

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** HB855-S1

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron:** Hernandez

3. **Committee:** Finance and Appropriations

4. **Title:** State Department of Social Services; Home Energy Assistance Program.

5. **Summary:** Authorizes the State Department of Social Services to promulgate regulations to allow applications for the Home Energy Assistance Program to be submitted over an application period that provides adequate time for individuals to apply and is extended beyond the current application period in effect as of July 1, 2024, provided adequate funding is available to extend such application period.

6. **Budget Amendment Necessary:** No. See Item 8.

7. **Fiscal Impact Estimates:** Preliminary. See Item 8.

8. **Fiscal Implications:** The Low-Income Heating and Energy Assistance Program (LIHEAP) provides assistance to low-income households meet their immediate home energy needs. In Virginia, the program is called the Energy Assistance Program (EAP) and consists of four components: (1) Fuel Assistance, (2) Crisis Assistance, (3) Cooling Assistance and (4) Weatherization. The EAP is state supervised and locally administered.

The current EAP regulation, 22VAC40-680, provides the framework for a statewide EAP. This regulation includes the application periods, eligibility criteria, benefits, and administrative costs for three of the four components. Currently, the application periods are as follows: (1) Fuel - the application period shall begin not earlier than September 1 and shall end not later than March 31 each year; (2) Crisis - the application period shall begin not earlier than September 1 and shall end not later than March 31 each year unless funds are depleted earlier; and (3) Cooling - the application period shall begin on June 15 and end no later than August 15 unless funds are depleted earlier. (4) Weatherization is provided by the Department of Housing and Community Development and already accepts applications and provides weatherization year-round.

### **Benefits:**

This legislation authorizes the Department of Social Services (DSS) to allow applications for the Home Energy Assistance Program to be submitted over an application period that provides adequate time for individuals to apply and is extended beyond the current

application period in effect as of July 1, 2024, provided adequate funding is available to extend such application period. Currently, there are 215,465 participants in LIHEAP. By lengthening the application period, more households may be able to apply for assistance. DSS estimates that up to an additional 6,464 ( $215,465 \times 3$  percent) households will participate in LIHEAP as a result of the expanded application window. Currently, the average benefits per case is \$505.13. The program is federally funded by the federal LIHEAP grant, which has a fixed state allocation. If this legislation is passed, DSS will need to reduce the average benefit amount to recipients to operate within current annual federal appropriation or manage a waitlist for those applying after all grant funds have been depleted for the grant year. For purposes of this fiscal impact statement, it is assumed that a waitlist is not the desirable outcome, and benefits amounts will be adjusted to provide funding to all eligible applicants.

#### **Local Effort:**

Additional local staff will be required to handle the increased workload. For all new participants, local employment staff will perform intake, case management, internal monitoring, respond to customer inquiries, provide outreach and work directly with EAP vendors regarding billing for services provided to customers. With the addition of 6,464 new cases, the total number of hours required for these additional participants is estimated at 12,928 annually. An additional 6.22 ( $12,928 \text{ total hours} / 2080 \text{ hours}$ ) local workers and 0.89 ( $6.22 / 7$ ) local managers are needed across all local departments. The estimated cost for these positions, including salaries, benefits, and on-boarding costs, is \$680,636 in the first year of implementation and \$643,927 in the second year and each year thereafter.

Because there are no additional LIHEAP administrative funds available, local costs are split 84.5 percent general fund and 15.5 percent local match. Therefore, first year implementation costs are \$575,137 general fund dollars and \$105,499 local match. The costs beginning in second year of implementation and each year thereafter are \$544,118 general fund dollars and \$99,809 local match.

#### **Home Office Staff:**

Additionally, DSS believes it will need one program consultant in the central office to (i) monitor increased cases; (ii) provide guidance to new local workers and (iii) respond to increased calls from LIHEAP applicants or recipients with questions and/or complaints. The annual estimated cost for salary, benefits and nonpersonal services, including a one-time on-boarding charge, is \$121,644 general fund in the first year of implementation and \$116,481 general fund in the second year and thereafter. There are no available LIHEAP administrative funds for this purpose.

#### **Information Technology:**

There is a one-time cost of \$1.0 million general fund to update the eligibility system to allow for EAP applications to be accepted and approved outside of the currently established application period. This estimate is based on recent system changes of this estimated size and difficulty. There are no available LIHEAP administrative funds for this purpose.

#### **Summary:**

The total cost of this legislation is \$1,802,280 (\$1,696,781 general fund and \$105,499 local match) in the first year of implementation and \$760,408 (\$660,599 general fund and \$99,809 local match) starting in the second year and ongoing, at such time as adequate funding is made available for DSS to implement and operate an expanded application period.

The regulatory process is lengthy; therefore, it is unknown when the regulation required by this bill would become effective. The bill does not explicitly call this regulation an “emergency regulation,” as there is no emergency clause in the bill. For reference, most emergency regulations have a 280-day clock, from the day the bill is enacted. Assuming a July 1, 2024 enactment, a 280-day emergency regulation would be due around May 1, 2025. Regulations at DSS need to be approved by the Board of Social Services, which meets every other month, and the bill requires a public comment before the effective date. Additionally, regulations are required to be reviewed by the Office of the Attorney General. In the absence of emergency regulation language in this bill, the regulatory process can take much longer than the 280-day emergency regulation timeframe.

The amended bill exempts the Board of Social Services’ initial adoption of regulations necessary to implement the provisions of this act from the provisions of the Administrative Process Act, except that the Board shall provide an opportunity for public comment on the regulations prior to adoption. Exempt regulations that are nondiscretionary and/or technical generally take about 90 days to become effective, after Board approval, public comment, and potentially Office of the Attorney General and Office of Regulatory Management review. However, in this case, changing the program application periods and re-designing the program to accommodate additional applicants and recipients appears to be discretionary and therefore will potentially take longer than the 90 days for nondiscretionary exempt regulations.

**9. Specific Agency or Political Subdivisions Affected:** Department of Social Services, local departments of social services, Department of Housing and Community Development

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.