

# Energy and Utility Assistance Programs and Policies to Keep Older Adults Connected to Utility Service

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# Housekeeping

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems getting on the webinar? Send an e-mail to [NCLER@acl.hhs.gov](mailto:NCLER@acl.hhs.gov).
- Written materials and a recording will be available at [NCLER.acl.gov](http://NCLER.acl.gov). See also the chat box for this web address.

# About NCLER

The National Center on Law and Elder Rights (NCLER) provides the legal services and aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social needs. A centralized, one-stop shop for legal assistance, NCLER provides Legal Training, Case Consultations, and Technical Assistance on Legal Systems Development. Justice in Aging administers the NCLER through a contract with the Administration for Community Living's Administration on Aging.

# About NCLC

Since 1969, the nonprofit National Consumer Law Center® (NCLC®) has used its expertise in consumer law and energy policy to work for consumer justice and economic security for low-income and other disadvantaged people, including older adults, in the U.S.

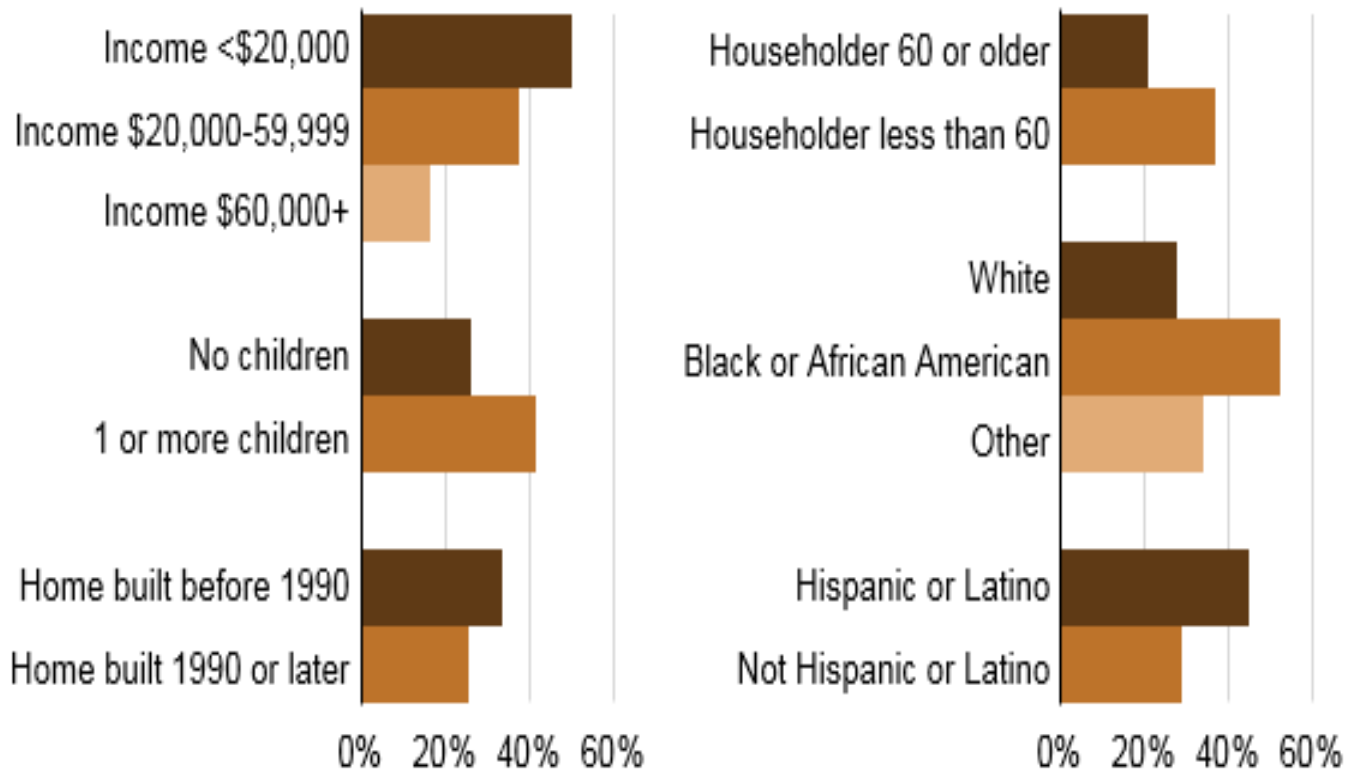
NCLC's expertise includes policy analysis and advocacy; consumer law and energy publications; litigation; expert witness services, and training and advice for advocates. NCLC works with nonprofit and legal services organizations, private attorneys, policymakers, and federal and state government and courts across the nation to stop exploitative practices, help financially stressed families build and retain wealth, and advance economic fairness.

