



Report

LIHEAP Crisis Components: *Requirements, Variations, Innovations*

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In operating LIHEAP crisis components, grantees must adhere to the LIHEAP statute, which mandates they intervene in energy crisis situations. Because LIHEAP is a block grant, grantees have flexibility in how they deliver crisis assistance.

This report will cover the following topics related to LIHEAP crisis components:

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1. Crisis Component Requirements

The LIHEAP Statute ([Section 2603\(3\)](#)) defines "energy crisis" as weather-related and supply short-

age emergencies and other household energy-related emergencies.

The statute also requires that grantees respond to such energy crises in a timely manner, that is, they must:

- (1) Provide some form of assistance that will resolve the crisis not later than 48 hours after an eligible household applies for crisis assistance;

Crisis Component Resources

- [New Hampshire Crisis Intervention and Incentive Components](#)
- [LIHEAP "Questions and Answers" on Disaster Relief](#), U.S. Department of Health and Human Services
- [Promoting Self Sufficiency for Low-Income Clients: LIHEAP's Assurance 16](#), LIHEAP Clearinghouse, March 2014
- [Helping Low-Income Utility Customers Manage Overdue Bill through Arrearage Management](#), National Consumer Law Center, September 2013
- Minnesota [Crisis Eligibility Decision Chart](#)
- [Crisis Program Definitions for State Grantees in Fiscal Year 2014](#), LIHEAP Clearinghouse
- [Crisis Program Definitions for a Sampling of Tribal Grantees in Fiscal Year 2014](#), LIHEAP Clearinghouse
- [Colorado, Iowa, and Massachusetts Vendor Agreements](#), LIHEAP Clearinghouse

(2) Provide some form of assistance that will resolve the energy crisis not later than 18 hours if the crisis is a life-threatening situation and the household is otherwise eligible.

In responding to a crisis, grantees do not necessarily have to pay the vendor within the designated timeframe. However, they must provide some form of intervention that resolves or prevents the crisis, such as contacting the vendor to prevent or delay a disconnection, or arranging for temporary shelter.

Regarding crisis component expenditures, grantees can spend whatever amount they deem necessary, except they may not operate a crisis-only program. Of the amounts they designate for crisis assistance, they must reserve enough funds to run their crisis program until March 15 of each program year. After March 15, any unspent crisis funds may be allotted to other program components.

Grantees must also ensure that clients have access to apply for crisis assistance, which means they must accept crisis applications at sites that are geographically accessible to all households in the grantee's service area. Furthermore, they must provide physically infirm persons the means to submit crisis applications without leaving their residences, or provide them the means to travel to application sites.

The U.S. Department of Health and Human Services, Division of Energy Assistance (HHS), has advised grantees that they must define what constitutes a life-threatening versus a non-life-threatening crisis. They must develop policies relative to these definitions that are consistent across their service area and local agencies. For more information and for state examples, click [here](#).

Grantees should also institute policies to track crisis response timeframes so that federal staff and auditors can determine whether statutory guidelines have been met. For example, time or date stamps on applications and tracking of responses in a computer database are good practices. HHS also encourages grantees to have processes to address after-hours crises such as a hotline or an on-call number.

2. Crisis Component Variations

Definitions and Eligibility

Grantees vary in how they define an energy crisis and establish eligibility criteria. For many, lack of home energy is the key criterion. In these cases, applicants must have a pending or actual disconnection of their utility bill or, in the case of delivered fuel, have a near-empty or empty fuel tank. If an applicant's heat is included in the rent, an eviction notice is required. These examples from Massachusetts and Washington are typical:

Massachusetts: The criteria for designating an emergency are as follows: a) no heat for any reason, including heating system failure b) imminent loss of heat, due to: less than 3-day supply of fuel (e.g., reading of 1/8 tank or less on a standard 275 gallon heating oil tank; "3-day or less" supply standard applies to other delivered fuels) OR possession of final notice of utility termination for the primary heat source, OR for a secondary source necessary to operate the primary heating system, OR threatened eviction within 72 hours for renter whose rent includes heat.

Washington: The following (including but not limited to) constitutes a crisis: a disconnection notice, notice of termination from a budget or average payment plan, less than a ten-day supply of oil, wood or propane, insufficient funds to reorder and a substantially dysfunctional or unsafe heating system.

