



**Office of Community Services  
Low-Income Household  
Water Assistance Program  
(LIHWAP)**

**Low Income Household Water Assistance Program  
(LIHWAP) Consolidated Appropriations Act of 2021 and  
American Rescue Plan  
GRANT IMPLEMENTATION PLAN**

**Grantee Name:** State of Alabama

**Document Status:** Final Draft

## Section 1 – Program Needs, Goals and Allocations

### Community Needs and Program Goals

#### 1.1 Description of Emergency Household Drinking Water and Wastewater Needs

*The OCS priorities are restoration of household water services, reducing arrearages, reducing rates charged to households. Briefly describe current needs related to these priorities within your state, territory, or tribal areas. Describe any areas of concentrated need or special issues within communities served by water utilities within your state, territory, or tribal area.*

To determine the current needs related to OCS priorities, the Alabama Department of Economic and Community Affairs (ADECA) coordinated with the Alabama Office of Water Resources, the Alabama Rural Water Association, and a number of drinking water and wastewater systems that serve the metropolitan areas of the state. Although a mandatory moratorium on disconnections was not enacted in response to COVID-19, a large number of systems voluntarily suspended disconnections beginning in March 2020. The timeframe of the suspended disconnections varied from system to system with some returning to normal business practices after three to six months while others chose to wait until April or May 2021. Of the systems contacted, each indicated that they had worked with customers impacted by COVID-19 to establish payment plans or extend due dates.

Current residential arrearage data was collected from a sample of water and wastewater systems and reflect totals that vary greatly across the state. Some systems have returned to arrearages that mirror their totals prior to COVID-19 while other systems are still experiencing significant residential delinquent balances.

The average water bill in Alabama is approximately \$26 per month or \$313 annually and the average wastewater bill is approximately \$59 per month and \$708 annually (*Source: Move.org, SaveOnEnergy, Energy Information Administration*). Based on data collected from Alabama Rural Water Association (ARWA) members, the average arrearage amount for systems that provide both water and wastewater currently range from \$78 to \$577 per household. Of the ARWA members that offer water service only, their systems reported arrearages averaging from \$62 to \$439 per household.

The systems in metropolitan areas of Alabama that offer both water and wastewater service reported average arrearages between \$245 to \$375 per household. Systems providing water service only indicated the current arrearages averaged between \$107 to \$416 per household.

#### 1.2 Operational Priorities and Emergency Flexibilities

*Consistent with goal of the American Rescue Plan to provide immediate relief to the American people, briefly describe the operational priorities within your state, territory or tribal area (e.g. immediate restoration of services to households without current water services, immediate payment of existing arrearages to prevent disconnection of drinking water or wastewater services after a previous moratorium on water services due to Covid-19).*

ADECA invited the Executive Director of the Alabama Community Action Association and the Low-Income Home Energy Assistance Program (LIHEAP) local administering agencies to form a LIHWAP Advisory Committee. The committee recommended immediate payment and/or intervention(s) to achieve the following operational priorities:

1. Restore/establish services to eligible households currently without water services
2. Prevent the disconnection of water services
3. Pay water service arrearages
4. Reduce eligible households' water and wastewater burden by assisting with the current bill(s)

### **1.3 Expected Date for Initial Water Payments on Behalf of Households**

*Provide an estimated date by which payments will be initiated based on the operational priorities identified above (e.g. first stage of payments to restore services for currently disconnected households, etc.).*

Between July and September 2021, ADECA will work with the LIHWAP Advisory Committee to develop program policies and procedures; continue to disseminate information about the new LIHWAP with stakeholders and the public; develop and execute water and wastewater supplier agreements; execute subgrantee agreements with the local administering agencies; and provide training for the local administering agencies and water and wastewater suppliers. The estimated date to begin processing LIHWAP applications and initiating interventions to achieve the operational priorities listed in Section 1.2 is October 1, 2021. The estimated date for payments to be initiated is November 1, 2021.

### Estimated Funding Allocations

<b>1.4 Estimate what amount of available LIHWAP funds will be used for each component that you will operate:</b> <i>The total of all percentages must add up to 100%.  The combined total of Administration (State) and Administration (Subrecipients) must not exceed 15% of the total for either the Consolidated Appropriations Act or the American Rescue Plan Award.</i>	<b>Consolidated Appropriations Act of 2021 Percentage (%)</b>	<b>American Rescue Plan Grant Percentage %</b>
Household Benefits	80 %	80 %
Outreach/Eligibility Determination	5 %	5 %
Administration - State	4%	4%
Administration - Subrecipients	11 %	11 %
<b>Total</b> (each column must equal 100%)	100 %	100 %

### Categorical Eligibility

**1.5 As outlined in the Terms and Conditions, current recipients the following programs are categorically-eligible for LIHWAP assistance:**

- Low-Income Home Energy Assistance Program (LIHEAP)
- Means-tested Veterans Programs
- Supplemental Security Income (SSI)
- Supplemental Nutrition Assistance Program (SNAP)
- Temporary Assistance for Needy Families (TANF)

*Briefly describe your operational plans for enrollment of categorically eligible populations based on operational priorities outlined in question 1.2 (e.g. automatic enrollment, acceptance of documentation of enrollment during intake processes). If it will not be possible to include any of these programs in your intake/eligibility processes, provide a brief explanation.*

The local agencies that administer LIHEAP will also administer LIHWAP. Existing LIHEAP policies and procedures, including eligibility determination, will be utilized for LIHWAP. ADECA does not use categorical eligibility for LIHEAP.

### **Determination of Eligibility for Direct Enrollment**

*Note: The information below is focused on eligibility determination for households that are not categorically eligible based on the enrollment in one of the programs outlined in question 1.5.*

**1.6 What type of countable income do you use for eligibility determination? (select one)**

- ☒ Gross Income  
☐ Net Income

**1.7 List all the applicable forms of countable income used to determine a household's income eligibility for LIHWAP. Note: The forms of countable income used for benefit eligibility are generally left to the discretion of the grantee; however, the following sources are not applicable forms of countable income used to determine a household's income eligibility for LIHWAP:**

- Temporary Assistance for Needy Families (TANF) benefits
- Supplemental Nutrition Assistance Program (SNAP) benefits
- Women, Infants, and Children Supplemental Nutrition Program (WIC) benefits
- Covid-19 Economic Impact Payments (Stimulus Checks)

With the exception of Temporary Assistance for Needy Families (TANF) benefits, the following forms of countable income used for LIHEAP will also be used for LIHWAP:

- Money wages and salaries before any deductions, including tips and gratuities
- Self-employment income
- Contract income
- Net receipts from non-farm or farm self-employment
- Regular payments from the Social Security Administration (Retirement, Survivors' benefits, Supplemental Security Income, Disability benefits)
- Railroad retirement
- Child support
- Alimony
- Unemployment compensation
- Strike benefits from union funds
- Workers' compensation insurance
- Veterans Administration (VA) payments
- Training stipends
- Military family allotments or other regular support from an absent family member
- Private pensions
- Government employee pensions (including military retirement pay)
- Regular insurance or annuity payments
- Interest, dividends, or royalties
- Net rental income
- Net royalties
- Periodic receipts from estates or trusts
- Net gambling or lottery winnings
- Financial support from family or friends
- Severance pay

If any of the above questions require further explanation or clarification that could not be made in the fields, provide said explanation here.