# Low-Income Households Can't Afford the Energy They Need to Live Healthily

- According to DOE, in a recent year 25 million households went without food and medicine in order to pay their energy bills, with 7 million households facing this decision nearly every month.
- In 2018, there was a widely-reported death of an older adult in New Jersey, and another in Arizona, following termination of their utility service.

# Energy Insecurity by Income, Age, and Race

Household energy insecurity by household characteristics, 2015  
percent of households

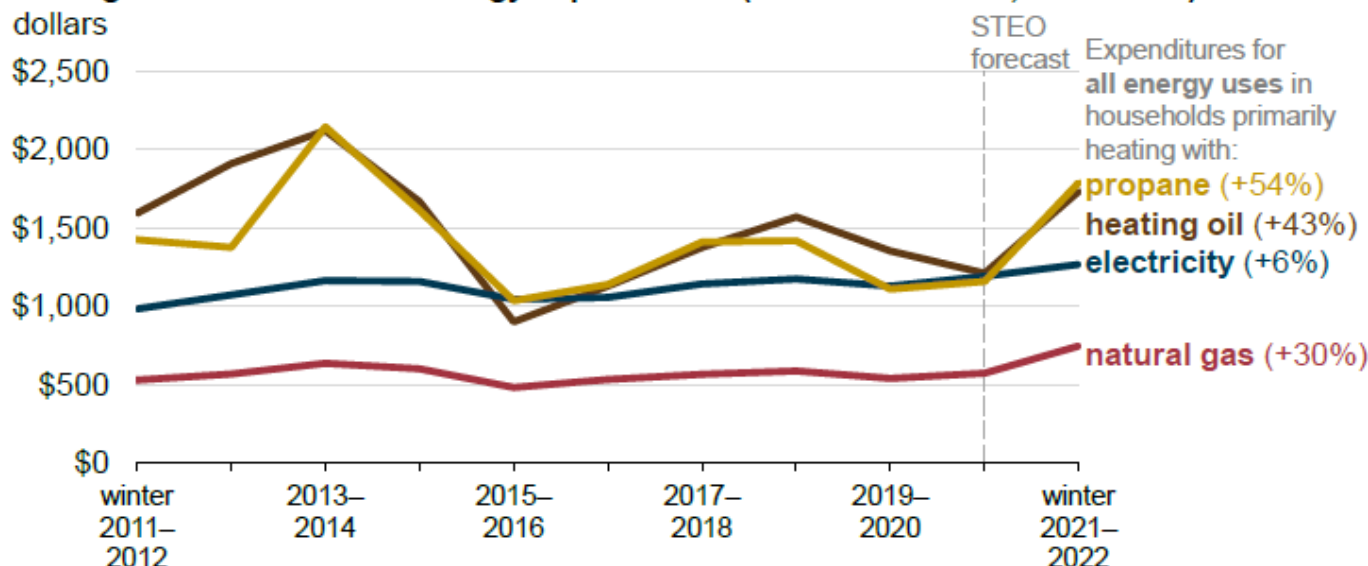


Source: U.S. Energy Information Administration, [Residential Energy Consumption Survey 2015](#)

# US Energy Information Administration: Winter Fuels Outlook 2021-2022 (1 of 2)

We expect energy expenditures to increase for all heating fuels, primarily driven by higher prices

**Average winter household energy expenditures (winter = Oct–Mar, 2011–2022)**



*Note: Propane price reflects the average of Northeast and Midwest regions through winter 2013–14 and average of Northeast, Midwest, and South regions after winter 2013–14.*

*Source: U.S. Energy Information Administration*



U.S. Energy Information Administration  
Winter Fuels Outlook – October 2021

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# US Energy Information Administration: Winter Fuels Outlook 2021-2022 (2 of 2)

Because of higher prices in the forecast, even in a warmer than forecast scenario, expenditures are up from last winter

