

Report on the Low Income and Utility Assistance
Workgroup
December 2021

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BACKGROUND

The Office of Home Energy Programs (OHEP) is an office within the Family Investment Administration (FIA) of the Department of Human Services (DHS). FIA is responsible for the administration of benefit programs, including the Food Supplement Program, Temporary Cash Assistance, and Temporary Disability Assistance.

The Office of Home Energy Programs (OHEP) is responsible for the administration of the Maryland Energy Assistance Program (MEAP) and the Electric Universal Service Program (EUSP). It is also designated to take applications for the Utility Service Protection Plan (USPP) and the Weatherization Assistance Program (WAP). Electric Arrearage Retirement Assistance (EARA) and Gas Arrearage Retirement Assistance (GARA) are components of EUSP and MEAP. OHEP maintains a single application for all programs.

OHEP services are offered through Local Departments of Social Services (LDSS), Community Action Agencies (CAAs), and two local government offices, collectively known as Local Administering Agencies (LAAs). These 22 agencies across 24 jurisdictions distributed \$85.2 million in MEAP and EUSP benefits, as well as \$26.1 million in Arrearage Retirement Assistance benefits in FY 21.

OHEP has seen a decline in the number of successful energy assistance applications since FY 2016, a trend exacerbated by the COVID-19 pandemic which forced the closure of government offices, non-profits, schools, and private businesses. In FY 2020 and FY 2021 OHEP saw a steep decline in applications despite robust outreach efforts on behalf of State OHEP and its LAAs. Legislation passed during the 2021 session resulted in additional time to submit outstanding documents. A clear increase in approval ratings coincides with this change however work remains to be done to reduce administrative burdens for both applicants and eligibility workers.

To assist struggling Marylanders with addressing inequitable energy burdens, Governor Larry Hogan signed House Bill 606 during the 2021 Legislative Session to establish a workgroup tasked with examining the forms of federal, State, local, and private assistance available to low-income residential electric and natural gas Customers.

The workgroup will study: different systems and forms of financial assistance available to low-income electric and natural gas customers; inefficiencies and gaps in the processing of applications for financial assistance to low-income electric and natural gas customers; the feasibility of establishing a new or expanding the existing natural gas universal service program; coordination of benefits under existing financial assistance programs; anticipated short-term and

long-term demand for financial assistance; the feasibility of establishing one or more financial assistance programs for small businesses in low-income communities

The workgroup, chaired by the Secretary of Human Services, has held two public meetings, commencing on November 17, 2021. The meetings have been held via Google Meets with call information made available on the DHS OHEP website. These meetings gave workgroup members and interested parties an opportunity to share, learn, and discuss how Energy Assistance Programs function within the State. The kickoff meeting also provided a platform for the National Energy Assistance Directors Association to give a presentation providing the landscape of the Low Income Home Energy Assistance Program both nationally and statewide.

The interim report that follows is the result of an interagency, intergovernmental and community collaboration involving:

1. The Secretary of Human Services
2. The Secretary of Housing and Community Development
3. The Attorney General
4. The Chairman of the Public Service Commission
5. The People's Counsel
6. A member of the Senate appointed by the President of the Senate
7. A member of the House of Delegates appointed by the Speaker of the House
8. Two members representing the interests of low-income residential electric and natural gas customers, appointed by the Governor
9. Two members representing natural gas and electric utilities, appointed by the Governor

CURRENT ENERGY ASSISTANCE PROGRAMS IN MARYLAND

Please See Appendix C for an inventory of energy assistance both public and privately funded and administered.

RECOMMENDATIONS

While the Workgroup was limited in time for robust conversations the workgroup will consider the following key areas during future meetings to address energy assistance needs in Maryland.

Systems considerations

The Workgroup recognizes that with the impending integration of the States' OHEP Data Management System in the MDThink platform, a unique opportunity exists for program improvement and innovation. The Workgroup will discuss the following systems considerations:

- Completing the application process to identify opportunities for enhancement to

- the online application;
- Explore and create solutions for barriers to the paper application process;
- Explore and create solutions to streamline the document verification process;
- Enhance language on the paper application and on all OHEP follow-up communications;
- Setting standards around consistency and accountability for the LAAs;
- Specifically addressing barriers that homebound individuals and vulnerable households face in applying to OHEP;
- Explore opportunities to allow utility and OHEP systems to interface;
- Coordination of existing programs that may be housed in different State offices or public partners.