## Section 2: Benefits

### Eligibility

#### 2.1 Designate the income eligibility threshold used for the water benefit.

##### Eligibility Threshold *(select one)*

- ☒ Federal Poverty Guideline  
☐ State Median Income  
☐ Hybrid Federal and State  
(Based on Household Size)

##### Eligibility Threshold Percent

150 %

#### 2.2 Do you anticipate additional eligibility requirements beyond the income threshold noted in 2.1 for water assistance? ☒ Yes ☐ No

If the answer to question 2.2. is "Yes" please provide an explanation below

To be eligible for Crisis Assistance, households must be without water and/or wastewater services, have a disconnect notice for water and/or wastewater services, or have an outstanding balance for water and/or wastewater services at the time of application.

#### 2.3. How will you support households whose utility payments are included in their rental payments?

To support households whose utility payments are included in their rent, local administering agencies will either provide assistance through another funding source that allows payments directly to the household or the local administering agency will provide the household with a referral to a non-profit, faith-based, or service organization in the area.

#### 2.4 Check the variables you use to determine your benefit levels. *(Check all that apply. Check both Household Drinking Water Burden and Household Wastewater Burden if households receive a combined bill for drinking water and wastewater):*

- ☒ Income  
☒ Household Size  
☒ Household Drinking Water Burden  
☒ Household Wastewater Burden  
☒ Other *(Please describe):*

The benefit to restore water service (including deposits, taxes, and fees), to prevent the disconnection of water service, or to pay water service arrearages will equal the amount of the household's account balance with a maximum benefit amount up to \$2,000.

#### 2.5 Describe estimated benefit levels for the project period for which this plan applies

Minimum Benefit	\$ 0	Maximum Benefit	\$2,000
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<b>2.6 Benefit periods</b>		
<p>Is this a one-time benefit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If no, please explain the frequency of allowable benefit (e.g., monthly, quarterly, etc.):</p> <p>Households will be eligible to receive one (1) Regular Assistance benefit and one (1) Crisis Assistance benefit per fiscal year. Regular Assistance benefits will be used for households seeking help with a current bill. A benefit matrix (or Payment Assistance Chart) similar to the LIHEAP Payment Assistance Chart will be developed to set Regular Assistance benefit amounts. Crisis Assistance benefits will be used for the amount necessary to restore/establish service, to prevent a pending disconnect, and to pay the outstanding balance with a maximum benefit of \$2,000.</p>		
<b>2.7 Do you give priority in eligibility to:</b>		
People with Disabilities	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Young Children?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Older Adult/Seniors (60 and over)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Households with high water burdens?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Other?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>2.8 Describe how you prioritize the provision of water assistance to vulnerable populations (e.g., benefit amounts, early application periods, etc.)</b>		
<p>Vulnerable households have early application periods and designated times for which only they may apply for assistance.</p>		
<b>2.9 Do you provide applicants, including those who are physically disabled, the means to submit applications for benefits without leaving their homes?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<p>If No, explain.</p>		
<b>2.10 For individual who are homebound or physically disabled, do you provide travel to the sites at which applications for assistance are accepted?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<p>If No, explain and explain alternative means of intake to those who are homebound or physically disabled?</p> <p>Alternative means of intake for those who are homebound or physically disabled include accepting second-party applications from individuals who are authorized in writing by the head of household or their spouse to apply on their behalf. In addition, a portion of subgrantees offer home visits to collect documentation and to complete the application for assistance or the subgrantees mail an application to the client's house.</p>		



**2.11 Are any of the utility vendors you work with subject to a moratorium on shut offs?**

☐ Yes ☒ No

If you responded "Yes" to question 2.11, you must respond to question 2.12.

**2.12 Describe the terms of the moratorium and any special dispensation received by LIHWAP clients during or after the moratorium period.**

Not applicable.

**2.13 Do you make payments contingent on vendors taking appropriate measures or maintaining existing supports to alleviate the water burden of eligible households?**

☐ Yes ☒ No

If so, describe the measures vendors may take or maintain.

COVID-Specific	General (Not COVID-specific)
<input type="checkbox"/> Disconnection moratorium <input type="checkbox"/> No late fees, interest, or penalty charges <input type="checkbox"/> Ability to enter into payment plan of 6 months or longer <input type="checkbox"/> Reconnection of service for disconnected customers <input type="checkbox"/> Enrollment in a discounted rate	<input type="checkbox"/> Consumer protections regarding shutoffs (e.g., minimum notice period, protection of vulnerable populations, minimum amount overdue before disconnection allowed, opportunity for payment plan before disconnection, other procedural or substantive restrictions on shutoffs) <input type="checkbox"/> Data reporting requirements for utilities – on a permanent basis – e.g., periodic reporting on number of shutoffs <input type="checkbox"/> Percentage of income payment plan other utility-funded arrearage assistance <input type="checkbox"/> Lifeline rates <input type="checkbox"/> Water efficiency assistance <input type="checkbox"/> Provisions ensuring continued service for a specific time period ( <i>Describe below</i> )  <input type="checkbox"/> Provisions ensuring reconnection within a specific time period ( <i>Describe below</i> )

If any of the above questions require further explanation or clarification that could not be made in the fields, provide said explanation here.

