



LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

DETAILED PLAN DRAFT

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2014

Grantee	Texas Department of Housing and Community Affairs
Entity Identification Number	17426105429
Mailing Address	P.O. Box 13941 Austin, TX 78711-3941
Name of LIHEAP Coordinator	Michael DeYoung
Email	michael.deyoung@tdhca.state.tx.us
Telephone	(512) 475-2125
Fax	(512) 475-3935

PLEASE CHECK ONE: TRIBE STATE INSULAR AREA

[Department of Health and Human Services \(http://www.acf.hhs.gov/programs/ocs/liheap/\)](http://www.acf.hhs.gov/programs/ocs/liheap/)

Administration for Children and Families

Office of Community Services

Washington, DC 20447

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Expiration Date: 04/30/2014

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.

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Assurances

The Texas Department of Housing & Community Affairs agrees to:

- (1) use the funds available under this title to –
 - (A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);
 - (B) intervene in energy crisis situations;
 - (C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and
 - (D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

- (2) make payments under this title only with respect to –
 - (A) households in which one or more individuals are receiving –
 - (i) assistance under the State program funded under part A of title IV of the Social Security Act;
 - (ii) supplemental security income payments under title XVI of the Social Security Act;
 - (iii) food stamps under the Food Stamp Act of 1977; or
 - (iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or
 - (B) households with incomes which do not exceed the greater of –
 - (i) an amount equal to 150 percent of the poverty level for such State; or
 - (ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

- (3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

- (4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;
- (5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;
- (6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that –
 - (A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and
 - (B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;
- (7) if the State chooses to pay home energy suppliers directly, establish procedures to –
 - (A) notify each participating household of the amount of assistance paid on its behalf;
 - (B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;
 - (C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and
 - (D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;
- (8) provide assurances that,

- (A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and
 - (B) the State will treat owners and renters equitably under the program assisted under this title;
- (9) provide that –
- (A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and
 - (B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));
- (10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");
- (11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;
- (12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);
- (13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and
- (14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.
- (15) beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.
- (16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and 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: Executive Director

Date: August , 2013

The Governor of Texas has delegated the responsibility of signing this document to the Executive Director of the Texas Department of Housing and Community Affairs. A copy of the letter is attached.

The EIN (Entity Identification Number) of the Texas Department of Housing & Community Affairs, which receives the grant funds, appears on the cover of this application.

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.

Components Operated Under LIHEAP

Statutory Reference 2605(a) and 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.)

Use of Funds

Program Component	Dates of Operation
heating assistance	December – February
cooling assistance	March – November
crisis assistance	January – December
weatherization assistance	April – March

The Texas Department of Housing and Community Affairs (TDHCA or the Department) administers LIHEAP funds year round through Utility Assistance, Household Crisis, and Weatherization Assistance Components. The Utility Assistance Component provides both heating and cooling assistance. For planning and reporting purposes, the Department considers Utility Assistance provided in December – February as heating assistance and Utility Assistance provided in March – November as cooling assistance. Components will be listed at heating, cooling, crisis, and weatherization in the following plan to maintain consistence in the HHS provided format.

Statutory Reference 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%.

Statutory Reference	Percentage of Funds	Program Component
	10%	heating assistance
	40%	cooling assistance
	10%	crisis assistance
2605(k)(1)	25%	weatherization assistance
2605(b)(9)	0%	carryover to the following fiscal year
	10%	administrative and planning costs
2605(b)(16)	5%	services to reduce home energy needs including needs assessment (assurance 16)
	0%	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).
	100%	TOTAL

Alternate Use of Crisis Assistance Funds

Statutory Reference 2605(c)(1)(C)

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

Program Component	Yes/No
Heating assistance	No
Cooling assistance	No
Weatherization assistance	No
Other(specify): Year-round crisis	Yes

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

Eligibility

Statutory Reference 2605(b)(2) and 2605(c)(1)(A)

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

Maximum Eligibility Limit	Heating Component	Cooling Component	Crisis Component	Weatherization Component
150% of the poverty guidelines				
125% of the poverty guidelines	X	X	X	X
111% of the poverty guidelines				
60% of the State's median income**				

**In the county of a major disaster or emergency designated by the Secretary of the Department of Health and Human Services or by the President under the Disaster Relief Act of 1974, the State will use the higher of 125% of the poverty guidelines or 60% of the State’s median income. The State may also use this flexibility to set poverty guidelines in a local crisis as defined by the Department’s Executive Director. The State will communicate this designation to affected subrecipients through email and by website posting. Subrecipients must receive prior written approval before using 60% SMI.