Clients may also be eligible if they have non-working heating or cooling equipment, or they have a statement from medical personnel that heating or cooling assistance is medically necessary. In addition to home energy availability, grantees may also link crisis eligibility to weather events. For example, Georgia's policy says: "A crisis may also result from a weather-related emergency, which affects all, or a specific area of the

state.”

Health and safety of clients, especially vulnerable ones, also enters into crisis definitions and eligibility criteria, as these examples from Maine and South Carolina illustrate:

Maine: A crisis is considered to be a life threatening, energy-related emergency which poses a threat to the health or safety of one or more members of the Household. A Household may be eligible for Crisis Assistance if there is an imminent loss of heat due to: Less than 3-day supply of fuel; disconnection of electricity if heating system requires electricity

South Carolina: A crisis exists when extreme weather conditions, fuel supply shortages or increases in home energy costs have depleted or threatened to deplete household financial resources creating an energy burden that poses a health and/or safety threat to the well-being of the household; particularly households with elderly, disabled and those with children age 5 or younger.

Some grantees also require an applicant to have exhausted his/her regular assistance benefit. Some also stipulate that the crisis benefit must be sufficient to resolve the crisis, and they may seek funding from other sources such as nonprofit fuel funds to add to the LIHEAP funds in order to resolve the emergency. For more information, see Section 3, “Crisis Innovations.”

Connecticut restricts crisis eligibility to delivered fuel households, because households with utility energy are protected by the state’s shutoff moratorium from November 1 to April 15. Households in a life-threatening situation, defined as being without or within one week of being without primary heating fuel, are eligible. For oil and kerosene customers, life-threatening is defined as the lesser of either 70 gallons or one quarter of a tank.

Other states restrict crisis assistance to seniors or those with medical issues. To get cooling crisis assistance in Ohio, applicants must have medical certifi-

cation of their need for room air conditioners or have elderly or disabled household members. In New Mexico, crisis cooling assistance requires all of the following:

Disconnect notice, at least one household member must be at least 60 years of age, disabled or a child five years of age or younger and household must have paid the utility bill two out of the past three months.

As with New Mexico’s bill payment requirement, some states like to see a good faith effort made by applicants to pay their energy bill, which is described in the following policies for Wisconsin and Illinois:

Wisconsin: Determination of eligibility for regular heating assistance benefits will determine a household eligible for crisis assistance for the remainder of the program period if the household has contributed \$25 or more towards their heating costs in the three months prior to application.

Illinois: Emergency assistance will not be made on behalf of a household unless the household makes a good-faith effort to pay its home energy bills. If payment history does not demonstrate good faith, the applicant will be required to pay an additional \$75 to the utility or utilities that would receive the LIHEAP payment(s). The \$75 must be paid in cash or money order at an authorized payment center within 15 days of the (good faith effort) GFE notice. During the emergency period, special attention will be placed on households with extreme hardships that would not be able to pay the GFE amount. Local agencies may waive or contact local resources such as Catholic Charities, Salvation Army and other local fund sources to arrange for GFE payment.

In two states, New York and Michigan, applicants are subject to an assets test in order to receive crisis assistance, although this is not a requirement for non-crisis assistance. In New York, an applicant

is limited to liquid resources (defined as cash, checking or savings accounts, retirement accounts, stocks, bonds, etc.) of \$2,000 or \$3,000 if the household has a member over 60.

In Michigan, applicants are limited to \$50 in cash assets; anything above that, termed an asset co-payment, must be used to help resolve the crisis. According to the state, having an assets test helps ensure the household is utilizing all potential resources to resolve the emergency.

A handful of states do not consider lack of home energy a crisis. In these states, eligibility is limited to circumstances beyond the household's control such as an inoperable furnace, broken windows, a natural disaster, weather conditions, death or illness in the household, or loss of employment or income.

For example, Montana's eligibility criteria are:

Crisis assistance is available only when circumstances present a serious, imminent threat to the health and safety of the household. Some examples are:

- *The household's primary supply of energy is interrupted because of weather conditions*
- *Weather or other forces outside the control of the household damages the household's dwelling and causes the dwelling to suffer a severe loss of heat*
- *Hazardous or potentially hazardous conditions exist in the household's primary home; water heating and/or space heating systems and safety modifications to the system are required*
- *Elevated carbon monoxide, etc.*

Montana's crisis policy has been in effect for at least 20 years. State officials do not consider a utility shutoff to be an energy crisis, because they believe people should plan ahead and be responsible for their energy costs. They reason that provision of crisis assistance upon receipt of a shut-off notice could incentivize clients to avoid paying their energy bills in a timely fashion.

