check all that apply):

(determination  
of benefits)

- income
- family (household) size
- home energy cost or need
- fuel type
- climate/region
- individual bill
- dwelling type
- energy burden (% of income spent on home energy)
- energy need
- other (describe)

*Same as 'Heating Component' as Nevada combines Heating and Cooling into one program.*

statutory  
references

2605(b)(5)  
2605(c)(1)(B)

(benefit levels)

→Describe how you will assure that the highest benefits will go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size. Please describe benefit levels or attach a copy of your payment matrix.

*Same as 'Heating Component' as Nevada combines Heating and Cooling into one program.*

→Do you provide in-kind (e.g. fans) and/or other forms of benefits?

\_\_\_ Yes  X  No If Yes, please describe.

*Same as 'Heating Component' as Nevada combines Heating and Cooling into one program.*

2605(b)(5)  
2605(c)(1)(B)

**CRISIS COMPONENT**

(determination  
of benefits)

→How do you handle crisis situations?

separate component       other (please explain)

*Crisis assistance is available through: 1) expedited processing (Fast Track) of the LIHEAP application, and 2) Crisis Intervention, and 3) Arrearage Assistance (only at the discretion of the Administrator, based on funding), all of which are available throughout the program period, which runs year-round from July 1, 2013 through June 30, 2014. Also, any eligible household, statewide, may request to have their benefit a) distributed entirely to their heating provider, or b) distributed entirely to their electric (cooling) provider, or c) split so half goes to their heating provider and half goes to their cooling provider. A household that meets the criteria for Fast Track or Crisis Intervention receives the amount to which they are entitled based on the FAC benefit not to exceed the benefit cap for the household's size and income. An eligible household that meets the criteria for the Arrearage Payment Component, receives both an arrearage assistance benefit [the amount necessary to satisfy the past due debt incurred with their energy vendor(s)] and their regular FAC (not to exceed the cap) benefit.*

statutory  
references

→If you have a separate component, how do you determine crisis assistance benefits?

amount to resolve crisis, up to maximum  
 other (please describe)

(benefit levels)

➔ Please indicate the maximum benefit for each type of crisis assistance offered.

heating \$ \_\_\_\_\_ maximum benefit

cooling \$ \_\_\_\_\_ maximum benefit

year-round \$ \* \_\_\_\_\_ maximum benefit

*\*Households eligible for Fast-Track or Crisis Intervention receive the same benefit as those processed in normal timeframes. (See page 20). Eligible households may receive no less than \$180.*

*\*Households eligible for an Arrearage Payment receives both an arrearage benefit [the amount necessary to satisfy the past due debt incurred with their energy vendor(s)] and their regular benefit. The Arrearage Payment Component has no maximum or capped amount.*

➔ Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

Yes  No If Yes, please describe.

*Funds may be utilized to provide emergency supplies to households experiencing loss of electricity and/or heating for an extended period of time.*

Statutory  
references

## WEATHERIZATION & OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS

2605(b)(5)  
2605(c)(1)  
(B) & (D)

→What LIHEAP weatherization services/materials do you provide?  
(Check all categories that apply.)

(types of  
assistance)

- Weatherization needs assessments/audits.
- Caulking, insulation, storm windows, etc.
- Furnace/heating system modifications/repairs
- Furnace replacement
- Cooling efficiency mods/repairs/replacement
- Other (Please describe)

Solar screens, mobile home roof coating, primary windows, CFL's, low  
Flow showerheads, refrigerator replacements, air infiltration sealing,  
Carbon monoxide alarms.

(benefit  
levels)

→Do you have a maximum LIHEAP weatherization benefit/expenditure  
per household?  Yes  No

If Yes, what is the maximum amount? \$7,500

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

(types of rules)

- Entirely under LIHEAP (not DOE) rules
- Entirely under DOE LIWAP rules
- Mostly under LIHEAP rules with the following DOE LIWAP rule(s)  
where LIHEAP and LIWAP rules differ (Check all that apply):

- Weatherize buildings 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 (Please describe)

Mostly under DOE LIWAP rules, with the following LIHEAP  
rule(s) where LIHEAP and LIWAP rules differ (Check all that  
apply.)

- Weatherization not subject to DOE LIWAP maximum  
statewide average cost per dwelling unit.
- Other (Please describe.)