Policy and National Best Practices

The Workgroup would like to discuss and research mechanisms for the following:

- Reducing administrative burdens through improvements to the application process;
- Policy amendments such as exploring the budget billing and account holder requirements for EUSP; *See Attachment D*
- Program equity in practices such as weatherization and program reach.
- Landscaping national best practices, both private and public, that can be brought to Maryland.

Outreach and Program Access

Currently, energy assistance reaches approximately 24%¹ of the eligible population in Maryland. While this is respectably above the national average of 18%, there is undoubtedly an opportunity to expand program reach. The Workgroup is interested in exploring the following mechanisms for making existing programs more accessible.

- Researching and piloting outreach best practices by leveraging current infrastructure through Community Action Agencies, Community Based Organizations (CBOs) that support outreach efforts for other programs such as the Supplemental Nutrition Assistance Program (SNAP), and Advocacy partners;
- Exploring how to make the application more accessible;
- Revisiting and updating language used in current outreach material.

Supporting Small Businesses

Finally, the Workgroup would also like to discuss how current and existing programs can be used to support small business owners, specifically, minority, and women owned businesses in low-income neighborhoods.

NEXT STEPS

The Workgroup will continue to meet to discuss the topics above in further detail. Using available qualitative and quantitative data to brainstorm best practices, the Workgroup will issue final actionable recommendations. The Workgroup is committed to providing data driven recommendations to help improve energy affordability for low income households in Maryland.

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1. ¹Data are current as of August 11th, 2021 For more information, see <https://liheappm.acf.hhs.gov/>. LIHEAP Data Warehouse

Chapter 638

(House Bill 606)

AN ACT concerning

Electricity and Gas – Limited–Income Mechanisms and Assistance

FOR the purpose of authorizing certain utility companies to adopt a limited–income mechanism to benefit certain eligible limited–income customers, subject to the approval of the Public Service Commission; authorizing various forms that a mechanism may take; requiring a utility company to apply for approval of a mechanism by the Commission in certain manners; requiring a proposal for a mechanism to allocate certain costs across rate classes; providing for the required contents of a proposal for a mechanism; requiring the Office of Home Energy Programs to certify an eligible limited–income customer’s qualifications under certain circumstances; providing that an eligible limited–income customer who participates in a certain mechanism may also be eligible for certain other assistance programs; establishing that certain services provided to eligible limited–income customers under a certain mechanism are not subject to certain limitations; altering the eligibility criteria for certain assistance from the Electric Universal Service Program; altering the number of years within which a certain customer may not receive certain arrearage assistance from the Program; requiring the Department of Human Services to provide certain applicants notice of and an opportunity to cure certain deficiencies in documentation; prohibiting the termination of certain service during a certain period; providing that arrearage assistance received in certain years from the Program does not count toward a certain limitation; ~~establishing a certain special fund in the Office of Home Energy Programs in the Department of Human Services for a certain purpose; transferring certain funds from the Regional Greenhouse Gas Initiative in certain fiscal years for certain purposes; providing that certain funds do not revert to the General Fund of the State; providing for the application of certain funds in certain fiscal years~~ *requiring the Governor to make a certain appropriation in a certain amount for a certain fiscal year*; establishing a Workgroup on Low–Income Utility Assistance to conduct a certain study of low–income energy assistance programs; providing for the membership, purpose, and staffing of the Workgroup; requiring the Workgroup to report to certain committees of the General Assembly on or before a certain date with certain recommendations; declaring the intent of the General Assembly; defining certain terms; providing for the termination of certain provisions of this Act; making this Act an emergency measure; and generally relating to limited–income customers and utility services.