### Section 3: Outreach

**3.1 Select all outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHWAP assistance available:**

- ☒ Place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.
- ☒ Publish articles or public service announcements in local newspapers or broadcast media announcements.
- ☒ Work directly with water utilities to identify potential recipients.
- ☒ Include inserts in water vendor billings to inform individuals of the availability of all types of LIHWAP assistance.
- ☐ Mass mailing(s) to prior-year LIHEAP recipients or recipients of other government benefits:
- ☒ Automated phone campaigns and/or social media outreach
- ☐ Multi-lingual announcements in languages spoken by low income households within utility service area and/or notification in ethnic language news and broadcast media outlets
- ☒ Inform low income applicants of the availability of all types of LIHWAP assistance at application intake for other low-income programs.
- ☐ Execute interagency agreements with other low-income program offices and/or public health pathways created for Covid-19 outreach to perform outreach to target groups.
- ☒ Outreach to faith-based institutions, including those serving low-income people and people of color
- ☐ Other (*specify*):

If any of the above questions require further explanation or clarification that could not be made in the fields, provide said explanation here.

## Section 4: Coordination

**4.1 Describe how you will ensure that the LIHWAP program is coordinated with other programs available to low-income households (LIHEAP, TANF, SSI, SNAP, EPA, Emergency Rental Assistance Program, Homeowner Assistance Program, WAP, etc.) etc.).**

☐ Joint application for multiple programs:

☒ Intake referrals to/from other programs:

LIHEAP, Community Service Block Grant (CSBG) Program, Weatherization Assistance Program, Child Support, TANF, SNAP, and the Emergency Rental Assistance Program.

☐ One - stop intake centers:

☒ Other - *Describe:*

ADECA also administers LIHEAP, CSBG, and the Weatherization Assistance Program which aids to improve the close coordination between these programs.

**4.2 Describe how you will coordinate with relevant regulatory authorities that govern water suppliers.**

During the development of the LIHWAP program policies and procedures, ADECA will coordinate with the Office of Water Resources; associations such as the Alabama Rural Water Association, the Alabama Chapter of the American Water Works Association, Alabama County Commission Association, and the Alabama League of Municipalities; as well as regulatory authorities such as the Alabama Public Service Commission and the Alabama Department of Environmental Management.

If any of the above questions require further explanation or clarification that could not be made in the fields, provide explanation here.

<b>Section 5: Agency Designation</b> (Required for State grantees and the Commonwealth of Puerto Rico)		
<b>5.1 How would you categorize the primary responsibility of your State agency?</b> <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Administration Agency  <input type="checkbox"/> Commerce Agency  <input type="checkbox"/> Community Services Agency  <input type="checkbox"/> Energy / Environment Agency  <input type="checkbox"/> Housing Agency  <input type="checkbox"/> Human Service Agency  <input type="checkbox"/> Other - <i>Describe:</i> </div>		
<b>5.2 LIHWAP Component Administration</b>	<b>Drinking Water Service</b>	<b>Wastewater Service</b>
<b>5.2a</b> Who determines client eligibility?	Local Administering Agency	Local Administering Agency
<b>5.2b</b> Who processes benefit payments to water service providers?	Local Administering Agency	Local Administering Agency
If any of your LIHWAP components are not centrally administered by a State agency, you must complete questions 5.3, 5.4 and 5.5.		
<b>5.3 What is your process for selecting local administering agencies?</b>  The State of Alabama gives special consideration to any local, public, or private non-profit agency which was receiving Federal funds under any low-income assistance program under the Economic Opportunity Act (EOA) of 1964 or any other provision of law on the day before the date of enactment of this Act. Before giving consideration, ADECA determines that the agency meets program and fiscal requirements established by the state.		
<b>5.4 How many local administering agencies do you use?</b>  20		
<b>5.5 What types of local administering agencies do you use?</b> <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Community Action Agencies  <input type="checkbox"/> Local Governments  <input type="checkbox"/> City Governments  <input type="checkbox"/> County Governments  <input checked="" type="checkbox"/> Other non-profits                         </div>		

If any of the above questions require further explanation or clarification that could not be made in the fields, provide said explanation here.

## Section 6: Water Suppliers

*Note: Water suppliers refers to both drinking and/or wastewater suppliers as they may be different entities at the local level*

**6.1 The following question is specific to Tribes (only). Do you charge households drinking water and wastewater utility services?**

- ☐ Yes If "Yes" please proceed to next questions.  
☐ No If "No" please skip to question 6.5.

**6.2 How do you notify the household of the amount of assistance paid, and the timing of the assistance payment?**

When an application has been approved, the household is provided a copy which describes the amount of the benefit, the water and/or wastewater supplier the benefit will be provided to, as well as the account name and number to which the benefit is applied.

**6.3 How do you assure that no household receiving assistance under this title will be treated adversely because of their receipt of LIHWAP assistance?**

ADECA is currently developing a LIHWAP Water and Wastewater Supplier Agreement that all providers will be required to sign in order to participate in the program and receive payments on behalf of eligible households. The agreement will prohibit this practice.

**6.4 How do you assure that water suppliers are restoring disconnected service or otherwise maintaining continuity of service due to the benefit payment?**

ADECA is currently developing a LIHWAP Water and Wastewater Supplier Agreement that all suppliers will be required to sign in order to participate in the program and receive payments on behalf of eligible households. The agreement will address restoring disconnected service or otherwise maintaining continuity of services upon acceptance of the LIHWAP notification. In addition, the local administering agency will contact the water and/or wastewater supplier to confirm the amount necessary to restore service, to prevent a disconnect, or to determine the outstanding balance.

**6.5 For Tribes who answered “No” to question 6.1, please describe how you intend to maintain accurate records to show how LIHWAP funds are expended for drinking water and/or wastewater utilities on behalf of households. (I.E. Financial expenditure reports).**

Not applicable.

If any of the above questions require further explanation or clarification that could not be made in the fields, provide said explanation here.



## Section 7: Program, Fiscal Monitoring, and Audit

### 7.1 How do you ensure good fiscal accounting and tracking of LIHWAP funds?

The fiscal controls and fund accounting procedures used for the tracking of LIHEAP funds will also be used to track LIHWAP funds. ADECA requires that the local administering agencies submit an invoice at least once per month to request funds. In addition, ADECA generates weekly reports for each local administering agency through the state-wide database, FACSPRO, to closely track the number of households assisted and the amount of assistance. The Alabama Examiners of Public Accounts will conduct an annual audit of LIHWAP funds received by the State of Alabama. Additionally, the local administering agencies are required to arrange for an annual audit per CFR §200.501 Audit Requirements.