Colorado defines a crisis as:

The eligible household must be in a "non-fuel" emergency due to an inoperable furnace, inability to access a fuel tank due to severe snowstorms, or the need for emergency clothing, blankets, alternative fuel provisions or emergency shelter in cases of severe cold, fire, flood or major heating system failure.

However, being ineligible for LIHEAP crisis doesn't necessarily mean a household has no other recourse. This is because LIHEAP does not operate in a vacuum. Just as with heating or cooling assistance, many crisis programs coordinate with other government or private programs and resources to ensure there are other safety nets available to households in an emergency. For more information, see Section 3, "Crisis Innovations."

For state-by-state examples of crisis definitions and eligibility criteria click [here](#). For a few examples of tribal crisis programs, click [here](#).

Crisis Funding

As mentioned above, grantees can decide what percent of their overall LIHEAP allocations to spend on crisis assistance. They must indicate this percentage in their annual LIHEAP plan. According to the LIHEAP Clearinghouse's [review of 2014 plans](#), states allocated anywhere from less than five percent to more than 50 percent. For FY 2009, the last year for which complete data are available, states used 19 percent of LIHEAP funds for their crisis components. Also in FY 2009, crisis benefits comprised 28 percent of all LIHEAP benefits distributed to households (the table on page 5 shows how crisis benefits compared to assistance from other components).

However, some states operate what are called "fast-track" or expedited crisis programs that are integrated with heating and/or cooling assistance with no separate crisis funding allocation. Instead, crisis applicants are prioritized and receive expedited service using heating or cooling funds. Massachusetts, Maryland and New Hampshire are among the states that have adopted this approach. Because of this,

actual crisis expenditures by state grantees may be under-reported.

Furthermore, some states provide repair or replacement services to households that have inoperable heating or cooling equipment—and thus meet the state’s crisis definition—with LIHEAP funds transferred to their state’s weatherization component, which may also result in under-reporting of crisis spending.

For example, Massachusetts’ Heating Emergency Assistance Retrofit Task Weatherization Assistance Program (HEARTWAP) provides heating system repair and replacement services during the heating season mostly on an emergency basis. If sufficient funds are available after the heating season, HEARTWAP provides system cleaning and tune-ups as well as replacements where needed. It allocates about \$8 million annually for HEARTWAP under its LIHEAP weatherization component.

Crisis Operation Dates

Grantees vary widely in the duration of their crisis components. In 2014, at least 26 states reported in their LIHEAP plans that they would operate year-round crisis, although in some states year-round operation is contingent upon sufficient funding. Some of these states address heating-related crises in the winter months and cooling-related crises during the summer, for example, inability to pay an electric bill.

Another 23 states reported they would provide heating crisis assistance only, usually under the same timeline as the state’s heating assistance program. Typically, colder weather states operate heating and crisis seasonally, for example, from November 1 through March 30. (See [LIHEAP program dates](#) for state-by-state dates of operation.)

Crisis Benefits

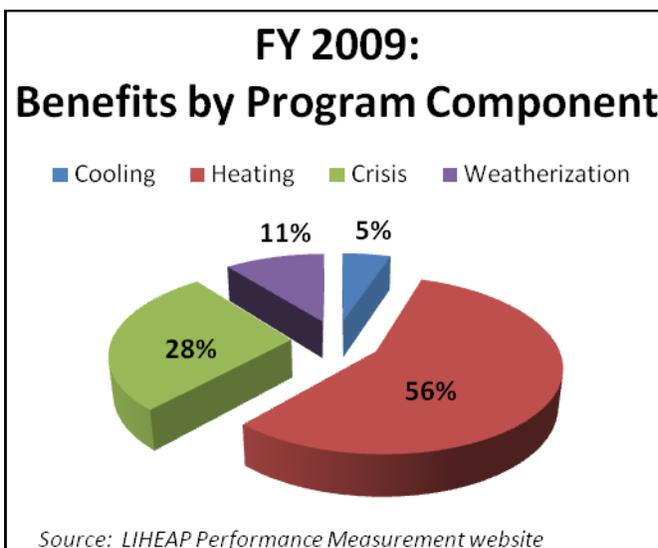
As they do with heating assistance benefits, grantees may vary crisis assistance benefits by such factors as fuel type and household type. Households with delivered fuels and/or with vulnerable members may get special consideration. In states with

delivered fuels, such as Massachusetts, benefits for these households are higher. For example, in Massachusetts, the expected maximum benefit in 2014 for utility-heated households was \$625, for delivered fuels it was \$1,125; in Michigan it was \$450 for utility-heated households and \$850 for delivered fuel.