BY adding to

Article – Public Utilities

Section 4–308

Annotated Code of Maryland

(2020 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 4–503 and 7–512.1(a) and (f)
Annotated Code of Maryland
(2020 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–512.1(b), (c), and (e)
Annotated Code of Maryland
(2020 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 5–5A–01
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5–5A–07
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Public Utilities

4–308.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ELIGIBLE LIMITED–INCOME CUSTOMER” MEANS A RESIDENTIAL CUSTOMER OF A UTILITY COMPANY WITH ANNUAL INCOME THAT:

(I) 1. IS AT OR BELOW 175% OF THE FEDERAL POVERTY LEVEL; OR

~~(II)~~ 2. FOR A CUSTOMER AT LEAST 67 YEARS OF AGE, IS AT OR BELOW 200% OF THE FEDERAL POVERTY LEVEL; OR

~~(III)~~ (II) MEETS A BROADER DESIGNATION APPROVED BY THE COMMISSION.

(3) “LIMITED-INCOME MECHANISM” OR “MECHANISM” MEANS A PROCESS APPROVED BY THE COMMISSION UNDER THIS SECTION TO BENEFIT AN ELIGIBLE LIMITED-INCOME CUSTOMER OF A UTILITY COMPANY.

(4) “PAYMENT PLAN” MEANS AN AGREEMENT BETWEEN AN ELIGIBLE LIMITED-INCOME CUSTOMER AND A UTILITY COMPANY TO PAY AN ARREARAGE BALANCE OVER A SPECIFIC PERIOD OF TIME TO AVOID DISCONNECTION OF A UTILITY SERVICE.

(5) (I) “UTILITY COMPANY” MEANS:

~~(I)~~ AN ELECTRIC COMPANY, A GAS AND ELECTRIC COMPANY, OR A GAS COMPANY;~~OR~~

~~(II) A MUNICIPAL ELECTRIC UTILITY.~~

(II) “UTILITY COMPANY” DOES NOT INCLUDE A SMALL RURAL ELECTRIC COOPERATIVE.

(B) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE SOCIETAL BENEFITS OF A WELL-CONSTRUCTED LIMITED-INCOME MECHANISM TO BENEFIT MARYLAND’S ELIGIBLE LIMITED-INCOME CUSTOMERS ARE IN THE PUBLIC INTEREST.

(C) (1) SUBJECT TO THE APPROVAL OF THE COMMISSION, A UTILITY COMPANY ~~MAY~~ SHALL ADOPT A LIMITED-INCOME MECHANISM TO BENEFIT AN ELIGIBLE LIMITED-INCOME CUSTOMER.

(2) ~~THE~~ NOTWITHSTANDING § 4-503(B) OF THIS TITLE, THE MECHANISM MAY TAKE THE FORM OF A PROGRAM, TARIFF PROVISION, CREDIT, RATE, RIDER, OR OTHER MEANS TO ASSIST AN ELIGIBLE LIMITED-INCOME CUSTOMER TO AFFORD A UTILITY SERVICE.

(3) A MUNICIPAL ELECTRIC UTILITY MAY ADOPT A LIMITED-INCOME MECHANISM SUBJECT TO THE APPROVAL OF THE COMMISSION IN THE SAME MANNER AS A UTILITY COMPANY IN ACCORDANCE WITH THIS SECTION.

(D) (1) A UTILITY COMPANY THAT PROPOSES A LIMITED-INCOME MECHANISM FOR COMMISSION APPROVAL UNDER SUBSECTION (C) OF THIS SECTION SHALL INCLUDE THE PROPOSAL IN:

(I) A SEPARATE APPLICATION FOR APPROVAL OF THE MECHANISM; OR

(II) ONLY WITH THE PRIOR APPROVAL OF THE COMMISSION, AN APPLICATION FOR A BASE RATE PROCEEDING, INCLUDING AN ALTERNATIVE RATE PROCEEDING, OR ANY OTHER PROCEEDING TO ALTER THE UTILITY COMPANY'S BASE RATES UNDER THE AUTHORITY OF THE COMMISSION;~~OR~~

~~(II) A SEPARATE APPLICATION FOR APPROVAL OF THE MECHANISM.~~

(2) A PROPOSAL SUBMITTED UNDER THIS SECTION SHALL ~~FULLY~~ ALLOCATE THE PRUDENTLY INCURRED COSTS OF THE LIMITED-INCOME MECHANISM ACROSS RATE CLASSES.