### Audit Process

### 7.2 Describe any audit findings rising to the level of material weakness or reportable condition cited in the Single Audits (as required in the Single Audit Act), Grantee monitoring assessments, inspector general reviews, or other government agency reviews of the LIHWAP agency from the most recently audited fiscal year

☒ No Findings

Finding	Type	Brief Summary	Resolved?	Action Taken
1.			<input type="checkbox"/> Yes <input type="checkbox"/> No	
2.			<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.			<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.			<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.			<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.			<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Compliance Monitoring

**7.3 Identify the Grantee's strategies for monitoring compliance with the Grantee's and Federal LIHWAP policies and procedures (e.g. certifications, Terms and Conditions, federal guidance, nondiscrimination requirements): *Select all that apply.***

**Grantee employees:**

- ☐ Internal program review
- ☒ Departmental oversight
- ☒ Secondary review of invoices and payments
- ☐ Reconciliation of water supplier records
- ☐ Other program review mechanisms are in place. *Describe:*

**Local Administering Agencies / District Offices:**

- ☒ On - site evaluation
- ☒ Annual program review
- ☒ Monitoring through central database
- ☒ Desk reviews
- ☒ Client file testing/sampling
- ☐ Reconciliation of water supplier records
- ☐ Other program review mechanisms are in place. *Describe:*

#### **7.4 Explain or attach a copy of your local agency monitoring schedule and protocol.**

A desk and/or on-site programmatic review for each local administering agency will be conducted a minimum of once per fiscal year. The following summarizes the actions to be taken during each review:

1. Conduct an entrance conference or teleconference with the Executive Director and/or LIHWAP Coordinator to discuss the monitoring procedure.
2. Review general agency procedures using the LIHWAP Monitoring Review Tool.
3. Review files of regular and crisis assistance awarded during the current fiscal year for completeness and accuracy.
4. Review water/wastewater supplier (vendor) payments to ensure agency is paying within thirty (30) days of the award.
5. Conduct an exit conference or teleconference with the Executive Director and/or LIHWAP Coordinator to discuss the review and any findings.

##### Case Review Procedures

A random sample of current fiscal year applicant files from each county in the agency's service area is assessed to verify required documentation. Applicant files are reviewed for the following documentation:

1. Application - a complete application with the applicant's signature or electronic signature. Accuracy of the information and award amount are confirmed during review. The monitor also reviews case notes.
2. Applicant identification - a copy of a recent photo ID.
3. Household member(s) identification - copies of the Social Security Card for the applicant and all household members.
4. Household income - proof of gross household income for all household members (with the exception of earned income for those under 18).
5. Residence - review of home water/wastewater bill, driver's license, social security cards, or other forms of documentation to verify that the applicant is a resident of Alabama and at least one household member is a qualified alien eligible for LIHWAP.
6. Home water/wastewater bill - copy of the most recent home water and wastewater bill to ensure the account is in the applicant's name or spouse's name. The address on the bill must correspond to the applicant's physical address.

The program monitor completes the LIHWAP Monitoring Form during the case review. The following information is entered for each case file:

1. Date of application
2. Type of benefit (Regular Assistance or Crisis Assistance)
3. Applicant name
4. System ID - applicant's unique identification number from the state-wide intake database
5. Applicant's Social Security number
6. Total household income
7. Household condition - identifies if there is at least one member that is elderly, disabled, or a child under 18
8. Household size
9. County
10. LIHWAP benefit amount
11. Home Water/Wastewater Supplier
12. Comments - notes the relevant comments or information about the case file.
13. On-site or desk review – identifies whether the review of the case file occurred on-site or during a desk review.

When the programmatic review has been completed, a selection of water/wastewater suppliers is contacted. The purpose of contacting the suppliers is to verify if they have been receiving LIHWAP payments from the local administering agency within thirty (30) days from the date of the award.

Within thirty (30) of the programmatic review, ADECA sends a letter to the local administering agency to summarize any findings and, if applicable, corrective action. Any required corrective action is due to ADECA within 30 days.

**7.5 Describe how you select local agencies for monitoring reviews.**

**Site visits:**

ADECA conducts on-site monitoring visit to all local administering agencies at least once during the fiscal year.

**Desk reviews:**

ADECA requires that local administering agencies enter all household data and LIHEAP awards into the state-wide system, FACSPRO, and will follow the same policy for LIHWAP. ADECA reviews weekly reports generated from the state-wide data collection system, FACSPRO, for each local administering agency to track the number of households assisted and total amount of expenditures. In addition, local administering agencies are required to submit an invoice to ADECA at least once per month to request funds.

**7.6 How often will each local agency be monitored? *Note: This answer can be prospective.***

All local administering agencies will be monitored at least once per fiscal year.

**7.7. How many local agencies are currently on corrective action plans for eligibility and/or benefit determination issues for LIHEAP or other programs administered by your agency?**

None

**7.8. How many local agencies are currently on corrective action plans for financial accounting or administrative issues for LIHEAP or other programs administered by your agency?**

None

If any of the above questions require further explanation or clarification that could not be made in the fields provide, said explanation here.

## Section 8: Public Participation

### 8.1 How did you obtain input from the public in the development of your LIHWAP plan?

**Select all that apply.**

- ☐ Tribal Council meeting(s)  
☐ Public hearing(s)

Enter the dates for Tribal Council meeting(s) or Public hearing(s):

- ☒ Draft Plan posted to website and available for comment  
☐ Hard copy of plan is available for public view and comment

Enter how long draft plan and/or hard copy of plan was available for public view and comment:

Draft Plan will be posted on ADECA's website on July 19, 2021 for a ten (10) day public comment period.

- ☐ Comments from applicants are recorded  
☐ Request for comments on draft Plan is advertised  
☒ Stakeholder or consultation meeting(s)  
☐ Comments are solicited during outreach activities  
☐ Other - *Describe:*

### 8.2 How many parties commented on your plan? 7

### 8.3 Summarize the comments you received on your plan here:

1. *Can you provide details on how to register as a vendor to receive payments and any obligations that come along with that?*

**Response:** The Alabama Department of Economic and Community Affairs (ADECA) is currently developing a vendor agreement. If you are interested in participating in the program and would like to receive an agreement, please complete the "Water and Wastewater Service Provider Questionnaire" on the LIHWAP webpage and email it to [jennifer.lee@adeca.alabama.gov](mailto:jennifer.lee@adeca.alabama.gov).

More information regarding the requirements of the vendors will be provided in the upcoming weeks via email, hard copy, or posted to the LIHWAP webpage.