Subrecipient agencies will base applicant household eligibility on Texas Administrative Code Title 10, Part 1, Chapter 5, Subchapter A, §5.19 Client Income Guidelines and §5.20 Determining Income Eligibility; or any subsequent sections of the Texas Administrative Code covering LIHEAP household eligibility.

Households are not automatically eligible if one person is receiving TANF, SSI, Food Stamps, or Certain means-tested veterans programs for any Program Component.

Statutory Reference 2605(c)(1)(A) and 2605(b)(2)

Additional eligibility requirements for Heating Component and Cooling Component.

Additional Eligibility Criteria	Heating Component (Yes or No)	Cooling Component (Yes or No)
Do you have additional eligibility requirements?	No	No
Do you use assets test?	No	No
Do you give priority eligibility to elderly?	Yes	Yes
Do you give priority eligibility to disabled?	Yes	Yes
Do you give priority eligibility to young children?	Yes	Yes
Other: High Energy Burden and High Energy Consumption	Yes	Yes

Statutory Reference 2604(c) and 2605(c)(1)(A)

Additional eligibility requirements for Crisis component.

Additional Eligibility Criteria	Crisis Component (Yes or No)
Do you have additional eligibility requirements?	No
Do you use assets test?	No
Must the household have received a shut-off notice or have an empty tank?	No
Must the household have exhausted regular benefit?	No
Must the household have received a rent eviction notice?	No
Must heating/cooling be medically necessary?	No

What constitutes a crisis? Please describe

A utility disconnection notice may constitute an energy crisis as will extreme hot or cold weather, defined at the local level.

Statutory Reference 2605(c)(1)(A)

Additional eligibility requirements for Weatherization.

Additional Eligibility Criteria	Weatherization (Yes or No)
Do you have additional eligibility requirements?	No
Do you use assets test?	No
Do you give priority eligibility to elderly?	Yes
Do you give priority eligibility to disabled?	Yes
Do you give priority eligibility to young children?	Yes
Other: High Energy Burden and High Energy Consumption	Yes

Are you using Department of Energy (DOE) Low Income Weatherization Assistance Program (LIWAP) rules (<http://www1.eere.energy.gov/wip/wap.html>) to establish eligibility or to establish priority eligibility for households with certain characteristics?

Yes

If Yes, are there exceptions? Please list below.

Texas Administrative Code Title 10, Part 1, Chapter 5, Subchapter E. Weatherization Assistance Program General ([http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=5&sch=E&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=5&sch=E&rl=Y))

RULE §5.507 - Subrecipient Requirements for Establishing Priority for Eligible Households and Client Eligibility Criteria; or any subsequent sections of the Texas Administrative Code covering LIHEAP household eligibility.

Outreach Activities

Statutory Reference 2605(b)(3) and 2605(c)(3)(A)

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

Outreach Activity	Do you conduct this activity? (Yes or No)
Provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).	Yes
Place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.	Yes
Publish articles in local newspapers or broadcast media announcements.	Yes
Include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.	Yes
Make mass mailing to past recipients of LIHEAP.	No
Inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.	Yes
Execute interagency agreements with other low-income program offices to perform outreach to target groups.	Yes

Coordination

Statutory Reference 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.

Subrecipients coordinate with other social service agencies to provide services to eligible households. In particular, subrecipients make documented referrals to the local WAP subrecipient.

Subrecipients coordinate with local energy vendors to arrange for arrearage reduction, reasonably reduced payment schedules, or cost reductions.

Community Action Agencies, local government entities, and private nonprofit agencies, administer the LIHEAP program. To share information, enhance and develop service capacities, and integrate resources, The Department and Subrecipients work with the Texas Association of Community Action Agencies, the Public Utility Commission of Texas, the Texas Railroad Commission, the Texas Department of Aging and Disability Services, utility companies, and other State entities serving the low-income population.

