

H.456

An act relating to seasonal fuel assistance

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

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

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

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

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

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

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

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

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

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

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

(1) The income eligibility requirements shall require that households have a net household income no greater than ~~125~~ 150 percent of the federal poverty level in order to be potentially eligible for benefits. Net income shall

be derived by making the following deductions from gross income: 20 percent of household members' gross earned income; 100 percent of federal or state earned income credits received by household members; dependent care expenses that are within an allowable maximum, paid by a household member, and necessary to support a household member's employment or training for employment, according to criteria established by the secretary by rule; child support or alimony payments made by a household member on behalf of a nonhousehold member that meet criteria established by the secretary by rule; ~~\$150.00~~ \$250.00 for each household member who has a disability or is 60 years of age or older ~~or disabled~~ according to criteria established by the secretary by rule; any deductions or exclusions required by federal law or regulations; and any other deduction or exclusion established by the secretary by rule.

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

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

(2) Residents of housing units subsidized by the federal, state, or local government shall be deemed to have incurred no annual home heating fuel

costs, except to the extent required by any federal law or regulation if federal funds are utilized for the home heating fuel assistance program, and with the following additional exception. Housing unit residents ~~that receive Temporary Assistance to Needy Families (TANF)~~, who participate in Reach Up under chapter 11 of this title, or who receive Supplemental Security Income/Aid to the Aged, Blind, or Disabled (SSI/AABD), TANF emergency assistance, or general assistance benefits that are used in whole or in part to pay for their housing or utility costs and do not receive other federal, state, or local government assistance targeted specifically to their housing or utility needs shall, with the exception of households for which the cost of heat is supplied by the landlord, be assumed to incur annual home heating fuel costs and their eligibility for annual heating fuel assistance shall not be limited by this subsection.

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

(c) Annually, based on the number of eligible households that have applied, and for which the cost of heat is not supplied by the landlord, these households' individual incomes and individual annual heating fuel cost, based on the proxy table established pursuant to ~~section~~ subsection 2604(b) of this title, the number of eligible households that have applied and for which the cost of heat is supplied by the landlord, the cost of benefits for these households, and the amount of funds available in the home heating fuel assistance ~~trust~~ fund for the

purpose of providing annual home heating fuel assistance benefits, the secretary shall, by procedure, set the payment rate that shall be used to determine the amount of annual home heating fuel assistance for which each household for which the cost of heat is not supplied by the landlord qualifies. In no event shall the payment rate be greater than 100 percent of the maximum percentage established by rule as required by subsection (b) of this section.

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

§ 2606. APPLICATION PERIOD; ASSISTANCE

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

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

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

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

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

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

§ 2609. CRISIS RESERVES

Annually, the secretary shall determine by rule an appropriate amount of funds in the home heating fuel assistance ~~trust~~ fund to be set aside for expenditure for the crisis reserve component of the home heating fuel program. The secretary shall also adopt rules to define crisis situations for the expenditure of the home heating fuel crisis reserve, and to establish the income

and asset eligibility requirements of households for receipt of crisis reserve home heating fuel assistance, provided that no household shall be eligible whose household income is greater than 150 percent of the federal poverty level based on the income of all persons residing in the household.

Sec. 8. EXPEDITED RULES

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

(1) The secretary shall file final proposed rules with the secretary of state and the legislative committee on administrative rules under 3 V.S.A. § 841, after publication in three daily newspapers with the highest average circulation in the state of a notice that lists the rules to be adopted pursuant to this process and a seven-day public comment period following publication.

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

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

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

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

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

(5) Rules adopted under this section shall be effective upon being filed with the secretary of state and shall have the full force and effect of rules adopted pursuant to 3 V.S.A. chapter 25. Rules filed by the secretary of the agency of human services with the secretary of state pursuant to this section shall be deemed to be in full compliance with 3 V.S.A. § 843, and shall be accepted by the secretary of state if filed with a certification by the secretary of the agency of human services that the rule is required to meet the purposes of this section.

Sec. 9. TECHNICAL PROVISION

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

AS PASSED BY HOUSE
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Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.