(3) THE PROPOSAL SHALL INCLUDE:

(I) A DETAILED DESCRIPTION OF THE PROPOSED MECHANISM;

(II) THE PROPOSED METHOD FOR ALLOCATING THE MECHANISM'S COSTS ACROSS CUSTOMER CLASSES;

(III) THE RATIONALE SUPPORTING THE UTILITY COMPANY'S PROPOSAL FOR A MECHANISM TO BENEFIT THE ELIGIBLE LIMITED-INCOME CUSTOMERS IN THE UTILITY COMPANY'S SERVICE TERRITORY; ~~AND~~

(IV) A TIME FRAME AND PROCESS FOR THE COMMISSION TO REVIEW THE EFFECTIVENESS OF THE MECHANISM AFTER IMPLEMENTATION; AND

(V) ANY OTHER INFORMATION THE COMMISSION CONSIDERS NECESSARY OR USEFUL TO EVALUATE THE PROPOSAL.

(E) IN EVALUATING A LIMITED-INCOME MECHANISM, THE COMMISSION SHALL CONSIDER:

(1) THE DEGREE TO WHICH THE MECHANISM PROMOTES AFFORDABILITY OF ELECTRICITY OR NATURAL GAS FOR LIMITED-INCOME CUSTOMERS;

(2) THE PUBLIC INTEREST IN ALLOCATING THE COSTS OF THE MECHANISM BETWEEN THE UTILITY COMPANY'S SHAREHOLDERS AND RATE PAYERS;

(3) THE IMPACT ON RATES, UTILITY OPERATING COSTS, CUSTOMER ARREARAGES, CUSTOMER DISCONNECTIONS, UNCOLLECTIBLE COSTS, AND SUCCESSFUL COMPLETION OF PAYMENT PLANS;

(4) THE ABILITY OF A LIMITED-INCOME CUSTOMER TO CONTINUE TO RECEIVE BENEFITS WHEN RELOCATING WITHIN THE SAME SERVICE TERRITORY;

(5) COORDINATION OF BENEFITS UNDER THE MECHANISM WITH ANY OTHER PUBLIC OR PRIVATE ASSISTANCE THAT MAY BE AVAILABLE TO THE CUSTOMER;

(6) A MINIMUM LEVEL OF SUPPORT OR ASSISTANCE STRUCTURE TO PROVIDE EQUITABLE AVAILABILITY OF LIMITED-INCOME ASSISTANCE ACROSS THE STATE; AND

(7) ANY OTHER INFORMATION THE COMMISSION CONSIDERS APPROPRIATE.

~~(E)~~ **(F)** IF AN APPROVED LIMITED-INCOME MECHANISM REQUIRES THAT THE OFFICE OF HOME ENERGY PROGRAMS MUST CERTIFY AN ELIGIBLE LIMITED-INCOME CUSTOMER'S QUALIFICATIONS TO PARTICIPATE IN A LIMITED-INCOME MECHANISM, THE OFFICE SHALL CERTIFY AN ELIGIBLE LIMITED-INCOME CUSTOMER'S QUALIFICATIONS BEFORE THE CUSTOMER MAY PARTICIPATE IN THE MECHANISM.

~~(E)~~ **(G)** AN ELIGIBLE LIMITED-INCOME CUSTOMER WHO PARTICIPATES IN A MECHANISM UNDER THIS SECTION MAY ALSO BE ELIGIBLE FOR OTHER ASSISTANCE PROGRAMS OFFERED IN THE STATE, INCLUDING THOSE OFFERED BY A UTILITY COMPANY OR THE OFFICE OF HOME ENERGY PROGRAMS, THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, OR ANY OTHER PUBLIC OR PRIVATE SOURCE.

4-503.