To assist states in answering preliminary questions, the U.S. Department of Health and Human Services' Office of Community Services (HHS-OCS) will be hosting an informational webinar specifically for water and wastewater service providers on **August 12 from 2:00 to 3:00 (central)**. The link to pre-register for the webinar is:

[https://acf-hhs-gov.zoomgov.com/webinar/register/WN\\_vEKHHei4TPeP74NkS9Aclw](https://acf-hhs-gov.zoomgov.com/webinar/register/WN_vEKHHei4TPeP74NkS9Aclw)

2. *There needs to be a provision for releases from customers to the utility to disclose account information (such as account balances) to third parties such as ADECA or administering agencies, as appropriate. Current regulations restrict many utilities from discussing any account information with others without a release.*

**Response:** Thank you for your comment, we will take this recommendation into consideration.

3. *Regarding Section 12.5 - Income verification, the draft LIHWAP plan indicates that bank statements are acceptable as documentation to verify income; however, bank statements are not accepted for the Low-Income Home Energy Assistance Program (LIHEAP). Should this be removed in the final version of the LIHWAP Plan?*

Response: One of the exceptions ADECA made during the pandemic was to allow bank statements to verify child support and Temporary Assistance for Needy Families (TANF) if the household could not obtain documentation from the Department of Human Resources. In the 2021 LIHEAP workshop, our office indicated that this was a permanent change. Deductions are not taken from child support or TANF payments; therefore, bank statements would reflect the gross amount which is required to verify household income. ADECA will include this language in the 2022 LIHEAP Manual and revise the draft LIHWAP Implementation Plan to clarify this point.

4. *Can a local administering agency pay a water and/or wastewater bill that is included in with the household's electric bill? Or a water bill that is included in the household's gas bill?*

Response: Yes, the local administering agency can assist eligible households with a water or wastewater service bill that is combined with another utility.

5. *Some vendors provide water, wastewater, and electricity to households. In the majority of situations, a regular LIHEAP award is sufficient to cover the entire amount of the monthly bill. Was there discussion about any circumstances involving these "combined" bills and if there are any exceptions where both LIHEAP and LIHWAP funds could be used for a combined bill?*

Response: Program policies are currently under development. ADECA will consult with the Advisory Committee on this issue.

6. *To what extent can LIHWAP funds be used to establish water service for eligible households? The cost to establish service is \$100.00 if a water meter exists on the property; however, if a water meter needs to be installed to connect to existing water lines, then the cost is \$850.00.*

Response: Based on legislation, LIHWAP payments must be made to the owners and operators of water treatment works for a household's current water and/or wastewater service bill or the household's arrearages including payment of standard reconnection fees, charges, and penalties.

Funds cannot be used for plumbing repairs or infrastructure such as the installation of water meters, lines, or wells. The local administering agencies may have other program funding available to help cover those particular needs or may refer the household to an outside entity such as a local non-profit or faith-based organization.

7. *Can LIHWAP funds be used to repair water leaks?*

Response: No, funds cannot be used to repair water leaks. LIHWAP funds can be used for a household's current water and wastewater service bill or the household's arrearages including payment of standard reconnection fees, charges, and penalties.

8. *TANF is counted as household income under LIHEAP, but according to the draft plan, TANF should not be counted as income for LIHWAP. How will ADECA handle this to avoid confusion at the local level when agencies process LIHEAP and LIHWAP applications?*

Response: All local administering agencies for LIHEAP and LIHWAP will use the same state-wide client intake system for case management, income determination, and benefit determination. Caseworkers will enter all household income and system parameters will be established to exclude TANF as income when determining household eligibility and the LIHWAP benefit amount.

9. *Can LIHWAP funds be used to cover connection, reconnection fees, and security deposits?*

Response: LIHWAP funds can be used for all standard charges and fees included in the household water or wastewater service bill such as standard reconnection fees, charges, and penalties. It is important to note that these fees should be the standard fees consistent with the vendor's existing and ongoing business practices rather than a special fee charged to LIHWAP households.

10. *How will ADECA assist tenants whose landlord is in arrears?*

Response: Based on legislation, LIHWAP payments must be made to the owners and operators of water



treatment works. Payments are not allowed to be made directly to households or landlords. ADECA is currently reviewing HHS-OCS guidance and will consult with the Advisory Committee to develop a policy for cases where a tenant's utilities are included in their rent or when there is a single meter serving multiple households such as an apartment complex or mobile home community.

11. *Regarding Section 1.2, we agree with the recommended operational priorities and the formation of a LIHWAP Advisory Committee. We recommend that in addition to the agencies listed that you add non-profit or faith-based organizations to the Advisory Committee.*

Response: Thank you for your comment, ADECA will take this recommendation into consideration.

12. *Regarding Section 1.5, referencing the programs that are categorically eligible for LIHWAP assistance, it is strongly recommended ADECA use the option of categorical eligibility in this program to streamline the process and get the funding to those who need it as timely as possible.*

Response: Thank you for your comment, ADECA will take this recommendation into consideration.

13. *Regarding Section 3.1, it is strongly recommended that ADECA develop multi-lingual announcements and/or directly engage with nonprofit organizations who work with multi-lingual communities to ensure this sector of our community is aware of this program. It is also recommended to seek advice from faith-based and other nonprofits in how best to outreach on this program.*

Response: Thank you for your comment, ADECA will take this recommendation into consideration.

14. *Regarding Section 4.1, we believe that a joint application for multiple programs should be developed to ease the burden on already burdened people and reduce administrative paperwork in order to ensure timely dissemination of these important assistance funds.*

Response: It is already the practice of the local administering agencies to identify the needs of the household and recommend multiple programs through a single intake process.

15. *Regarding Section 5.5, what types of local administering agencies do you use? It is recommended that a listing of the community action agencies and nonprofits administering the funds should be listed on your website if that is not already a part of the plan.*

Response: ADECA contracts with community action agencies and one non-profit to administer LIHEAP and will use the same local administering agencies for LIHWAP. A map of the agencies, along with contact information, is available on the LIHEAP webpage and will soon be made available on the LIHWAP webpage.

16. *Regarding Section 6.2, how do you notify the household of the amount of assistance paid and the timing of the assistance payment?*

Response: LIHWAP notification procedures will mirror existing LIHEAP procedures regarding notification of approval and amount of assistance. If households are approved at the time of their appointment, they are provided a hard copy of the completed application that denotes the award amount. If the household mailed an application or submitted it electronically to the local administering agency, a copy of the completed application is mailed to their home or sent electronically via email.

17. *Regarding Section 8.1, how did you obtain input from the public in the development of the draft LIHWAP plan?*

Response: The Consolidated Appropriations Act of 2021 states "as appropriate and to the extent practicable, use existing processes, procedures, policies, and systems in place to provide assistance to low-income households." HHS-OCS closely modeled the terms and conditions for the LIHWAP requirements on the LIHEAP program.