Weatherization activities/materials noted in 45 CFR Section 96.87  
may be included in the services offered.

Also, when LIHEAP funds are not used in conjunction with DOE  
funds, DOE Health & Safety requirements do not apply.

2605(b)(6) The state or tribe administers LIHEAP through the following local agencies:

- (agency designation)
- county welfare offices
  - community action agencies (weatherization component only)
  - community action agencies (heating, cooling or crisis)
  - charitable organizations
  - not applicable (i.e. state energy office)
  - tribal office
  - other, describe:

*The program is administered by the Nevada Division of Welfare and Supportive Services through two LIHEAP/EAP office locations; one in Carson City and one in Las Vegas. In compliance with Assurance 15, outreach and intake functions for crisis situations and heating and cooling assistance are available through contracted intake sites in Las Vegas and surrounding communities which include community action and human services agencies, the weatherization assistance subgrantee, aging services agencies, and not-for-profit neighborhood agencies.*

*Northern Nevada  
LIHEAP/EAP Office  
2527 N Carson St. Suite 260  
Carson City, NV 89706-7924  
Phone: (775) 684-0730  
Fax: (775) 684-0740*

*Southern Nevada  
LIHEAP/EAP Office  
3330 E. Flamingo Rd. #55  
Las Vegas, NV 89121  
Phone: (702) 486-1404  
Fax: (702) 486-1441*

*Statewide Toll Free: 1-800-992-0900*

→ Have you changed local administering agencies from last year?  
 Yes  No

If Yes, please describe how you selected them.

→ What components are affected by the change?

2605(c)(1)(E) → Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. **(This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)**

(targeting of assistance) N/A

statutory  
references

2605(b)(7)  
(energy  
suppliers)

→Do you make payments directly to home energy suppliers?

Heating  Yes  No

Cooling  Yes  No

Crisis  Yes  No

If Yes, are there exceptions?  Yes  No

If Yes, please describe.

***If a client's utility vendor has not entered into an agreement with the Division of Welfare and Supportive Services or if the client does not have an account with a utility vendor (i.e., the utilities are in the landlord's name), the benefit may be paid directly to the client.***

2605(b)(7)(A)

→If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

***Each recipient is mailed a formal notice that explains their eligibility status, benefit amount and method of payment, or denial reason if determined ineligible.***

2605(b)(7)  
(B) & (C)

→How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

***In addition to formalized vendor agreements, an audit is conducted each year that requires vendors to verify and certify that the benefits paid to them were, indeed, credited to the eligible household's account. At the same time, a random sample of eligible households are sent a letter describing the benefits paid and requesting verification the benefits were accurately credited to their accounts. All discrepancies are fully investigated and resolved.***

statutory  
references

2605(b)(8)(B)

→Is there any difference in the way owners and renters are treated? If Yes, please describe.

(owners  
and  
renters)

**HEATING ASSISTANCE**

Yes  No

**COOLING ASSISTANCE**

Yes  No

**CRISIS ASSISTANCE**

Yes  No

**WEATHERIZATION**

Yes  No

The Housing Division will implement a 50% landlord contribution for capital improvements on those housing types designated by the Administrator of the Housing Division. statutory references

2605(b)(10)

➔How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

*The Division of Welfare and Supportive Services uses a system of checks and balances to ensure accurate fiscal accounting and tracking. The LIHEAP/EAP Program Manager develops and maintains spreadsheets to track obligations and expenditures against the federal fiscal year, which are regularly reconciled with the Accounting Unit's fiscal records utilizing the State fiscal year. Funds are disbursed by the State Controller, with proper disbursement of and accounting for funds monitored through the Integrated Financial System (IFS). This system records and reports all aspects of financial activity within the program.*

(program, fiscal  
monitoring,  
and audit)

→How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)

*A fully automated computer system determines eligibility and benefits. The Program Manager receives computer generated activity reports by caseworkers, including each case received & the date, each case processed & the date, status of each case, and any amount of benefits issued (delineated by source of revenue; i.e., LIHEAP, Rate-Payer Funded Universal Energy Charge [UEC], or any other available revenue). Hard copy files are selected for review to ensure compliance with all applicable regulations and procedures and to ensure accurate and expedient processing. The computer generates a pay record to the State's Integrated Financial System (IFS) where checks are disbursed. Pay records are verified by the Accounting Unit as well as the LIHEAP/EAP Program Manager and Program Officer, prior to disbursement, which further ensures accuracy and reduces potential fraud and abuse. Housing Division inspects a minimum of 5% for which energy assistance is provided.*

→How is your LIHEAP program audited?