	U.S. average household expenditures Base Case (Oct–Mar total)		U.S. average household expenditures 10% Colder (Oct–Mar total)		U.S. average household expenditures 10% Warmer (Oct–Mar total)	
	winter 2021–22	Change from last winter	winter 2021–22	Change from last winter	winter 2021–22	Change from last winter
Natural Gas	\$746	+30%	\$859	+50%	\$700	+22%
Heating Oil	\$1734	+43%	\$1925	+59%	\$1573	+30%
Electricity	\$1268	+6%	\$1370	+15%	\$1237	+4%
Propane	\$1789	+54%	\$2246	+94%	\$1497	+29%

Source: U.S. Energy Information Administration



U.S. Energy Information Administration  
Winter Fuels Outlook – October 2021

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# Serious Illness Protection

- NCLC prepared a recent report on state serious illness protections:
  - [Protecting Seriously Ill Consumers from Utility Disconnections: What States Can Do to Save Lives Now](#)
- If you have a client who is seriously ill (e.g., on chemotherapy) or has a chronic condition (e.g., diabetes or heart disease) or whose health, safety, and well-being are at risk if utility service is disconnected, serious illness protection rules could keep the utility service connected for a brief period of time.

# Extreme Temperature Protections

- Many states have either date-based or temperature-based disconnection protections that prohibit disconnection of energy service (sometimes water) during the winter or during extreme cold or heat temperatures.
  - [NCLC Access to Utility Service](#)
  - [LIHEAP Clearinghouse](#)
  - [State Utility Commissions](#)
  - [State Utility Consumer Advocate](#)

# Low Income Home Energy Assistance Program (LIHEAP)

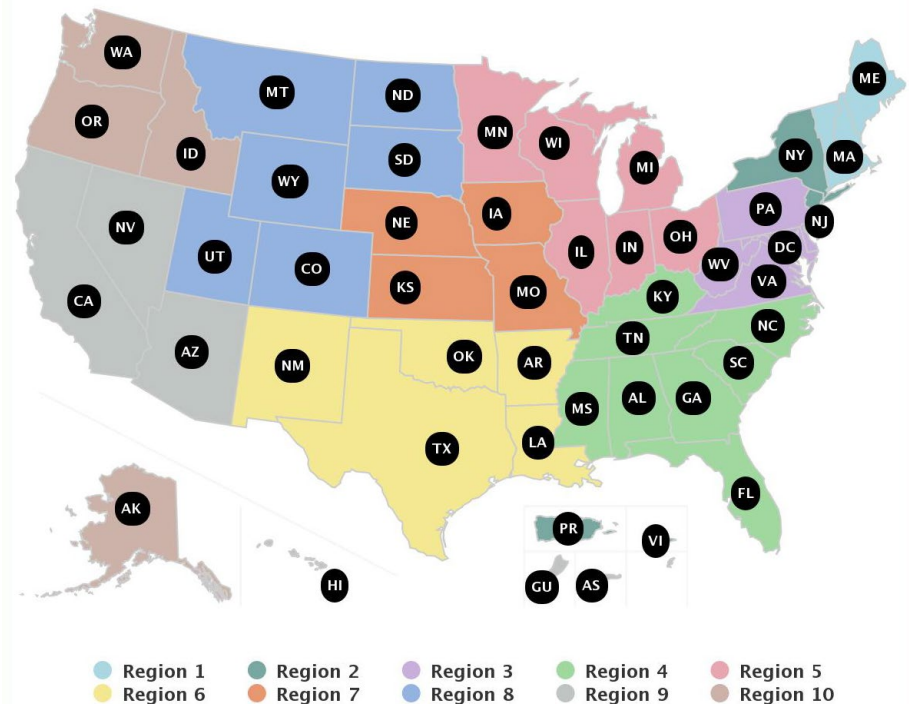
- Total Federal Funding
  - FY 2022 appropriations are not final. States received nearly **\$3.37 billion** on November 1, 2021 from the *Extending Government Funding and Delivering Emergency Assistance Act (Public Law 117-43)*.
  - States may also still have funding from the **\$4.5 billion** LIHEAP appropriation in the *(American Rescue Plan Act of 2021)*.
- Federal Agency
  - U.S. Dept. of Health and Human Services, Administration for Children & Families, Office of Community Services
- Purpose
  - LIHEAP has been around since 1981 to help low-income households afford essential heating and cooling services. LIHEAP is primarily an energy bill assistance program, but can include heating or cooling system repairs, low-cost weatherization and home-energy counseling.