Community Action Agencies are contractually required to refer eligible clients to the Lite-Up Texas Program.

Benefit Levels: Equal Treatment

Statutory Reference 2605(b)(5), 2605(b)(2), and 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.

There is no difference in treatment based on the receipt or non-receipt of public assistance benefits. Subrecipients will base applicant household eligibility on TAC Title 10, Part 1, §5.19 (Client Income Guidelines), §5.20 (Determining Income Eligibility) for all Community Affairs programs, or any subsequent sections of the Texas Administrative Code covering LIHEAP household eligibility.

Determination of Benefits

Heating Component and Cooling Component

Statutory Reference 2605(b)(5)

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

Variable	Heating benefit	Cooling benefit
Income	X	X
family (household) size	X	X
home energy cost or need	X	X
fuel type		
climate/region		
individual bill	X	X
dwelling type		
energy burden (% of income spent on home energy)	X	X
energy need	X	X

Benefit Levels

Statutory Reference 2605(b)(5) and 2605(c)(1)(B)

Describe how you will assure that the highest benefits 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.

Household may receive an amount needed to address their energy payment shortfall not to exceed the following amounts:

Households Incomes	Maximum Heating Component Benefit	Maximum Cooling Component Benefit
0 to 50% of Poverty	\$1,200.00	\$1,200.00
50% to 75% of Poverty	\$1,100.00	\$1,100.00
75% to 125% of Poverty	\$1,000.00	\$1,000.00

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

No

Crisis Component

Statutory Reference 2605(b)(5) and 2605(c)(1)(B)

How do you handle crisis situations?

Crisis situations are handled as a separate component.

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

Crisis assistance benefit is the amount needed to resolve crisis, up to the maximum.

Benefit Levels

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

Type of crisis assistance offered	Maximum Benefit
Heating	n/a
Cooling	n/a
Year-round	\$4,900

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

No

WEATHERIZATION & OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS

Types of Assistance

Statutory Reference 2605(b)(5), 2605(c)(1), (B) & (D)

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

LIHEAP weatherization services/materials	Provided
Weatherization needs assessments/audits.	X
Caulking, insulation, storm windows, etc.	X
Furnace/heating system modifications/repairs	X
Furnace replacement	X
Cooling efficiency modifications/repairs/replacement	X
Other <u>Energy Related Home Repair</u> (Please describe) (1) roof, wall, and floor repair to complete weatherization measures; (2) repair or replace essential electrical wiring to complete related weatherization measures, while complying with safety codes; (3) solar screens or window film (where appropriate);	X

LIHEAP weatherization services/materials	Provided
(4) replacement of refrigerators 1993 or older or metered to have an SIR of 1 or greater on the Departments refrigerator tool; (5) mobile home skirting to protect belly insulation; (6) overhangs to protect mobile home doors; (7) carpentry work to protect outside water heater from exposure; and (8) Weatherization-related health and safety safeguards as defined by DOE.	

Benefit Levels

Do you have a maximum LIHEAP weatherization benefit/expenditure per household?

Yes

If yes, what is the maximum amount?

\$5,000 or otherwise calculated by the Department.

Types of Rules (DOE or LIHEAP)

Under what rules do you administer LIHEAP weatherization?

Type of Rules	Used to Administer LIHEAP Weatherization
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):	X
Weatherize buildings if at least 66% of units (50% in 2- & 4-unit buildings) are eligible units or will become eligible within 180 days	X
Weatherize shelters temporarily housing primarily low income persons (excluding nursing homes, prisons, and similar institutional care facilities).	X
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.	X
Other (Please describe.) <u>Energy Related Home Repair</u> . TDHCA will allow the use of a client’s LIHEAP weatherization award for structural and ancillary repairs only if required to enable effective weatherization.	X

Agency Designation

Statutory Reference 2605(b)(6)

The state administers LIHEAP through the following types of local agencies:

Agency Type	Designated for LIHEAP
county welfare offices	
community action agencies (weatherization component only)	X

Agency Type	Designated for LIHEAP
community action agencies (heating, cooling or crisis)	X
charitable organizations (nonprofit)	X
not applicable (i.e. state energy office)	
tribal office	
other, describe: Units of local government and Councils of Government.	X

Have you changed local administering agencies from last year?