Under the Single Audit Act?  Yes  No

If not, please describe:

For States and Territories:

→Is there an annual audit of local administering agencies?  Yes  No  
If not, please explain.

statutory  
references

2605(b)(12)

(timely and  
meaningful  
public  
participation)

→How did you get timely and meaningful public participation in the development of the plan? (Please describe.)

*The Division of Welfare and Supportive Services provides for public participation in the development of the plan by soliciting input from consumer advocates, other agencies, and energy vendors; by mailing copies to interested parties; and by holding public workshops and/or hearings.*

2605(a)(2) →Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds? When and where?

Yes  No

**(Not required for Tribes and tribal organizations)**

(public hearings)

*Carson City May 21, 2013*

*Las Vegas May 21, 2013*

*Video-conferenced between both locations.*

statutory references

2605(b)(13) →Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?

(fair hearings)

→Denials

*The Division of Welfare and Supportive Services provides an opportunity for an administrative hearing to individuals whose claims for assistance are denied or who claim their application was not acted upon with reasonable promptness. The procedure for requesting a hearing is as follows:*

- 1. Applicant/Recipient submits a written request for a hearing and/or case review within 90 days of the date of notice.*
- 2. A pre-hearing conference may be held. The pre-hearing conference is an informal proceeding between the applicant/recipient and the LIHEAP/EAP Program Manager and/or Program Officer or other designated representative. The applicant/recipient may authorize a representative to assist in the pre-hearing conference. If the issues are not resolved, a hearing officer, who shall be designated by the Division of Welfare and Supportive Services Administrator, conducts a formal hearing within 90 days of the receipt of the hearing request.*

**3. The hearing decision may be appealed to the district court.**

*Applicants are advised of their right to an administrative hearing through the “Rights and Obligations” and “Notice of Decision” forms. The “Rights and Obligations” form is provided to every person who requests an application. If an applicant is denied benefits, he/she is sent formal notification specifying the reason for the denial. This notice outlines the applicant’s rights, including the right to request an administrative hearing if they disagree with the decision made on their case.*

**→ Applications Not Acted On In a Timely Manner**

*Same process as noted under ‘Denials’*

statutory  
references

2605(b)(15)

**For States and Puerto Rico only** (not applicable to Tribes and tribal organizations, or to territories whose annual regular LIHEAP allotments are \$200,000 or less):

**→** Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

(alternate  
outreach  
and intake)

**HEATING ASSISTANCE**

Yes     No

If Yes, describe alternate process for outreach and intake:

*The Division of Welfare and Supportive Services contracts with approximately 50 intake sites throughout the State of Nevada to provide outreach and intake services to applicants. Intake sites provide information about the energy assistance program including basic eligibility rules, assist clients in completing the application, copy all required verifications and documentation, and make provisions for clients who are homebound to receive the same services utilizing home visits and/or telephone calls. Intake Sites are required to mail or fax completed applications and related documentation to the nearest LIHEAP/EAP office. The Intake Sites include senior centers and senior programs, human/social service agencies, family resource centers, not-for-profit neighbor programs, churches, housing authorities and development programs, various agencies serving the disabled, community coalitions, Native American tribal assistance agencies, Hispanic services agencies, and legal aid agencies.*

**COOLING ASSISTANCE**

Yes  No

If Yes, describe alternate process for outreach and intake:

*Same process as noted in 'Heating Assistance'.*

**CRISIS ASSISTANCE**

Yes  No

Statutory  
references

If Yes, describe alternate process for outreach and intake:

*Same process as noted in 'Heating Assistance'.*

2605(b)(16)

→Do 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? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)

Yes  No

If Yes, please describe these activities.