# LIHEAP State Plans

- Congress annually appropriates LIHEAP funds for the fiscal year and states have a lot of flexibility in the design of each year's LIHEAP program.
- Key program design items in the state plan include:
  - *eligibility criteria, amount of heating and/or cooling benefits; design of the crisis assistance program; weatherization; self-sufficiency activities, etc.*
- States are required to develop these annual plans with public input.
  - [See FY 2022 LIHEAP state plans](#)

# How to Find Your State LIHEAP Office

- State LIHEAP grantees are listed on [HHS's website](#)
- To find your local Low-Income Energy Office:
  - Call the National Energy Assistance Referral (NEAR) toll-free at 1-866-674-6327 for energy assistance referral or email NEAR at [energyassistance@ncat.org](mailto:energyassistance@ncat.org)



# LIHEAP Data From 2020

Fiscal Year	Grantee	Total Households Served	Total Households Served - Member 60 or Over	Percent of Income-Eligible Households Served by Any Type of LIHEAP Assistance
2020*	All grantees(summed)	5,630,492	2,257,294	16.84%

Fiscal Year	Grantee	Assisted Households - Member 60 or Over - Heating	Assisted Households - With Member 60 or Over - Cooling	Assisted Households - Member 60 or Over - Winter or Year Round Crisis	Assisted Households - Member 60 or Over - Summer Crisis	Assisted Households - Member 60 or Over - Other Crisis
2020*	All grantees(summed)	2,011,184	384,182	348,702	41,122	26,157

Source: HHS LIHEAP Performance Management Data Warehouse

# Weatherization

- Total Federal Funding
  - FY 2022 appropriations are not final. In FY 2021, **\$315 million** was appropriated for DOE's weatherization program (*see Joint Explanatory Statement, Division D, Consolidated Appropriations Act, 2021 (P.L. 116-260)*).
  - Weatherization Assistance Program (WAP) received an additional **\$3.5 billion** in the bi-partisan infrastructure bill (*Infrastructure Investment and Jobs Act, P.L. 117-58*).
- Federal Agency
  - U.S. Dept. of Energy
- Purpose
  - Weatherization has been around since 1976 to reduce energy costs for low-income households by increasing the energy efficiency of their homes, while ensuring their health and safety.

# WAP Eligibility

- 200% of Federal Poverty Level (FPL)
- Participation in LIHEAP
- Dec. 8, 2021, DOE Guidance streamlined WAP eligibility to also include:
  - (HUD) means-tested programs' with income qualifications at or below 80% of Area Median Income (Weatherization Program Notice 22-5).
- Examples of HUD programs include but are not limited to:
  - Community Development Block Grants (CDBG)
  - HOME Investment Partnerships Program (HOME)
  - Lead Hazard Control & Healthy Homes Program (OLHCHH, etc.)



# How to Find Your WAP Agency

- The National Association for State Community Service Programs has a [tool to connect you with your state/local WAP agency](#)

State Search:

Select State or Territory ▼


SUBMIT

Freeform Search:

Keywords

CSBG and WAP ▼

SUBMIT



# Water Debts Are Particularly Challenging

- There hasn't been the reporting on water debts that we see in the energy sector.
- Some analysis out there provides some contours of the size of the problem.
- [Circle of Blue](#) looked at 12 major US cities with publicly operated water utilities and found 1.5 million households owe \$1.1 billion in past due water bills
- Food and Water Watch performed a [nationwide survey](#) of disconnections of water for nonpayment