Yes

If Yes, please describe how you selected them.

Request for Application (RFA)

What components are affected by the change?

Heating, cooling, crisis, weatherization.

Targeting of Assistance

Statutory Reference 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.)

N/A

Energy Suppliers

Statutory Reference 2605(b)(7)

Do you make payments directly to home energy suppliers?

Program Component	Payment to Supplier? (Yes or No)
Heating	Yes
Cooling	Yes
Crisis	Yes
If yes, are there exceptions? If yes, please describe.	No

Statutory Reference 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)

When the client applies for assistance, the subrecipient determines eligibility, the amount of assistance, and the appropriate component. This information is provided to the client for their records.

Statutory Reference 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.

Vendor agreements are used in all components. A sample copy is attached with the Program Integrity Assessment Supplement.

Owners & Renters

Statutory Reference 2605(b)(8)(B)

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

Program Component	Difference for owners and Renters? (Yes or No)
Heating	No
Cooling	No
Crisis	No
Weatherization	No

Program, Fiscal Monitoring, and Audit

Statutory Reference 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.)

- (1) review annual audits;
- (2) monitor fiscal records;
- (3) review Monthly Expenditure and Performance Reports.

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

- The Department requires each subrecipient to submit monthly funding and performance reports. Reports are due on the fifteenth of the following month.
- The Contract Specialist will complete a desk monitoring review of monthly funding and performance reports to ensure the subrecipient has the capacity to carry out program activities in a timely manner. The Contract Specialist will review each monthly expenditure request to determine if a Subrecipient expenditure report contains anomalies that may pose a risk to the program.
- Monitors review necessary program documents and financial records through desk reviews and on-site reviews to ascertain compliance with program requirements.
- Selection of contracts for monitoring is primarily based on risk assessment. Contracts may also be selected for monitoring based on other factors, such as prior findings, complaints and/or special requests.

- Monitors will perform an onsite monitoring visit of each subrecipient at least once every three years based on a Risk Assessment Module. On-site monitoring will be performed in conjunction with the Division's Community Service Block Grant whenever possible. TDHCA may monitor a subrecipient more than once based on the previous monitoring report and current contract performance.
- The Monitor will utilize a monitoring instrument to document the Subrecipient's compliance of specific program rules, regulations and requirements. The Compliance Division will frequently review and/or revise the monitoring instrument to address a change in or the applicability of program rules and regulations.
- Monitors will review the Subrecipient's financial records such as the single audit, general ledgers, program expenditures, receipts, bank statements, bank reconciliation reports, and cancelled checks to ensure that program funds are being expended on allowable program activities.
- Monitors will review the administration of the program and individual client records to ensure the clients are eligible, prioritized, and served within the requirements of the LIHEAP Act, TAC Rules, Subrecipient funding contract and TDHCA established guidelines. Client files will also be reviewed to ensure household needs have been identified, the client has been provided client education, and referred to other programs and services that have been identified by the subrecipient.
- Monitors will develop a report that details the issues found during the on-site monitoring. The report will note the issues in findings and recommended Improvements. The report may also note a requirement of the Subrecipient to complete a corrective action.
- Upon the Monitoring Manager's review, a report will be mailed to each subrecipient.
- Subrecipient must submit a written response within 30 days of the report. The response must address the requirement(s) of the corrective action, if any.
- The monitor will review of the Subrecipient's response and compliance with the corrective action, to ensure the corrective action has been completed and/or implemented.

How is your LIHEAP program audited? Under the Single Audit Act?

The program is audited under the Single Audit Act.

If not, please describe:

N/A

For States and Territories, is there an annual audit of local administering agencies?

Yes. TDHCA contract requires subrecipients that exceed \$500,000 in expenditures to follow the Single Audit procedures and submit a copy of the Audit to the Department for review.

If not, please explain.

N/A

Timely and Meaningful Public Participation

Statutory Reference 2605(b)(12)

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

The Department prepared a Draft FFY2014 LIHEAP Plan to present to the Department Board of Directors at the May 9, 2013 Board meeting. At this meeting, the Board approved the release of the Draft FFY2014 LIHEAP Plan and directed publication of a notice of public hearing in the Texas Register.