(a) This section does not apply to service rendered or commodities furnished:

(1) to the officers, employees, pensioners, and immediate family members of the officers, employees, and pensioners of a public service company;

(2) to the United States, the State, or a local government;

(3) to provide relief in cases of general epidemic, pestilence, flood, or other similar calamity;

- (4) in the case of common carriers, to transport:
- (i) personnel of another common carrier that reciprocates for personnel of the transporting common carrier;
 - (ii) hospital patients;
 - (iii) indigent, destitute, and homeless individuals;
 - (iv) persons exclusively engaged in charitable work;
 - (v) residents of federal or State veterans homes, including those about to enter a home or those returning from a home;
 - (vi) railway mail service employees and baggage agents;
 - (vii) post office, customs, and immigration inspectors;
 - (viii) newspaper vendors;
 - (ix) property for exhibition carried to or from fairs and expositions;
 - (x) employees of sleeping car companies, express companies, telegraph companies, and telephone companies doing business along the line of the common carrier;
 - (xi) persons and property incident to or connected with contracts for construction, operation, or maintenance of the plant of the transportation company, to the extent provided in the contracts;
 - (xii) individuals injured in accidents and physicians, nurses, or other necessary caretakers attending the injured individuals in transit;
 - (xiii) children under the age of 5 years for no charge;
 - (xiv) children under 12 years for half fare; or
 - (xv) persons at free or reduced rates that are otherwise authorized by law;
- (5) in the case of common carriers, for the issuance of mileage, excursion, or commuter tickets;
- (6) to free steamboat excursion transportation from May through August of each year, from Baltimore City to any place in the State, in exchange for services rendered in advertising the excursion business;

(7) to obtain essential data by a method that uses a limited sample of customers, in connection with a rate structure study conducted under formal proceedings before the Commission; [or]

(8) to telephone lifeline service provided to eligible subscribers under § 8–201 of this article; **OR**

(9) TO ELECTRICITY OR GAS SERVICE PROVIDED TO ELIGIBLE LIMITED-INCOME CUSTOMERS THROUGH AN APPROVED LIMITED-INCOME MECHANISM UNDER § 4–308 OF THIS TITLE.

(b) For any service rendered or commodity furnished, a public service company may not directly or indirectly, by any means, including special rates, rebates, drawbacks, or refunds:

(1) charge, demand, or receive from a person compensation that is greater or less than from any other person under substantially similar circumstances;

(2) extend a privilege or facility to a person, except those privileges and facilities that are extended uniformly to all persons under substantially similar circumstances;

(3) discriminate against a person, locality, or particular class of service; or

(4) give undue or unreasonable preference to or cause undue or unreasonable prejudice to a person, locality, or particular class of service.

7–512.1.

(a) (1) The Commission shall establish an electric universal service program to assist electric customers with annual incomes:

(I) at or below 175% of the federal poverty level; OR

(II) FOR A CUSTOMER AT LEAST 67 YEARS OF AGE, AT OR BELOW 200% OF THE FEDERAL POVERTY LEVEL.

(2) The components of the electric universal service program shall include:

(i) bill assistance;

(ii) low-income residential weatherization; and

(iii) the retirement of arrearages for electric customers who have not received assistance in retiring arrearages under the universal service program within the preceding [7] 5 fiscal years.

(3) The Department of Housing and Community Development is responsible for administering the low-income residential weatherization component of the electric universal service program.

(4) (i) The Department of Human Services, through the Office of Home Energy Programs, is responsible for administering the bill assistance and the arrearage retirement components of the electric universal service program.

(ii) The Department of Human Services may:

1. establish minimum and maximum benefits available to an electric customer under the bill assistance and arrearage retirement components; and

2. coordinate benefits under the electric universal service program with benefits under the Maryland Energy Assistance Program and other available energy assistance programs.

(5) The Department of Human Services may, with input from a panel or roundtable of interested parties, contract to assist in administering the bill assistance and the arrearage retirement components of the electric universal service program.

(6) The Commission has oversight responsibility for the bill assistance and the arrearage retirement components of the electric universal service program and any other funds expended under this section.

(7) In a specific case, the electric universal service program may waive the income eligibility limitation under paragraph (1) of this subsection in order to provide assistance to an electric customer who would qualify for a similar waiver under the Maryland Energy Assistance Program established under Title 5, Subtitle 5A of the Human Services Article.