ADECA consulted with the Alabama Office of Water Resources, the Alabama Rural Water Association, numerous water and wastewater service providers throughout the state, and an Advisory Committee of community action agency representatives.

18. *Regarding Section 12.3, it is not clear from this statement if ADECA is considering the LIHWAP program as occurring under a federal or state emergency declaration.*

Response: ADECA updated the FY 2020 LIHEAP State Plan to include language in response to COVID-19. Per HHS-OCS guidance, the LIHEAP State Plan should include language for exceptions or changes to



standard protocol in the event of declared natural disaster or emergency. While LIHWAP appropriations were allocated in response to the pandemic, we are not currently under a COVID-19 related Federally- or State-declared emergency at this time.

19. *What is the length of time involved from a participating utility being qualified and approved, customer application verified and accepted, until the utility is ready to invoice for payment and the payment is received?*

Response: In general, LIHWAP will mirror the same process currently used for LIHEAP. Once ADECA's standard vendor agreement is developed, a copy will be sent to all interested water and wastewater service providers. ADECA will add the vendor to the approved vendor list once the executed agreement has been received.

The local administering agency will be responsible for collecting the required documentation from a household to process the application. If the household is in disconnect status or has a disconnect notice, the agency will contact the vendor via phone or email to verify the amount necessary to restore service or prevent the disconnection.

The local administering agency will award LIHWAP funds in an amount sufficient to restore service or prevent the disconnection, but not to exceed the benefit ceiling. If the household is seeking assistance with their current bill, the local administering agency will award the amount the household is eligible for (benefit matrix is under development).

The local administering agency will send payment to the vendor within thirty (30) days from the date of the award. The vendor is not required to submit an invoice to the local administering agency.

20. *Will LIHWAP have a policy requiring the account to be in the head of household's name or in their spouse's name? If so, many customers will be required to sign a new Water User Agreement which may prolong the application process.*

Response: Yes, similar to LIHEAP, the water and/or wastewater service account must be in the head of household's name or their spouse's name. Certain exceptions may be allowed such as assisting a low-income household whose account is in the landlord's name. ADECA will consult with the Advisory Committee to develop policies regarding the allowable exceptions. In addition, ADECA will consult with the Alabama Rural Water Association and vendors to gain a better understanding of requirements such as the Water User Agreement.

21. *Marketing material for the LIHWAP could possibly be posted in the utility offices to assist with outreach to their customers. Most water bills have space for messages to alert the customer to new opportunities, programs of this type, or changes in operations.*

Response: Thank you for your comment, ADECA will take this recommendation into consideration.

#### **8.4 What changes did you make to your LIHWAP plan as a result of the comments received?**

As a result of comments received, clarification was provided in Section 12 - Program Integrity regarding income verification. Bank statements are acceptable as proof of income to verify child support payments only.

If any of the above questions require further explanation or clarification that could not be made in the fields, provide said explanation here.

## Section 9: Fair Hearings

*Note: Administrative hearing opportunities will be comparable to and may utilize existing processes, procedures, and systems currently in place for the State, Territory, or Tribe's Low Income Home Energy Assistance grant.*

### **9.1 Describe your fair, independent hearing procedures for households whose applications are denied or where the applicant disputes the benefit amount.**

ADECA provides an opportunity for a fair hearing for clients whose applications are denied or disputes the benefit amount. All hearings shall provide for a hearing officer to locally conduct hearings, submission of hearing materials to ADECA for final determination (and corrective action if needed), reporting of data related to the number of hearing requests received, and notification to the client of these rights at the time of application.

### **9.2 When and how are applicants informed of these rights?**

Clients are informed of their right to a hearing at the time of application. Also, if an applicant contacts the ADECA concerning a complaint, the office will notify them in writing of the right to a hearing and the Fair Hearing policy.

### **9.3 Describe your fair hearing procedures for households whose applications are not acted on in a timely manner.**

ADECA provides an opportunity for a fair hearing for clients whose claims for assistance are not acted upon with reasonable promptness. All hearings shall provide for a hearing officer to locally conduct hearings, submission of hearing materials to ADECA for final determination (and corrective action if needed), reporting of data related to the number of hearing requests received, and notification to the client of these rights at the time of application.

**9.4 When and how are applicants informed of these rights?**

Clients are informed of their right to a hearing at the time of application. Also, if they contact ADECA concerning a complaint, the office will notify them in writing of the right to a hearing and the Fair Hearing policy.

If any of the above questions require further explanation or clarification that could not be made in the fields, provide said explanation here.

## Section 10: Training

**10.1 Training Strategy - Briefly describe the anticipated training strategy for ensuring that grantee staff, local administering agencies, and participating water utilities understand requirements outlined in the Terms and Conditions as well eligibility requirements and procedures described in this plan. Indicate any technical assistance or resources needed by the State, Territory or Tribe to carry out this training strategy.**

As LIHWAP policies and procedures are being developed, ADECA will seek input on the training and technical assistance needs of the local administering agencies and the participating water and wastewater utilities. ADECA will provide training either in person or virtually to all grantee staff as well as separate trainings for the local administering agencies and participating water and wastewater utilities prior to the start of the program. Additional training can be provided during the program year on an as-needed basis. Written communications may also be used to disseminate information on program policies and guidelines.