The May 24, 2013 edition of the Texas Register announced the availability of the Draft FFY2014 LIHEAP Plan and details of the June 12, 2013 public hearing. A copy of the Texas Register announcement is attached and public hearing details are listed in the following section.

Further, the Department website (<http://www.tdhca.state.tx.us/community-affairs/index.htm>) and opt-in email distribution publication informed the Texas Legislature, Subrecipient network, and general public about the public hearing and the availability of the Draft FFY2014 LIHEAP Plan.

The Department accepted written and verbal comments within the public participation process through June 13, 2013, 5:00 p.m. Central. The Department requested that comments be sent by e-mail to cate.taylor@tdhca.state.tx.us or by fax (512) 475-3935 or by postal service to TDHCA, Community Affairs Division, P.O. Box 13941, Austin, Texas 78711-3941.

The Department incorporates public comments, including workable suggestions that do not alter the intent of LIHEAP, into the final plan.

If so required, the Department Board will approve the final plan on July 11, 2013.

Public Hearings

Statutory Reference 2605(a)(2)

Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds?

Yes, Texas Government Code, §2105.053, requires that, in developing a request for appropriations before each regular legislative session, the Department shall hold public hearings in four locations in different areas of the state to solicit public comment on the intended use of block grant funds.

When and where?

The first of these required hearings will be held as follows:

June 12, 2013, 10:00am Central
Texas Department of Housing and Community Affairs
221 East 11th Street, Room 116
Austin, Texas 78701

Fair Hearing Procedures

Statutory Reference 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?

The Department will ensure that subrecipients provide an opportunity for a fair administrative hearing or income recertification to individuals or households whose application for assistance is denied or not acted upon in a timely manner by requiring subrecipients to:

- print information about clients' rights on the application forms and information sheets;
- establish a denial of service complaint procedure to address written complaints from program applicants/clients;
- provide opportunity for fair administrative hearings or income recertification in cases of application denial, delay, or inaction;
- provide written notification to applicant of denial of assistance within ten (10) days of the adverse determination. Notification includes written instructions of the appeals or recertification process and specific reasons for the denial. Applicants wishing to appeal a decision must provide written notice to subrecipient within 20 days of receipt of the denial notice. Subrecipient maintains documentation of appeals in the client files.

If the applicant is not satisfied, the applicant may further appeal the decision in writing to the Department within ten (10) days of receiving the Subrecipient's second determination.

Applicants/clients who allege that the Subrecipient has denied all or part of a service or benefit in a manner that is unjust, violates discrimination laws, or without reasonable basis in law or fact, may request a contested hearing under Texas Government Code, Chapter 2001.

The hearing shall be conducted by the State Office of Administrative Hearings on behalf of the Department in the locality served by the Subrecipient.

Alternate Outreach and Intake

Statutory Reference 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?

Program Component	State Welfare Program administered at State LIHEAP agency? (Yes or No)
Heating	No
Cooling	No
Crisis	No

If Yes, describe alternate process for outreach and intake.

N/A

Assurance 16 Activities

Statutory Reference 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

If Yes, please describe these activities.

1. Identify household needs.
2. Provide literature and energy conservation education.
3. Refer client to other appropriate programs.
4. Encourage responsible vendor and consumer behavior.
5. Subrecipients provide applications, forms, and energy education materials in Spanish, English, or other language when appropriate.

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

Assurance 16 activities are a separate budget category at both the state and subrecipient levels. Both the accounting and the reporting systems do not allow expenditures over the 5% cap.

Leveraging

Statutory Reference 2607A

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).