Benefit maximums may be higher under crisis assistance, especially if the state provides funding for furnace repair and replacement. Minnesota, for example, has a maximum of \$500 for crisis energy bill assistance, and \$2,500 if furnace repair or replacement is necessary. In states where heating and crisis assistance are expedited, the maximum heating and crisis assistance benefit are the same, for example, \$975 in New Hampshire.

In addition to bill payments and heating equipment repair or replacement, grantees have used crisis funds for other purposes, including, but not limited to, the following:

- Purchase or loan of space heaters, oil tanks, blankets, sleeping bags or warm clothing
- Purchase or loan of fans or window air conditioners as part of summer crisis assistance
- Emergency lodging relating to loss of household heat or air conditioning, including during a natural disaster



- *Prevention of shutoffs*
- *Payment of reconnection or pressure testing charges*
- *Assistance with vendors, budget counseling, and case management*
- Coordinated with other programs and resources—utilities, fuel funds and other nonprofit charitable organizations
- Coordinated with state’s disconnect moratorium or other laws
- Case management

3. Crisis Innovations

Crisis components can be costly to administer because each crisis is handled on a case-by-case basis. Depending upon the severity of the crisis, it may entail significant staff time to contact and negotiate with vendors and to seek other sources of funding to resolve the crisis. Benefits may be higher due to inclusion of past due bills, deposits or reconnect fees, or repair or replacement of heating or cooling equipment. In some states, applicants may receive more than one crisis benefit.

States employ a variety of innovative strategies to prevent or reduce crises, and thereby reduce program costs. More important than reducing program costs, these innovations can be a vital safety net that enhances the health and safety of low-income households.

In some states, crisis innovations may be due to program design features alone. However, most states combine design features with outside resources such as their state’s disconnect moratorium, if applicable. In Massachusetts, for example, LIHEAP officials credit a statewide collaborative network that includes utilities, local agencies, and advocacy groups, along with legislative and regulatory initiatives, all of which work together to help the state prevent and reduce energy crises.

The states highlighted below have used one or more of the following innovations:

- Targeted [Assurance 16](#) or other funds to crisis situations
- Early application periods
- Fast track or “expedited” crisis
- Included requirements in LIHEAP vendor agreements

Colorado

As mentioned earlier, the state has a limited definition of crisis that excludes households with a pending or actual shut-off. However, a [provision in its vendor agreement](#) requires that once a household has been approved for regular LIHEAP benefits, the vendor must initiate service, continue service, or deliver fuel or restore service to the household within 24 hours of notification and continue utility services for at least 60 days after such notification (with certain conditions).

The vendor agreement also stipulates the vendor will not terminate or refuse service to an approved household that has a medical certificate stating that termination would be dangerous to the health and safety of any household member.

Colorado also has a statewide fuel fund, [Energy Outreach Colorado](#) (EOC), which provides regular and crisis assistance, including furnace repair and replacement, year round. (LIHEAP is seasonal, operating from November 1 through April 30.) In most cases, a call from an EOC agency guaranteeing the vendor a payment prevents a shut-off or continues service. Both EOC and the state LIHEAP use a statewide call center that operates around the clock.

To deal with households in a crisis due to inoperable heating equipment, the state created its Crisis Intervention Program (CIP), which repairs or replaces heating systems. The state partners with EOC and the Colorado weatherization program to operate the CIP year round. The EOC administers the program and hires licensed and certified subcontractors to do the work. The above-mentioned call center is also an integral part of CIP, because it processes applications and schedules subcontractor visits to client’s homes. Colorado spends about \$2 million of its crisis funding per year on the CIP.

Connecticut

As mentioned earlier, Connecticut restricts crisis assistance to delivered fuel households. It also provides what it calls Safety Net Assistance to deliverable fuel households that have exhausted their regular and crisis assistance benefits and are in a life-threatening situation. These households with vulnerable members (elderly, disabled or young children) can receive up to three Safety Net payments during the program year, while other households can get two payments.

If a utility-heated household's service has been disconnected, or is being threatened with disconnection, the local administering agency works directly with the utility vendor to either reinstate the service or to prevent the disconnection.