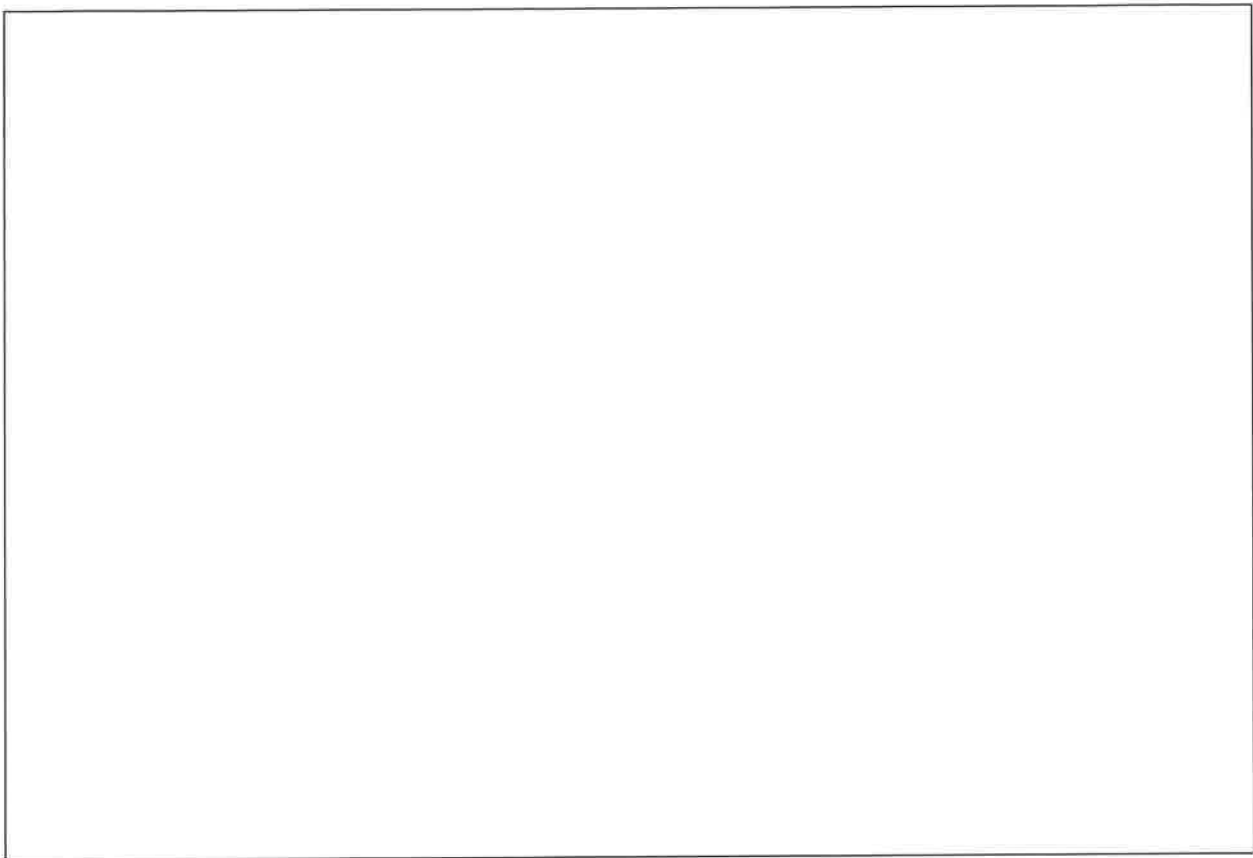
## Section 11: Performance Management

**11.1 Describe any challenges you anticipate with collecting and reporting data to ACF each year regarding how you implemented your LIHWAP. Examples of data may include, but are not limited to, the number of households assisted, the average benefit amount provided, the number of households whose water or wastewater services were restored because of the benefit, demographics of applicants and beneficiaries, and the number of imminent disconnections of water or wastewater services avoided because of the benefit.**

ADECA administers LIHEAP and submits reports on household and LIHEAP data each year. Local administering agencies are required to enter all household demographic data and LIHEAP benefit information in the State's data collection system called FACSPRO. ADECA will require that the local administering agencies enter all household demographic and benefit information for LIHWAP in FACSPRO as well to comply with Federal reporting requirements. ADECA does not anticipate any challenges in collecting and reporting data to ACF.

**11.2 List any technical assistance resources you request of ACF related to data collection, analysis and reporting on your LIHWAP.**

Additional technical assistance resources on understanding the data on ACF reports and how to use the data to make program changes would be helpful.



If any of the above questions require further explanation or clarification that could not be made in the fields, provide said explanation here.



## Section 12: Program Integrity

### 12.1 Fraud Reporting Mechanisms

**a. Identify all mechanisms that will be available to the public for reporting cases of suspected LIHWAP waste, fraud, and abuse. *Select all that apply.***

- ☐ Online fraud reporting
- ☒ Dedicated fraud reporting hotline
- ☒ Report directly to local agency/district office or Grantee office
- ☐ Report to State Inspector General or Attorney General
- ☒ Forms and procedures in place for local agencies/district offices and vendors to report fraud, waste, and abuse
- ☐ Other - *Describe:*

**b. Identify strategies that will be used for advertising the above-referenced resources. *Select all that apply***

- ☐ Printed outreach materials
- ☐ Addressed on LIHWAP application
- ☒ Website
- ☐ Other - *Describe:*

### 12.2. Identification Documentation Requirements

**a. Indicate which of the following forms of identification will be required or requested to be collected from LIHWAP applicants or their household members. Note: The types of documentation required is left to the discretion of the grantee. The types of documentation included in the list below are examples of documentation required by LIHEAP grantees for some or all household members based on policies within the State, Territory or Tribe. Comparable documentation and procedures may be instituted for LIHWAP households or may be modified or simplified for households that are categorically eligible based on enrollment in programs identified in question 1.5.**

Type of Identification Collected	Collected from Whom?		
	Applicant Only	All Adults in Household	All Household Members
Social Security Card is photocopied and retained	<input checked="" type="checkbox"/> Required <input type="checkbox"/> Requested	<input checked="" type="checkbox"/> Required <input type="checkbox"/> Requested	<input checked="" type="checkbox"/> Required <input type="checkbox"/> Requested
Social Security Number (Without Actual Card)	<input type="checkbox"/> Required <input type="checkbox"/> Requested	<input type="checkbox"/> Required <input type="checkbox"/> Requested	<input type="checkbox"/> Required <input type="checkbox"/> Requested
Government-issued identification card (i.e.: driver's license, State ID, Tribal ID, passport, etc.)	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Requested	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Requested	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Requested
Other ( <i>Describe Below</i> ) Picture ID	<input checked="" type="checkbox"/> Required <input type="checkbox"/> Requested	<input type="checkbox"/> Required <input type="checkbox"/> Requested	<input type="checkbox"/> Required <input type="checkbox"/> Requested

b. Describe any exceptions to the above policies.

### 12.3 Identification Verification

Identify what methods will be used to verify the authenticity of identification documents provided by clients or household members. *Select all that apply*

- ☐ Verify SSNs with Social Security Administration
- ☐ Match SSNs with death records from Social Security Administration or State agency
- ☐ Match SSNs with State eligibility/case management system (e.g., SNAP, TANF)
- ☐ Match with State Department of Labor system
- ☐ Match with State and/or federal corrections system
- ☐ Match with State child support system
- ☐ Verification using private software (e.g., The Work Number)
- ☐ In-person certification by staff (for Tribal grantees only)
- ☐ Match SSN/Tribal ID number with Tribal database or enrollment records (for Tribal grantees only)
- ☒ Other - *Describe:*

During a State-declared or Federally-declared emergency, applicants and household members that have been assisted previously by the local administering agency are not required to provide their Social Security cards; those who are first-time applicants and cannot provide cards may provide previous year's tax return or another State/Federal form that shows the Social Security number of the applicant and/or the household members as proof.