45 CFR 96 Section Reference	Leveraging Activities
96.87(d)(2)(i)	In order for subrecipients to serve eligible households in a comprehensive manner, creation of partnerships with private industries and utility vendors is essential. LIHEAP staff members, both at the grantee and the subrecipient level, have devoted substantial time and resources in the negotiation and design of these partnerships.
96.87(d)(1)	The resources leveraged by these activities are from non-federal sources such as utility companies. They are provided to the LIHEAP grantee or only accessible to LIHEAP clients. They represent a net addition to the total home energy resources available to low-income households, are measurable and quantifiable, and meet the requirements for countable resources.
96.87(d)(2)(iii)(D), 96.87(d)(2)(iii)(E), 96.87(d)(2)(iii)(F), and 96.87(e)(1)(i)	The following resources have been leveraged on behalf of LIHEAP clients. Subrecipients utilize State approved vendor agreements with energy providers. These agreements may provide for waivers on reconnection fees and waivers on deposits. These agreements ensure that the energy vendor will charge the eligible household only the difference between the cost of home energy actually consumed and the amount of the payment made by TDHCA through LIHEAP. Agreements ensure that energy vendors will treat LIHEAP clients with no disadvantage relative to all other customers. TDHCA also has an memorandum of understanding with the Public Utility Commission to refer clients to the State’s general revenue funded electric discount program, Texas LITE UP.
96.87(d)(2)(ii), 96.87(e)(1)(iii), 96.87(e)(1)(vi)	TDHCA administers the funds through its LIHEAP WAP network of weatherization contractors. These contractors leverage DOE WAP funds for Weatherization activities within Department rules.

* 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.

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**) (Above link shows source document only.)
- **Debarment and suspension certification**, which must be filed by all grantees. (Above link shows source document only.)
- **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: (Above link shows source document only.)
- One of the new requirements included in the 1994 reauthorization of the statute is that 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/reallotment 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.

Attachments

1. FFY 2014 LIHEAP Program Integrity Assessment Supplement
 - A. TDHCA Recommended Practice on Fraud, Waste, and Abuse (PDF) <http://www.tdhca.state.tx.us/community-affairs/docs/BestPractice-FraudWasteAbuse.pdf>
 - B. Texas Administrative Code for TDHCA's LIHEAP programs [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=10&pt=1&ch=5](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=10&pt=1&ch=5)
 - C. Sample Vendor Agreement
 - D. Sample of Department approved Declaration of Income Statement
 - E. Sample TDHCA contract for PY 2013 CEAP Subrecipients
 - F. Sample TDHCA contract for PY 2013 LIHEAP WAP Subrecipients
 - G. Texas Register Notice of Public Hearing for FY 2014 LIHEAP Plan
2. Preliminary FFY 2013 LIHEAP Household Report
3. Subrecipient Agencies <http://www.tdhca.state.tx.us/community-affairs/index.htm>
4. Required Certifications
 - A. Lobbying Certification
 - B. Debarment and Suspension Certification
 - C. Drug-free Workplace requirement Certification
5. TX PY2013 DOE WAP Plan <http://www.tdhca.state.tx.us/community-affairs/index.htm>
6. LIHEAP Designation Letter for TDHCA

Attachment 1G.

Notice of Public Hearing for FY 2014 LIHEAP Plan will be posted in the *Texas Register* on May 24, 2013.

Attachment 2.

Preliminary FFY 2013 LIHEAP Household Report is being compiled by the Department. Final FFY 2012 LIHEAP HH Report is provided as an attachment for the Draft Plan.

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

Executive Director

Title

Texas Department of Housing and Community Affairs

Organization

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

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

Instructions for Certification

By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

1. 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.
2. 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.
3. 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.
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 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.
5. 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.
6. 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.
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 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.
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 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.

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)

Texas Department of Housing and Community Affairs

221 East 11th Street

Austin, TX 78701

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]



OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

October 18, 2006

The Honorable Michael O. Leavitt
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Leavitt:

In accordance with the Texas Government Code, Sections 2306.092 and 2306.097, and the Low-Income Home Energy Assistance Program (42 U.S.C., Ch. 94, Section 8621 et seq.), I hereby designate the Texas Department of Housing and Community Affairs as the lead agency for administration of the Low-Income Home Energy Assistance Program (LIHEAP) in the state of Texas. The executive director of said department is authorized to make assurances of certification which may be required as part of the annual LIHEAP application process.

This delegation of authority shall remain in full force and effect until modified or rescinded by federal or state statute, or by the chief elected official of this state.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry". The signature is written in a cursive, slightly slanted style.

Rick Perry
Governor

Rp:aap