# Excerpt from Food & Water Watch (FWW), America's Secret Water Crisis

**Table 1 • Water Shutoff Rates in 2016 — A Ranking**

Shutoff rank	Utility name	State	Shutoff rate	Households experiencing shutoffs	Estimated number of people affected <sup>(5)</sup>
1	Oklahoma City <sup>(7)</sup>	OK	20%	44,324	113,913
2	Tulsa	OK	20%	23,903	56,889
3	Springdale Water Utilities	AR	19%	6,072 <sup>(1)</sup>	18,034
4	Sewerage and Water Board of New Orleans	LA	17%	19,486	46,572
5	JEA (Jacksonville)	FL	16%	41,311	107,409
6	Rapid City	SD	16%	2,953	7,028
7	Des Moines Water Works	IA	15%	11,625 <sup>(2)</sup>	29,946
8	Mobile Board of Water and Sewer Commission	AL	13%	11,491	28,808
9	Detroit	MI	13%	27,588	72,005
10	Columbia	SC	12%	15,463 <sup>(1)</sup>	39,256
11	Milwaukee	WI	11%	16,342	41,882
12	Tucson	AZ	11%	22,453 <sup>(1)</sup>	54,936
13	Kansas City	MO	11%	16,262 <sup>(1)</sup>	38,978
14	Newport News	VA	10%	11,574	28,935
15	Raleigh	NC	10%	17,652	42,718
16	Greenville	SC	9%	13,734	29,528
17	Louisville Water Company	KY	9%	22,152 <sup>(1)</sup>	50,608
18	Meridian	ID	9%	2,858	7,060
19	Charlotte	NC	9%	21,220	45,535
20	Phoenix	AZ	9%	33,066 <sup>(1)</sup>	74,238
21	Ogden	UT	8%	1,671	4,612
22	DeKalb County	GA	7%	14,137	37,039
23	Wichita	KS	6%	7,558	19,122
24	Philadelphia	PA	5%	26,479	68,581
25	Billings	MT	5%	1,312	3,109
26	Minneapolis	MN	5%	3,538	8,067
27	East Bay MUD — Oakland City only	CA	4%	4,106 <sup>(1)</sup>	10,470

Source: [America's Secret Water Crisis: National Shutoff Survey Reveals Water Affordability Emergency Affecting Millions, page 4](#)

# Low Income Home Water Assistance Program (LIHWAP)

- Total Federal Funding
  - **\$638 million** (*Consolidated Appropriations Act of 2021*) and **\$500 million** (*American Rescue Pan Act of 2021*).
- Federal Agency
  - U.S. Dept. of Health and Human Services, Administration for Children & Families, Office of Community Services (*same agency that oversees the Low income Home Energy Assistance Program (LIHEAP)*)
- Purpose
  - An emergency program established in response to the COVID-19 pandemic, to help low-income households, particularly those with a high water burden, with their water and wastewater bills; addresses both reconnections and arrearages.

# LIHWAP State Plans

- Similar to the LIHEAP state plan process, states and Tribes submit their LIHWAP state plans to HHS for approval.
- You can find your state's plan on [HHS's LIHWAP website](#).
- Recent HHS guidance clarifies that LIHWAP can also be used for water arrearages that have been transferred to a 3<sup>rd</sup> party debt collector and can cover administrative fees associated with a lien.
  - (HHS LIHWAP IM-2022-02)

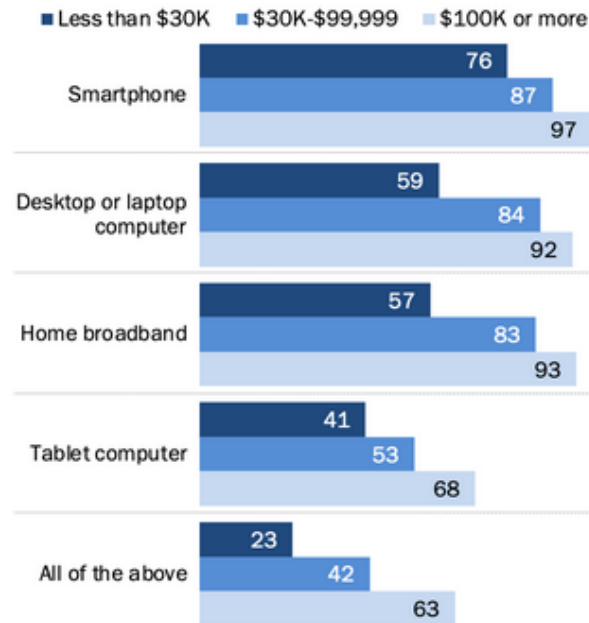
- State LIHWAP grantees are listed on [HHS's website](#)



# The Digital Divide is an Income Divide

## Americans with lower incomes have lower levels of technology adoption

*% of U.S. adults who say they have each of the following, by household income*



Note: Respondents who did not give an answer are not shown.

Source: Survey of U.S. adults conducted Jan. 25-Feb. 8, 2021.