(8) (I) IF AN APPLICANT FOR BILL ASSISTANCE OR ARREARAGE RETIREMENT IS TO BE DENIED DUE TO DEFICIENT DOCUMENTATION, THE DEPARTMENT OF HUMAN SERVICES SHALL:

1. PROMPTLY PROVIDE NOTICE OF THE DEFICIENCY TO THE APPLICANT; AND

2. AFFORD THE APPLICANT AMPLE OPPORTUNITY OF NOT LESS THAN 3 MONTHS TO CURE THE DEFICIENCY.

(II) AN ELECTRIC COMPANY MAY NOT BEGIN THE PROCESS TO TERMINATE SERVICE TO AN APPLICANT WHILE THE APPLICANT IS CURING A DEFICIENCY UNDER THIS PARAGRAPH.

(9) NOTWITHSTANDING PARAGRAPH (2)(III) OF THIS SUBSECTION, ANY ASSISTANCE RECEIVED FOR ARREARAGE RETIREMENT BY A CUSTOMER IN CALENDAR YEARS 2020 AND 2021 MAY NOT BE COUNTED TOWARD THE LIMITATION ON THE NUMBER OF TIMES THE CUSTOMER MAY RECEIVE ASSISTANCE FOR ARREARAGE RETIREMENT.

(b) (1) All customers shall contribute to the funding of the electric universal service program through a charge collected by each electric company.

(2) The Commission shall determine a fair and equitable allocation for collecting the charges among all customer classes pursuant to subsection (e) of this section.

(3) Except as provided in paragraph (4) of this subsection, in accordance with subsection (f)(6) of this section, any unexpended bill assistance and arrearage retirement funds returned to customers under subsection (f) of this section shall be returned to each customer class as a credit in the same proportion that the customer class contributed charges to the fund.

(4) The Department of Human Services shall expend any unexpended bill assistance and arrearage funds that were collected in fiscal years 2010 through 2017, in excess of the total amount authorized under subsection (e) of this section, for one or more of the following purposes:

(i) bill assistance and the retirement of arrearages for customers who are eligible to receive assistance at the time services are provided;

(ii) targeted and enhanced low-income residential weatherization designed to remediate households that are considered ineligible to participate in other State energy efficiency programs due to significant health and safety hazards;

(iii) an arrearage management program for low-income customers in arrears, including providing credits or matching payments for customers who make timely payments on current bills; or

(iv) an arrearage prevention program for low-income customers.

(5) An electric company shall recover electric universal service program costs in accordance with § 7-512 of this subtitle.

(6) As determined by the Office of Home Energy Programs, bill assistance payments to an electric company may be on a monthly basis for each customer.

(7) The Commission shall determine the allocation of the electric universal service charge among the generation, transmission, and distribution rate components of all classes.

(8) The Commission may not assess the electric universal service surcharge on a per kilowatt-hour basis.

(c) (1) On or before December 1 of each year, the Commission shall report, subject to § 2-1257 of the State Government Article, to the General Assembly on the electric universal service program, including:

(i) subject to subsection (e) of this section, a recommendation on the total amount of funds for the program for the following fiscal year based on:

1. the level of participation in and the amounts expended on bill assistance and arrearage retirement during the preceding fiscal year;

2. how bill assistance and arrearage retirement payments were calculated during the preceding fiscal year;

3. the projected needs for the bill assistance and the arrearage retirement components for the next fiscal year; and

4. the amount of any bill assistance or arrearage retirement surplus carried over in the electric universal service program fund under subsection (f)(6)(i) of this section;

(ii) for bill assistance, the total amount of need, as determined by the Commission, for electric customers with annual incomes at or below 175% of the federal poverty level and the basis for this determination;

(iii) the amount of funds needed, as determined by the Commission, to retire arrearages for electric customers who have not received assistance in retiring arrearages under the electric universal service program within the preceding 7 fiscal years, and the basis for this determination;

(iv) the amount of funds needed, as determined by the Commission, for bill assistance and arrearage retirement, respectively, for customers for whom income limitations may be waived under subsection (a)(7) of this section, and the basis for each determination;

(v) the impact on customers' rates, including the allocation among customer classes, from collecting the total amount recommended by the Commission under item (i) of this paragraph; and

(vi) the impact of using other federal poverty level benchmarks on costs and the effectiveness of the electric universal service program.

