

1 H.456

2 Introduced by Committee on Human Services

3 Date:

4 Subject: Human services; LIHEAP; fuel assistance; eligibility

5 Statement of purpose: This bill proposes to expand eligibility of seasonal fuel  
6 assistance.

7 An act relating to seasonal fuel assistance

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 Sec. 1. 33 V.S.A. § 2601(a) is amended to read:

10 (a) It is the purpose of this chapter to secure the safety and health of low  
11 income Vermont households by providing needy Vermonters with assistance  
12 for the purchase of essential home heating fuel. To further this purpose,  
13 providing benefits to individuals with incomes under 125 percent of the federal  
14 poverty guidelines shall have priority over providing benefits to individuals  
15 with incomes over 125 percent of the federal poverty guidelines.

16 Sec. 2. 33 V.S.A. § 2603 is amended to read:

17 § 2603. HOME HEATING FUEL ASSISTANCE ~~TRUST FUND~~

18 (a) There is created in the state treasury a fund to be known as the home  
19 heating fuel assistance ~~trust fund to be expended by the director in accordance~~  
20 ~~with this chapter and other federal laws and rules adopted pursuant thereto.~~

1 (b) The fund shall ~~be composed~~ consist of the receipts from any taxes  
2 dedicated to the fund, ~~and such other state funds as may be~~ appropriated to it  
3 by the general assembly, ~~including~~ and funds from the federal Low Income  
4 Home Energy Assistance Program (LIHEAP). These funds shall be expended  
5 by the secretary in accordance with this chapter, and applicable federal law and  
6 rules.

7 (c) All balances in the fund at the end of any fiscal year shall ~~be carried~~  
8 ~~forward and remain part of the fund. Interest earned by the fund shall be~~  
9 ~~deposited into the fund. Disbursements from the fund shall be made by the~~  
10 ~~state treasurer on warrants drawn by the commissioner of finance and~~  
11 ~~management~~ remain in the fund for future disbursements.

12 (d) The secretary may spend, in anticipation of federal receipts into the  
13 home heating fuel assistance ~~trust~~ fund established under this section, a sum no  
14 greater than 75 percent of the federal block grant funds allocated to Vermont  
15 for the current federal fiscal year under the Low Income Home Energy  
16 Assistance Program (LIHEAP), for the purpose of permitting preseason  
17 purchases of fuel and other cost-effective purchasing practices authorized by  
18 subsection 2602(c) of this title, in accordance with rules adopted by the  
19 secretary.

1 Sec. 3. 33 V.S.A. § 2604(a) is amended to read:

2 (a) Household income eligibility requirements. The secretary, by rule,  
3 shall establish household income and asset eligibility requirements of  
4 beneficiaries in the seasonal fuel assistance program including the income and  
5 assets of all residents of the household.

6 (1) The income eligibility requirements shall require that households  
7 have a net household income no greater than ~~125~~ 150 percent of the federal  
8 poverty level in order to be potentially eligible for benefits. Net income shall  
9 be derived by making the following deductions from gross income: 20 percent  
10 of household members' gross earned income; 100 percent of federal or state  
11 earned income credits received by household members; dependent care  
12 expenses that are within an allowable maximum, paid by a household member,  
13 and necessary to support a household member's employment or training for  
14 employment, according to criteria established by the secretary by rule; child  
15 support or alimony payments made by a household member on behalf of a  
16 nonhousehold member that meet criteria established by the secretary by rule;  
17 ~~\$150.00~~ \$250.00 for each household member who has a disability or is 60  
18 years of age or older ~~or disabled~~ according to criteria established by the  
19 secretary by rule; any deductions or exclusions required by federal law or  
20 regulations; and any other deduction or exclusion established by the secretary  
21 by rule.

1           (2) In order to be eligible, a household shall have net household assets  
2 no greater than \$5,000.00, except that a household with a member who has a  
3 disability or is 60 years of age or older shall have net household assets no  
4 greater than \$10,000.00. The secretary shall establish exclusions from the  
5 asset limit by rule.

6 Sec. 4. 33 V.S.A. § 2604(c)(2) is amended to read:

7           (2) Residents of housing units subsidized by the federal, state, or local  
8 government shall be deemed to have incurred no annual home heating fuel  
9 costs, except to the extent required by any federal law or regulation if federal  
10 funds are utilized for the home heating fuel assistance program, and with the  
11 following additional exception. Housing unit residents ~~that receive Temporary~~  
12 ~~Assistance to Needy Families (TANF),~~ who participate in Reach Up under  
13 chapter 11 of this title, or who receive Supplemental Security Income/Aid to  
14 the Aged, Blind, or Disabled (SSI/AABD), TANF emergency assistance, or  
15 general assistance benefits that are used in whole or in part to pay for their  
16 housing or utility costs and do not receive other federal, state, or local  
17 government assistance targeted specifically to their housing or utility needs  
18 shall, with the exception of households for which the cost of heat is supplied  
19 by the landlord, be assumed to incur annual home heating fuel costs and their  
20 eligibility for annual heating fuel assistance shall not be limited by this  
21 subsection.