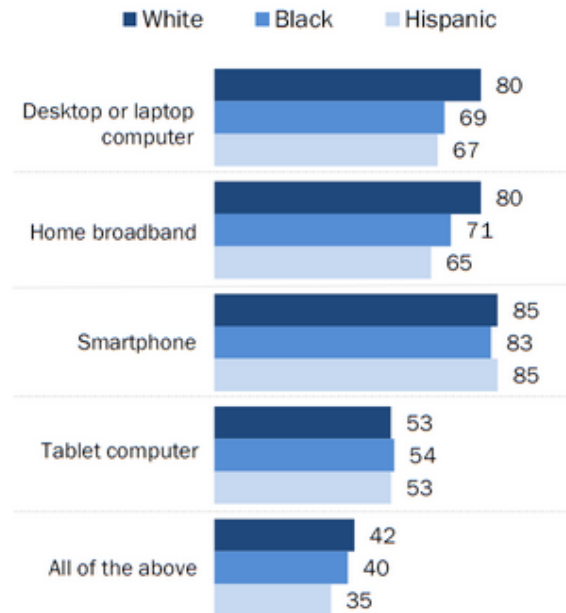
PEW RESEARCH CENTER

Source: Pew Research Center: [Digital Divide Persists Even as Americans with Lower Incomes Make Gains in Tech Adoption](#)

# The Digital Divide is also a Racial Divide

## Black and Hispanic adults in U.S. are less likely than White adults to have a traditional computer, home broadband

*% of U.S. adults who say they have the following*



Note: Respondents who did not give an answer are not shown. White and Black adults include those who report being only one race and are not Hispanic. Hispanics are of any race.  
Source: Survey of U.S. adults conducted Jan. 25-Feb. 8, 2021.

PEW RESEARCH CENTER

Source: Pew Research Center: [Home Broadband Adoption, Computer Ownership Vary by Race, Ethnicity in the U.S.](#)



# The Affordable Connectivity Program (ACP)

- Total Federal Funding
  - **\$14.2 billion** in the bi-partisan infrastructure bill (*Infrastructure Investment and Jobs Act, P.L. 117-58*).
- Federal Agency
  - Federal Communication Commission (and administered for the FCC by the Universal Services Administrative Company, USAC)
- Purpose
  - The Affordable Connectivity Program (ACP)—benefit program that helps low-income households afford essential broadband service.
  - Eligible households receive a discount on broadband service of up to \$30 per month (and up to \$75 per month for households on qualifying Tribal lands and high cost areas).
  - Eligible households can also receive a one-time discount of up to \$100 to purchase a laptop, desktop computer, or tablet from participating providers if they contribute more than \$10 and less than \$50 toward the purchase price.

# Lifeline

- Total Federal Funding
  - Funded through the Universal Services Fund (USF) fees, not an annual federal appropriation . In 2020, around \$850 million in USF fees were used for Lifeline.
- Federal Agency
  - Federal Communication Commission (and administered for the FCC by the Universal Services Administrative Company, USAC).
- Purpose
  - The Lifeline program has been in existence since the mid-1980s, but has evolved over time. It currently provides eligible households with \$9.25 per month for bundled voice and data or broadband only service or \$5.25 per month for voice-only service.

# Affordable Connectivity Program (ACP) Benefits

- For eligible low-income households, the ACP provides ***up to 30/month for broadband*** service (***up to \$75/month for households on Tribal lands***).
- The ACP also provides a one-time discount of **up to \$100 off a connected device** (laptop, desktop, or tablet).
- Households can combine ACP with Lifeline; apply for just ACP or just Lifeline, or apply for ACP and Lifeline through separate providers.

# EBB to ACP Transition

- Over 9 million households enrolled in the Emergency Broadband Benefit (EBB) program in 2021.
- On December 31, 2021, the EBB program stopped and the ACP program began.
- Households enrolled in EBB (legacy EBB) rolled over into ACP and have an extra 60 days at the higher EBB benefit level.
- On March 1, 2022, the legacy EBB households will receive the regular ACP benefit amount (up to \$30 per month).

