

March 25, 2020

Via E-Mail

Secretary Teresa Miller
Pennsylvania Department of Human Services
625 Forster Street
Harrisburg, PA 17120

Re: Urgent Utility Relief Needed to Protect Vulnerable Households

Dear Secretary Miller,

We, the undersigned agencies, organizations, utilities, associations, and consumers, write to you with great urgency. As you are well aware, low and moderate income families across our Commonwealth are hurting, and many are at risk of harm to their health and wellbeing. The economic impact of the COVID-19 response is unprecedented and severe, especially for low wage workers and vulnerable individuals.

Unfortunately, the ability to funnel immediate financial relief to these households to ensure that they are connected to heat, electricity, and running water is significantly curtailed by existing administrative policies and procedures. Governor Tom Wolf's Proclamation of Disaster Emergency authorizes and directs the suspension of "the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions...would in any way prevent, hinder, or delay necessary action in coping with this emergency." Pursuant to this directive, we therefore urge you to take immediate and bold action to relieve barriers that prevent households from accessing assistance through the ongoing crisis:

❖ **EXTEND LIHEAP UNTIL ALL FEDERAL DOLLARS ARE SPENT.**

It is critical that DHS extend LIHEAP until after the public health crisis subsides. Absent the current pandemic, these next few weeks would be the peak period for households to apply for LIHEAP Crisis assistance to prevent a pending termination. But access to LIHEAP has become difficult if not impossible for many vulnerable households, and very few dollars are making it to those in dire need of utility assistance. Weekly LIHEAP application data is bearing this out in real time. Comparing applications from the week of March 14 to the week of March 21, there were 1,478 fewer applications submitted. Pending applications have also declined – falling by 3,479 applications week over week. Given the most recent emergency orders in some areas of the state requiring Pennsylvanians to "shelter in place", we believe the total number of applications will continue to decline leading up to the scheduled close of the program on April 10, 2020 – despite an undeniable increase in need.

DHS must commit to spending all available funds on LIHEAP grants in this current LIHEAP season.

Each year, DHS carries over millions of dollars in LIHEAP funding, citing the need to have funds on hand to begin operating the program in the next fiscal year in the event of a delay in the release of new federal funds. Based on recent projections shared with the LIHEAP Advisory Committee, there

will be over \$11 million in unspent funds at the end of the this program year, and an additional \$4 million in funds earmarked for IT upgrades that was not yet spent in this fiscal year. These projections are likely significantly understated because access to LIHEAP Crisis grants has and will be curtailed as a result of the emergency suspension on terminations, discussed further below.

Given the urgent need for immediate relief, it is not in the public interest to carry over funding into the next fiscal year. There is likely to be emergency utility assistance in the pending federal relief packages, which will allow DHS to open the program on time in the next fiscal year. But in the short term, people are hurting. It is critical that DHS use all available resources now – and without delay – to direct immediate financial assistance to vulnerable families.

❖ **AMEND CRISIS GRANT REQUIREMENTS TO ACCEPT PAST-DUE UTILITY BILL AS EVIDENCE OF A CRISIS.**

The Public Utility Commission took swift and decisive action on March 13 to prohibit regulated utility terminations. Unregulated utilities have followed suit.

To prevent confusion and ease anxieties, most utilities have stopped issuing termination notices – *even when a household is in significant arrears and will be terminated immediately after the emergency order is lifted.* Without a termination notice, households with acute needs are unable to access assistance and face immediate loss of service when the emergency declaration is lifted.

To avoid this cliff effect on terminations, we urge DHS to issue emergency policy guidance to CAOs to accept a past-due utility bill to process and award a Crisis Grant. We recommend that Crisis grant amounts awarded to address a past-due utility bill be issued for the lesser of the amount of the past-due bill or the maximum Crisis grant amount. The Utility File Transfer program could be utilized to streamline this process for both consumers and County Assistance Offices.

❖ **PERMIT SELF CERTIFICATION OF INCOME, HOUSEHOLD COMPOSITION, HEATING RESPONSIBILITY, AND LEASE ARRANGEMENTS, AS NECESSARY TO FACILITATE ENROLLMENT THROUGH THE PENDENCY OF THE GOVERNOR’S EMERGENCY DECLARATION.**

Businesses, organizations, and government agencies have been forced to close in response to the Governor’s most recent Emergency Order, which has unduly complicated the ability for households to obtain necessary paperwork to complete an application for assistance. While DHS permits case workers to contact employers or landlords directly for verification, even this process is made more difficult in light of widespread closures across the state, as employers, property management companies, and other third parties are unavailable to provide verifications. Of course, the digital divide likewise creates insurmountable barriers for many households that cannot access the internet at home – and, due to widespread closures, cannot rely on public Wi-Fi. Indeed, these are insurmountable barriers for many to apply.

Again, the weekly LIHEAP application data reveals this to be true. Despite a significant decline in the number of approved and pending applications, noted above, the number of *rejected* applications due

to missing or incomplete paperwork has increased by 1,138 week over week. This inverse relationship – with fewer applications submitted and more applications rejected – is deeply troubling, and is evidence that current administrative requirements are preventing households from accessing the relief that they need.

In light of these significant barriers, we urge DHS to accept self-certification from applicants and/or third parties, *as necessary through the pendency of the Governor’s Emergency Declaration*, to process applications.

❖ **PERMIT LIHEAP APPLICANTS TO CALCULATE INCOME BASED ON RECENT CHANGES TO INCOME OR UNEMPLOYMENT.**

Commerce in Pennsylvania has come to an abrupt halt as a result of the Governor’s Emergency Order. Many low and moderate income households will be faced with sudden and substantial losses of income as a result of businesses, organizations, and agencies throughout the state closing. Low wage and contract workers in particular will suffer as a result of these curtailments in commerce, as such jobs often rely on tips to supplement meager incomes and operate without paid leave.

In light of the significant and sudden difficulties now faced by numerous low and moderate income households, we urge DHS to accept income information for the prior two weeks, rather than the last 30 days or the prior year before the date of application when determining LIHEAP eligibility - particularly when applicants indicate recent changes to their employment status or income level.

When applicants report zero income, the County Assistance Office should accept self-attestation as verification and not require an income management letter or the zero income form. Zero income should be used as the income on the case rather than looking back to determine if there was income in the previous month.

❖ **ALLOW LIHEAP CASH AND CRISIS GRANTS TO BE USED FOR HEAT RELATED WATER SERVICE.**

It is undeniable: hot water is the primary defense that a household has to stop the spread of COVID-19 in their home. However, current DHS policy does not allow households to receive LIHEAP for water or wastewater service – even when that service is necessary to heat their home or for water heating purposes. DHS should suspend its current policy and allow vulnerable households to receive LIHEAP assistance for heat-related and hot water service to ensure that all households can access hot water, which is critical to stop the spread of COVID-19.

We urge you to take immediate action, and stand ready to assist DHS in any way necessary to ensure that households have continued access to critical utility services. Should you have questions regarding these urgent policy recommendations, please do not hesitate to contact the undersigned.

Respectfully submitted,



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