*LIHEAP/EAP staff assists households by mediating with the utility companies and other energy vendors, coordinating sources of assistance, counseling, and making referrals to other agencies and programs.*

If Yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

*This is a non-financial benefit and managed through the agency cost allocation methodology.*

statutory  
references  
2607A

(leveraging)

→ Please describe leveraging activities planned for the fiscal year. (**This entry is optional.**\*) Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:

- (1) Identify and described each resource/benefit;
- (2) Identify the source(s) of each resource; and
- (3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

*The Division of Welfare and Supportive Services ongoing goal is to work with utility companies (including, but not limited to, Sierra Pacific Power Company, Nevada Power Company, Southwest Gas Corporation, and Mt. Wheeler Power Company) to establish/coordinate fuel funds that serve households who did not receive benefits from the LIHEAP/EAP and are at or below the 60% of median income level. While the funds are not administered through the state LIHEAP/EAP Office, Division of Welfare staff are involved in the development/implementation and will also make referrals and provide LIHEAP/EAP eligibility/benefit payment information to the agencies administering the funds.*

*The Division of Welfare and Supportive Services will also work with Sierra Pacific Power Company, Nevada Power Company, Southwest Gas Corporation, and other energy vendors to expand the activities of the Housing Division's Weatherization Assistance Program to additional households at or below the 60% of median income level, utilizing non-federal funds. The LIHEAP/EAP will share eligibility information with the utilities and/or administering agencies to enhance/expedite outreach and targeting efforts.*

*The Division of Welfare and Supportive Services intends to closely work with utility companies and energy vendors to implement arrearage forgiveness and discount rate programs for low-income households.*

*Utility sponsored programs such as fuel funds, arrearage forgiveness plans, and waiver of deposit/reconnection fees will be coordinated with LIHEAP/EAP eligibility criteria and availability of funding. Assistance that results in direct benefits to LIHEAP eligible households will be tracked and reported as leveraging.*

*Efforts will also be made to more closely work with other “helping” entities such as churches to ensure coordination of efforts, eliminate duplicative services, and coordinate the limited resources available.*

*The Nevada State Housing Division has set aside 15% of its revenue from the Real Estate Transfer Property Tax to assist low-income families with deposits and utility assistance which may be necessary to obtain or sustain housing. Only households that are at or below 60% of median income may be served. Funds used to provide utility assistance to households who meet federal LIHEAP eligibility criteria, are tracked and reported as leveraging.*

*The Division of Welfare and Supportive Services will continue to be extensively involved in the development/implementation of the following non-federal sources of energy and weatherization assistance:*

- a) a portion of the unclaimed utility deposits (escheatable funds) for the energy costs of LIHEAP eligible households.*
- b) a portion of any mill tax assessment levied to end users of natural gas and electricity, and any other fuel suppliers designated for energy and weatherization assistance to LIHEAP eligible households.*
- c) any state general fund appropriation for energy assistance for LIHEAP eligible households.*
- d) any appropriation of non-federal revenue by the Nevada State Housing Division to the Nevada State Division of Welfare and Supportive Services for the purpose of providing energy assistance to LIHEAP eligible households*

*Expenditures of any of the above identified non-federal sources toward energy assistance and weatherization will be tracked and reported as leveraging.*

\* Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

statutory  
references

2605(b)

→ Please describe performance goals and measures planned for the fiscal year. **(This entry is optional.)**

(performance)  
goals and measures)

**ADDITIONAL CERTIFICATIONS AND REQUIREMENTS**

Attached are additional certifications required as follows:

- \* **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. **(Tribes and tribal organizations are EXEMPT.)**
- \* **Debarment and suspension certification**, which must be filed by all grantees.
- \* **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here:
- \* One of the requirements included in the 1994 reauthorization of the statute is that state grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.  
  
**All Tribes and those territories with allotments of less than \$200,000** need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.
- \* Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106.

## CERTIFICATION REGARDING LOBBYING

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned 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.

Signature



Title – Administrator

Organization – Nevada Division of Welfare and Supportive Services

## **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.

(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.

Signature   
Title – Administrator  
Organization – Nevada Division of Welfare and Supportive Services

## **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)

<u>Northern Nevada</u>	<u>Southern Nevada</u>
<u>LIHEAP/EAP Office</u>	<u>LIHEAP/EAP Office</u>
<u>2527 N Carson St. Suite 260</u>	<u>3330 E. Flamingo Rd. #55</u>
<u>Carson City, NV 89706-7924</u>	<u>Las Vegas, NV 89121</u>

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]

Signature 

Title – Administrator

Organization – Nevada Division of Welfare and Supportive Services