Furthermore, utility-heated households facing unaffordable arrearages may be eligible for the state-mandated Matching Payment Program (MPP), under which LIHEAP-eligible households enter into a payment arrangement with their utility. As long as all customer payments have been made by the deadline, the utility will provide a dollar-for-dollar match of both the total customer payments and the LIHEAP benefit. The match is applied to the customer's arrearage. The MPP is available only to customers of regulated utilities.

Indiana

The state uses [Assurance 16 funds](#) for its case management activities, which attempt to move families toward long-term stability. Local agency staff members conduct assessments, develop action plans, and set up a network of referral services for families. The program attempts to identify circumstances such as loss of employment, unaffordable rent, chronic poor health, or disabilities that prevent clients from paying bills and having access to basic life necessities. Intake workers link families to services such as education, employment, housing, transportation, health, nutrition, child development, family relations, and drug/alcohol abuse.

Iowa

Under the state's disconnect law, once applicants have qualified for LIHEAP, utilities are prohibited from shutting them off from November 1 to April 1. Those who notify their gas and electric utility

that they are applying for LIHEAP certification may receive a 30-day delay of service disconnection during the moratorium; there is also a 30-day delay if a physician certifies that a disconnect would threaten the health of a household member.

Iowa's payment plan rules are considered a national model. As an alternative to disconnection for nonpayment, electric and gas utilities must offer a payment-plan term of at least 12 months and must take into account the household's ability to pay based on its actual income and expenses. Furthermore, customers in default on an initial payment agreement after making at least two consecutive timely payments must be offered a second payment agreement of a term that is equal to or longer than that of the initial agreement.

The [state's vendor agreement](#) requires delivered fuel vendors to accept the state's minimum benefit (\$600 in 2013) regardless of the amount needed to fill the tank. Delivery must be within 48 business hours with no additional charges, and the vendor must accept the local agency's payment guarantees by phone, fax, or email for emergency fills.

Also, state law requires utilities to have a customer contribution fund or fuel fund. Most utilities contract with the LIHEAP local administering agencies to assist households in crisis through their fuel fund.

Massachusetts

The state has a variety of resources as well as specific program design features that combine to help address crises.

As mentioned earlier, it is one of a handful of states that "fast track" or expedite service to applicants in potential or actual crisis. By being alert to potential crises, provision of expedited assistance can help prevent crises. For example, a household with less than 1/8 tank of fuel must be served within 24 hours or within 18 hours if there are health and safety issues.

Furthermore, the [state's vendor agreement](#) with regulated utilities includes two important provisions. For a customer with a pending or actual disconnection, the vendor must either restore or continue ser-

vice upon notification that the local LIHEAP agency will pay 25 percent of customer's past due balance. (The requirement was formerly 50 percent, but was lowered due to advocacy by the state's low-income energy network.) Additionally, the vendor must enroll customers in its low-income discount rate, if any, and code the customer as protected by the state's winter moratorium November 15 through April 15.

Massachusetts is one of several states where receipt of or eligibility for LIHEAP qualifies a customer for special protection under the state's shutoff moratorium. While the policies differ somewhat, most require these customers be placed on a budget or deferred payment plan, and they may not be shut off if they adhere to the plan. After November 1, a Massachusetts LIHEAP customer may get service reconnected with a minimum payment of \$255. For a state-by-state table of disconnect policies, click [here](#).

Since 2006, as a result of a state law ([Chapter 140, Section 17](#)), Massachusetts' regulated gas and electric utilities have had Arrearage Management Programs (AMP) under which customers with significant past due bills are enrolled in affordable payment plans. If the customer adheres to the plan, a percentage of his/her arrears are forgiven monthly.

According to a 2013 report by the National Consumer Law Center, [Helping Low-Income Utility Customers Manage Overdue Bills through Arrearage Management](#), the programs are a major success. Customers avoid utility termination and can obtain a fresh start by staying current on their payment plans. Additionally, the report says, some customers receive advice on budgeting, other public benefits, and financial management.

As also mentioned earlier, the state provides furnace repair and replacement on an emergency basis through its HEARTWAP. Finally, the state has a "summer recertification" process whereby agencies send applications in the summer to all prior year recipients and encourage them to return their applications promptly so they are certified by the time the program opens on November 1. About 80 percent of the state's LIHEAP caseload gets recertified through this process.