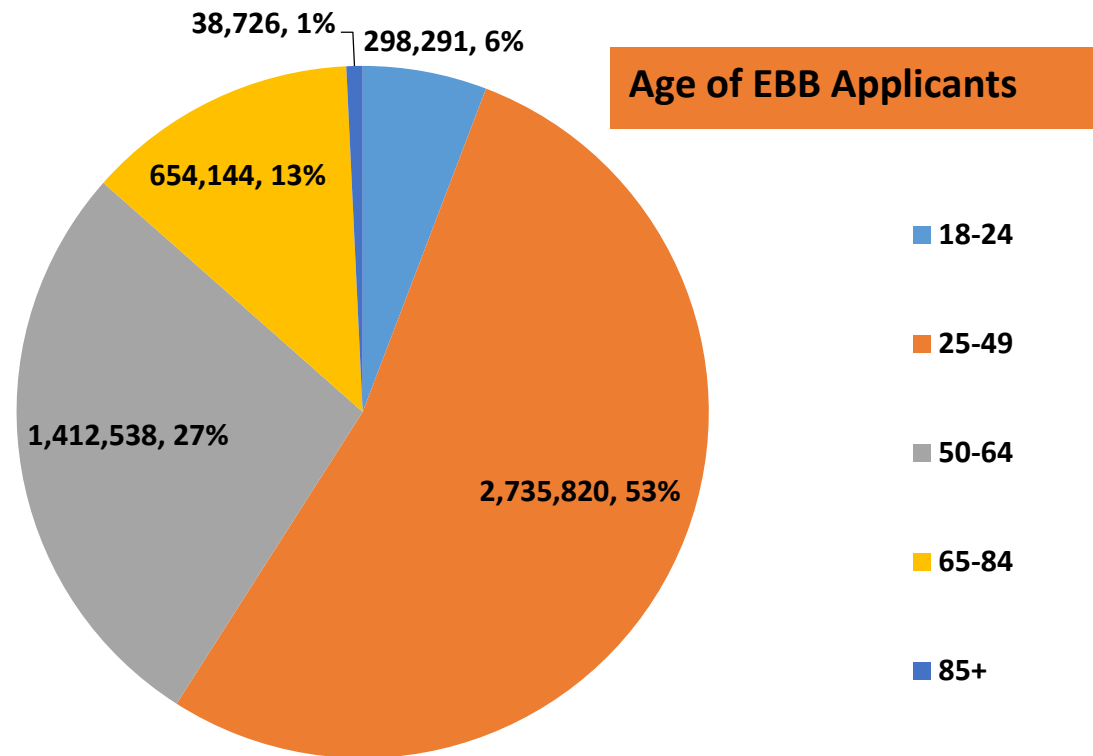
# How to Apply for ACP

- **IMPORTANT – There are **Two-Steps** to Enroll**
    - Go to [ACPBenefit.org](https://www.acpbenefit.org) to submit an application or print out a mail-in application;
    - Some providers may have an *alternative application* that they will ask you to complete.
- AND**
- Contact your preferred participating provider to select a plan and have the discount applied to your bill.
  - ***Eligible households must **both apply for the program and contact a participating provider to select a service plan.*****

# Who is Eligible for ACP

- Has an income that is at or below 200% of the [federal poverty guidelines](#); or
- Participates in certain assistance programs, such as SNAP, Medicaid, Federal Public Housing Assistance, SSI, WIC, or [Lifeline](#);
- Participates in Tribal specific programs, such as Bureau of Indian Affairs General Assistance, Tribal TANF, or Food Distribution Program on Indian Reservations;
- Is approved to receive benefits under the free and reduced-price school lunch program or the school breakfast program, including through the USDA Community Eligibility Provision in the 2019-2020, 2020-2021, or 2021-2022 school year;
- Received a Federal Pell Grant during the current award year; or
- Meets the eligibility criteria for a participating provider's existing low-income program.

# Age of EBB Applicants



Source of data: USAC EBB Tracker, 9/27/21

# Other Sources of Funds

- There have been an unprecedented amount of program and state funds as part of the COVID-19 pandemic response that could be used to help with utility affordability.
  - Emergency Rental Assistance Program (ERAP) (\$25 billion (*Consolidated Appropriations Act of 2021 12/27/20*) and \$21.6 billion (*American Rescue Plan Act of 2021 3/11/21*))
  - Homeowner Assistance Fund (\$10 billion *American Rescue Plan Act of 2021* )
  - State and Local Recovery Funds (\$350 billion *American Rescue Plan Act of 2021* )



# New (Post-COVID) and Established Federal Assistance Programs

- [Low Income Home Energy Assistance Program \(LIHEAP\)](#)
  - [More information](#)
- [Weatherization Assistance Program](#)
  - [More information](#)
- [Low Income Home Water Assistance Program \(LIHWAP\)](#)
- [Affordable Connectivity Program](#)
  - [More information](#)
- [Emergency Rental Assistance Program \(ERAP\)](#)
  - [National Low Income Housing Coalition Dashboard](#)
- [Homeowner Assistance Fund](#)

# Questions?

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# Case Consultations

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at [ConsultNCLER@acl.hhs.gov](mailto:ConsultNCLER@acl.hhs.gov).