(2) (i) To assist the Commission in preparing its recommendations under paragraph (1) of this subsection, the Office of Home Energy Programs shall report to the Commission each year on:

1. the number of customers and the amount of distributions made to fuel customers under the Maryland Energy Assistance Program established under Title 5, Subtitle 5A of the Human Services Article, identified by funding source and fuel source;

2. the cost of outreach and education materials provided by the Office of Home Energy Programs for the electric universal service program; and

3. the amount of money that the Department of Human Services receives, and is projected to receive, for low-income energy assistance from:

A. the Maryland Strategic Energy Investment Fund under § 9-20B-05 of the State Government Article;

B. with respect to electric customers only, the Maryland Energy Assistance Program; and

C. any other federal, State, local, or private source.

(ii) The Office of Home Energy Programs may satisfy the reporting requirement of subparagraph (i)1 of this paragraph by providing the Commission with a copy of material that contains the required information and that the Office of Home Energy Programs submits to the federal government.

(iii) The Commission shall include the information provided by the Office of Home Energy Programs under subparagraph (i) of this paragraph in its report to the General Assembly under paragraph (1) of this subsection.

(3) Subject to subsection (d)(2) of this section, the Commission shall include the information provided by the Department of Housing and Community Development under subsection (d)(1) of this section in its report to the General Assembly under paragraph (1) of this subsection.

(4) The electric universal service program shall be subject to audit by the Office of Legislative Audits in accordance with §§ 2-1220 through 2-1227 of the State Government Article.

(e) The total amount of funds to be collected for the electric universal service program each year shall be \$37 million, allocated in the following manner:

(1) \$27.4 million shall be collected from the industrial and commercial classes; and

(2) \$9.6 million shall be collected from the residential class.

(f) (1) In this subsection, “fund” means the electric universal service program fund.

(2) There is an electric universal service program fund.

(3) (i) 1. The Comptroller shall collect the revenue collected by electric companies under subsection (b) of this section and place the revenue into the fund.

2. The General Assembly may appropriate funds supplemental to the funds collected under subparagraph 1 of this subparagraph.

(ii) The fund is a continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(iii) The purpose of the fund is to assist electric customers as provided in subsection (a)(1) of this section.

(4) The Department of Human Services, with oversight by the Commission, shall disburse the bill assistance and arrearage retirement funds in accordance with the provisions of this section.

(5) The Comptroller annually shall disburse up to \$1,000,000 of low-income residential weatherization funds to the Department of Housing and Community Development, as provided in the State budget.

(6) (i) At the end of a given fiscal year, any unexpended bill assistance and arrearage retirement funds that were collected for that fiscal year shall be retained in the fund and shall be made available for disbursement through the first 6 months of the next fiscal year to customers who:

1. qualify for assistance from the fund during the given fiscal year;

2. apply for assistance from the fund before the end of the given fiscal year; and

3. remain eligible for assistance at the time services are provided.

(ii) If the Commission determines that an extension is needed, the Commission may extend up to an additional [3] 6 months the period in which unexpended bill assistance and arrearage retirement funds may be made available for disbursement under subparagraph (i) of this paragraph.

(iii) 1. Any bill assistance and arrearage retirement funds collected for a given fiscal year that are retained under subparagraph (i) of this paragraph and that remain unexpended at the end of the period allowed under subparagraphs (i) and (ii) of this paragraph shall be returned to each customer class in the proportion that the customer class contributed charges to the fund for the given fiscal year in the form of a credit toward the charge assessed in the following fiscal year.

2. If the Commission determines that it is impractical to establish a rate credit for the amount to be returned for a given fiscal year to customers under subsubparagraph 1 of this subparagraph, the Commission:

A. may defer the return for not more than 2 additional fiscal years; and

B. shall combine the returned amount for that fiscal year with amounts to be returned for the following fiscal years when calculating the rate credit for the final fiscal year of the period.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Human Services

5-5A-01.

(a) In this subtitle the following words have the meanings indicated.

(b) “Energy emergency” means a lack of fuel or the imminent discontinuation of energy services supplied by a fuel vendor or utility vendor that will endanger health, safety, or welfare.

(c) “Fuel vendor” means a person that distributes, transports, produces, or offers for sale coal products, fuel oil, kerosene, bottled gas, propane, or wood for fuel use or consumption in the State.