Minnesota

As detailed in the LIHEAP Clearinghouse's [Promoting Self Sufficiency Among Low-Income Clients, LIHEAP's Assurance 16](#), some states spend Assurance 16 funds on activities that prevent or reduce crises. Minnesota uses these funds to help households make a payment arrangement with their utility in order to receive protection under the state's "[Cold Weather Rule](#)". Under the rule, LIHEAP income-eligible households that enroll in a payment plan are required to pay no more than 10 percent of their monthly income; the same amount is sufficient to get their service reconnected.

Mississippi

A case management approach that helps identify households that are at risk or in crisis is used in this state. During intake, a caseworker obtains information about the social and economic conditions of the entire household so that a service plan can be developed to assist these households to become stable and self-reliant. As part of the plan, the client and the caseworker jointly establish goals to enhance the client's educational and job opportunities.

Crisis assistance is generally limited to situations considered unexpected or life threatening, such as a death in the family, loss of a job or income, or damage from a natural disaster.

The annual maximum a household can receive from heating, cooling and crisis is \$2,500, which doesn't include heating or cooling equipment. The benefit depends on the applicant's bill, the result of case management analysis, and degree of client participation in the case plan.

Montana

Like Colorado, Montana limits crisis assistance to uncontrollable events caused by severe weather, etc. However, the state's disconnect moratorium is in place from November 1 to April 1. During that time, regulated utilities must obtain approval from the state Public Service Commission before disconnecting a customer for nonpayment. The Commission generally will not approve a request for disconnection if the account holder is at or below the fed-

eral poverty guidelines, is a recipient of a public assistance program, or a member of the household is age 62 or older, or disabled.

Additionally, the state has a landlord-tenant statute that holds landlords responsible for the maintenance, repair or replacement of combustion appliances in rental units and requires them to keep electrical, heating, ventilating, and air-conditioning equipment and appliances in safe and good working order. For homeowners with inoperable furnaces, Montana allows local agencies to use crisis funds.

Energy Share, a statewide fuel fund, helps provide a safety net. Administered by the same local agencies that administer LIHEAP and weatherization, the fuel fund helps customers that have a shut-off notice or have run out of non-utility fuels. It may also help those ineligible for LIHEAP due to higher incomes. Local committees review each request, taking into account individual circumstances.

Montana also encourages early applications, especially from households using delivered fuels, and it estimates that one-third of households apply during August or September.

New Hampshire

Using Assurance 16 funds, the state tracks crisis assistance households for three years, and encourages them to apply early for LIHEAP so they are able to receive a benefit when the program opens. This avoids crises, lowers costs for vendors and local agencies, and avoids special delivery charges that can decrease the benefit. The state has seen its crisis case-load drop from 10 percent to three percent.

Additionally, under the state's crisis incentive program, [vendors agree](#) to send the local administering agency (LAA) a list of LIHEAP customers that have no past due bills as of May 31. If funding is available, the LAA provides a \$75 credit to these customers' accounts in order help them afford a pre-season delivery.

Among the states cited above, crisis expenditures are lower than the national average of 19 percent.

Iowa, Massachusetts, Montana, Mississippi and New Hampshire typically report spending less than 5 percent; Colorado, less than 10 percent; while Connecticut, Indiana and Minnesota average around 15 percent.

Percentage of Income Payment Plans

This document is not meant to showcase all the most noteworthy LIHEAP crisis variations; there are other states with innovative models.

Another innovative way of handling crisis situations is implementation of Percentage of Income Payment Plans, also called PIPPs, which are in effect in the states of Ohio, New Jersey, Pennsylvania, Illinois, Colorado and Nevada for both gas and electric utility customers, and in New Hampshire and Maine for electric customers.

While an in-depth discussion of PIPPs is beyond the scope of this paper, it is important to note that PIPPs were designed to help low-income households manage unaffordable utility bills by ensuring that participants pay only a designated percentage of their income (typically 6 to 10 percent) for such bills, and, if they make timely PIPP payments, they will not be disconnected from service. Ohio's regulatory commission, in creating its PIPP in 1983, stated that an "emergency" existed because of the number of residential utility customers who were unable to obtain service for the winter because of disconnection for nonpayment attributable to economic recession, increases in the cost of gas and electric service, and a decrease in the level of governmental assistance.

For more information, see the LIHEAP Clearinghouse pages on [ratepayer-funded utility assistance](#) which includes history and current status of PIPPs in the above-mentioned states.

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