### 12.4. Citizenship/Legal Residency Verification

**What are your procedures for ensuring that household members are U.S. citizens or permanent residents who are qualified to receive LIHWAP benefits?** *Select all that apply.*

- ☐ Clients sign an attestation of citizenship or legal residency
- ☐ Client's submission of Social Security cards is accepted as proof of legal residency
- ☒ Noncitizens must provide documentation of immigration status
- ☐ Citizens must provide a copy of their birth certificate, naturalization papers, or passport
- ☐ Noncitizens are verified through the SAVE system
- ☐ Tribal members are verified through Tribal enrollment records/Tribal ID card
- ☐ Other - *Describe:*

**12.5. Income Verification Note:** Income verification applies only to households that have not been determined to be categorically eligible based on enrollment in other programs identified in question 1.5 above. Methods of income verification are left to the discretion of grantees and should be consistent with any sources of countable income identified in question 1.7 above.

**What methods will your agency utilize to verify household income?** *Select all that apply.*

☒ **Require documentation of income for all adult household members**

- ☒ Bank statements
- ☒ Pay stubs
- ☒ Social Security award letters
- ☒ Tax statements
- ☒ Unemployment insurance letters
- ☒ Zero-income statements
- ☒ Other - *Describe:*

Income can also be verified by written statements from employers, documentation from the Department of Human Resources, Department of Labor, Public Housing manager, or other governmental entity.

☐ **Computer data matches**

- ☐ Income information matched against state computer system (e.g., SNAP, TANF)
- ☐ Proof of unemployment benefits verified with state Department of Labor
- ☐ Social Security income verified with SSA
- ☐ Utilize state directory of new hires
- ☐ Other - *Describe:*

**12.6. Protection of Privacy and Confidentiality**

*Identify the financial and operating controls that will be in place to protect client information against improper use or disclosure. Select all that apply.*

- ☒ Policy in place prohibiting release of information without written consent
- ☒ Grantee LIHWAP database includes privacy/confidentiality safeguards
- ☒ Employee training on confidentiality for:
  - ☒ Grantee employees
  - ☒ Local agencies/district offices
- ☐ Employees must sign confidentiality agreement
  - ☐ Grantee employees
  - ☐ Local agencies/district offices
- ☒ Physical files are stored in a secure location
- ☐ Other - *Describe:*

### 12.7 Verifying the Authenticity

*What policies will be in place for verifying vendor authenticity? Select all that apply.*

- ☒ All vendors must register with the State/Tribe.
- ☐ All vendors must supply a valid SSN or TIN/W-9 form
- ☒ Vendors are verified through water bills provided by the household
- ☐ Grantee and/or local agencies/district offices perform physical monitoring of vendors
- ☐ Other - *Describe and note any exceptions to policies above:*

### 12.8 Benefits Policy - Water and Wastewater Utilities

*What policies will be in place to protect against fraud when making benefit payments to water utilities on behalf of clients? Select all that apply.*

- ☒ Applicants required to submit proof of physical residency
- ☒ Applicants must submit current water or wastewater bill
- ☒ Centralized computer system/database tracks payments to all water suppliers
- ☒ Centralized computer system automatically generates benefit level
- ☒ Computer databases are periodically reviewed to verify accuracy and timeliness of payments made to water suppliers
- ☐ Data exchange with utilities that verifies:
  - ☐ Account is properly credited with benefit
  - ☐ Account ownership
  - ☐ Balances
  - ☐ Consumption
  - ☐ Payment history
  - ☐ Other - *Describe:*
- ☐ Payments coordinated among other water and wastewater assistance programs to avoid duplication of payments
- ☒ Payments to water suppliers and invoices from water suppliers are reviewed for accuracy
- ☒ Procedures are in place to require prompt refunds from utilities in cases of account closure
- ☒ Separation of duties between intake and payment approval
- ☒ Vendor agreements specify requirements selected above, and provide enforcement mechanism
- ☐ Other - *Describe:*

### 12.9 Investigations and Prosecutions

*Identify the Grantee's procedures for investigating and prosecuting reports of fraud, and any sanctions placed on clients/staff/vendors found to have committed fraud. Select all that apply.*

- ☒ Clients found to have committed fraud are banned from LIHWAP assistance. For how long is a household banned? One (1) year
- ☐ Contracts with local agencies require that employees found to have committed fraud are reprimanded and/or terminated
- ☐ Grantee attempts collection of improper payments. If so, describe the recoupment process
- ☒ Local agencies/district offices or Grantee conduct investigation of fraud complaints from public
- ☒ Refer to local prosecutor or State Attorney General
- ☐ Refer to State Inspector General
- ☐ Refer to US DHHS Inspector General (including referral to OIG hotline)
- ☒ Vendors found to have committed fraud may no longer participate in LIHWAP
- ☒ Other - *Describe:*

Clients committing fraud (providing false information) are typically banned for one (1) year. If benefits were paid on client's behalf, the household cannot apply for assistance until restitution has been made, at which time they must submit a request to the agency to be considered eligible to apply for benefits.

If any of the above questions require further explanation or clarification that could not be made in the fields, provide said explanation here.

In Section 12.5, bank statements are acceptable as proof of income to verify child support payments only.

## **Section 13: Certification Regarding Debarment, Suspension, and Other Responsibility Matters**

### **Certification Regarding Debarment, Suspension, and Other Responsibility Matters-- Primary Covered Transactions**

#### **Instructions for Certification**

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.

☒ By checking this box, the prospective primary participant is providing the certification set out above.



## Section 14: 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)		
Address Line 1: 401 Adams Avenue		
Address Line 2:		
Address Line 3:		
City: Montgomery	State: AL	Zip Code: 36104
<input type="checkbox"/> 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]		
<input checked="" type="checkbox"/> By checking this box, the prospective primary participant is providing the certification set out above.		

### Section 15: Certification Regarding Lobbying

The submitter of this application 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.

☒ By checking this box, the prospective primary participant is providing the certification set out above.

### Signature of Governor's Authorized Official

Name of State/Territory: State of Alabama

LIHWAP State/Territory Lead Agency: Alabama Department of Economic and Community Affairs

I certify that the LIHWAP Plan is complete and that LIHWAP grant project will be implemented in compliance with the certifications contained herein.

X 

Kenneth W. Boswell

Print Name

Governor's Authorized Official