1 Sec. 5. 33 V.S.A. § 2605(c) is amended to read:

2 (c) Annually, based on the number of eligible households that have applied,  
3 and for which the cost of heat is not supplied by the landlord, these households'  
4 individual incomes and individual annual heating fuel cost, based on the proxy  
5 table established pursuant to ~~section~~ subsection 2604(b) of this title, the  
6 number of eligible households that have applied and for which the cost of heat  
7 is supplied by the landlord, the cost of benefits for these households, and the  
8 amount of funds available in the home heating fuel assistance ~~trust~~ fund for the  
9 purpose of providing annual home heating fuel assistance benefits, the  
10 secretary shall, by procedure, set the payment rate that shall be used to  
11 determine the amount of annual home heating fuel assistance for which each  
12 household for which the cost of heat is not supplied by the landlord qualifies.  
13 In no event shall the payment rate be greater than 100 percent of the maximum  
14 percentage established by rule as required by subsection (b) of this section.

15 Sec. 6. 33 V.S.A. § 2606 is amended to read:

16 § 2606. APPLICATION PERIOD; ASSISTANCE

17 (a) In order to make a timely determination of benefit levels, there shall be  
18 an application period during which all beneficiaries shall apply for home  
19 heating fuel assistance for the ensuing heating season. The application period  
20 shall be from July 15 through August 31.

1 (b) The secretary shall accept applications after the application period has  
2 closed, but no later than the last day of February. No qualified applicant shall  
3 be penalized through a reduction of benefits for a late-filed application, except  
4 that such applicant shall not ~~be entitled to~~ receive benefits for any period prior  
5 to the month of application.

6 (c) Notwithstanding subsection (b) of this section, receipt of benefits as  
7 calculated in section 2605 of this title shall be subject to available funds.  
8 Applicants may be denied benefits if there are insufficient funds available to  
9 meet demand.

10 (d) The director of home energy assistance shall ~~supply or contract for staff~~  
11 ~~to carry out application processing~~ process applications and perform related  
12 tasks including assisting households in applying and providing required  
13 information, and locating and contacting fuel suppliers certified under section  
14 2607 of this title.

15 (e) Notwithstanding subsections (a) and (b) of this section, the secretary  
16 may accept applications on an ongoing basis for the 2010–2011 heating season  
17 beginning on March 1, 2010 and may establish by rule the procedure for  
18 accepting applications and determining eligibility under this subsection. No  
19 later than January 15, 2010, the secretary shall provide draft legislation to  
20 modify the process for application, eligibility, and calculation and issuance of  
21 benefits under the seasonal fuel assistance program using a new eligibility

1 system to the house committee on human services and the senate committee on  
2 health and welfare.

3 Sec. 7. 33 V.S.A. § 2609 is amended to read:

4 § 2609. CRISIS RESERVES

5       Annually, the secretary shall determine by rule an appropriate amount of  
6 funds in the home heating fuel assistance ~~trust~~ fund to be set aside for  
7 expenditure for the crisis reserve component of the home heating fuel program.  
8 The secretary shall also adopt rules to define crisis situations for the  
9 expenditure of the home heating fuel crisis reserve, and to establish the income  
10 and asset eligibility requirements of households for receipt of crisis reserve  
11 home heating fuel assistance, provided that no household shall be eligible  
12 whose household income is greater than 150 percent of the federal poverty  
13 level based on the income of all persons residing in the household.

14 Sec. 8. EXPEDITED RULES

15       Notwithstanding the provisions of 3 V.S.A. chapter 25, the agency of  
16 human services shall adopt rules to implement Sec. 2 of this act pursuant to the  
17 following:

18       (1) The secretary shall file final proposed rules with the secretary of  
19 state and the legislative committee on administrative rules under 3 V.S.A.  
20 § 841, after publication in three daily newspapers with the highest average

1 circulation in the state of a notice that lists the rules to be adopted pursuant to  
2 this process and a seven-day public comment period following publication.

3 (2) The secretary shall file final proposed rules with the legislative  
4 committee on administrative rules no later than 28 days after the effective date  
5 of this act.

6 (3) The legislative committee on administrative rules shall review, and  
7 may approve or object to, the final proposed rules under 3 V.S.A. § 842, except  
8 that its action shall be completed no later than 14 days after the final proposed  
9 rules are filed with the committee.

10 (4) The secretary may adopt a properly filed final proposed rule after the  
11 passage of 14 days from the date of filing final proposed rules with the  
12 legislative committee on administrative rules or after receiving notice of  
13 approval from the committee, provided the secretary:

14 (A) has not received a notice of objection from the legislative  
15 committee on administrative rules; or

16 (B) after having received a notice of objection from the committee,  
17 has responded pursuant to 3 V.S.A. § 842.

18 (5) Rules adopted under this section shall be effective upon being filed  
19 with the secretary of state and shall have the full force and effect of rules  
20 adopted pursuant to 3 V.S.A. chapter 25. Rules filed by the secretary of the  
21 agency of human services with the secretary of state pursuant to this section

1 shall be deemed to be in full compliance with 3 V.S.A. § 843, and shall be  
2 accepted by the secretary of state if filed with a certification by the secretary of  
3 the agency of human services that the rule is required to meet the purposes of  
4 this section.

5 Sec. 9. TECHNICAL PROVISION

6 The amendments to sections 2603, 2604, and 2606 of Title 33 in this act  
7 shall supersede any amendment to these statutory sections contained in the  
8 state fiscal year 2009 budget adjustment act, H.232 of 2009, or the state fiscal  
9 year 2010 appropriations act, H.441 of 2009.

10 Sec. 10. EFFECTIVE DATE

11 This act shall take effect on passage.