(d) “Office” means the Office of Home Energy Programs.

(e) “Program” means the Energy Assistance Program.

(f) “Utility vendor” means a person that distributes, transports, or produces natural gas or electricity for use or consumption in the State.

5-5A-07.

(a) (1) The Office shall:

(i) carry out an energy emergency crisis intervention program to prevent low-income households, including the near poor, the elderly, households with children, and those on fixed incomes from experiencing danger to health or survival as a result of an energy emergency;

(ii) establish intake procedures for those experiencing an energy emergency;

(iii) establish guidelines for the income and program eligibility of applicants; and

(iv) identify local public or private agencies to administer the crisis intervention program.

(2) (i) The Office shall make payments to fuel vendors and utility vendors that have provided service to persons qualifying for the crisis intervention program.

(ii) The amount of assistance shall be based on need.

(b) (1) The Office shall carry out one or more fuel and utility assistance programs to make payments on behalf of qualified households to defray fuel and utility costs.

(2) The Office shall determine program and income eligibility guidelines.

(3) The amount of assistance shall be based on need.

(C) ~~THE REVENUES FROM THE REGIONAL GREENHOUSE GAS INITIATIVE TRANSFERRED TO THE OFFICE BY CH. (HOUSE BILL 606), § 3 OF THE ACTS OF 2021 FOR FISCAL YEARS 2021 AND 2022 SHALL BE DISTRIBUTED TO A SPECIAL FUND IN THE OFFICE, TO BE USED ONLY FOR PROVIDING BILL ASSISTANCE AND ARREARAGE RETIREMENT FOR RESIDENTIAL ELECTRIC AND NATURAL GAS CUSTOMERS UNDER THE PROGRAM AND THE ELECTRIC UNIVERSAL SERVICE PROGRAM UNDER § 7-512.1 OF THE PUBLIC UTILITIES ARTICLE, IN ORDER TO ADDRESS THE GREATEST NEED FOR RESTORING AND CONTINUING THESE UTILITY SERVICES, IN THE DISCRETION OF THE OFFICE.~~

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for each of fiscal years 2021 and 2022, \$10,000,000 of the revenue from

~~the Regional Greenhouse Gas Initiative that would otherwise be deposited into the Strategic Energy Investment Fund in the manner defined by § 9-20B-05(g) of the State Government Article but is not otherwise appropriated in the State budget may instead be deposited into a special fund to support additional demand for electric and heating assistance and an increase in eligibility from 175% of the federal poverty level to 200% of the federal poverty level for households with individuals at least 67 years old. The Department of Human Services is authorized to process a special fund budget amendment up to \$10,000,000 in fiscal year 2021 and up to the amount of any remaining funds in fiscal year 2022. These funds shall remain available until fully expended~~ ***FOR FISCAL YEAR 2023 ONLY, THE GOVERNOR SHALL APPROPRIATE TO THE OFFICE AN AMOUNT EQUAL TO THE UNEXPENDED APPROPRIATION TO THE OFFICE FOR FISCAL YEAR 2021 FUNDING THAT WAS INCLUDED IN SUPPLEMENTAL BUDGET NO. 5.***

SECTION 4.3. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup on Low-Income Utility Assistance.

(b) The purpose of the Workgroup is to examine the forms of federal, State, local, and private assistance available to low-income residential electric and natural gas customers.

(c) The Workgroup consists of:

(1) the Secretary of Human Services or the Secretary's designee;

(2) the Secretary of Housing and Community Development, or the Secretary's designee;

(3) the Attorney General, or the Attorney General's designee;

(4) the Chairman of the Public Service Commission, or the Chairman's designee;

(5) the People's Counsel, or the People's Counsel's designee;

(6) one member of the Senate of Maryland, appointed by the President of the Senate;

(7) one member of the House of Delegates, appointed by the Speaker of the House; and

(8) the following members appointed by the Governor:

(i) two members representing the interests of low-income residential electric and natural gas customers; and

(ii) two members representing natural gas and electric utilities.

(d) The Secretary of Human Services or the Secretary's designee shall serve as the chair of the Workgroup.

(e) The Department of Human Services shall staff the Workgroup.

(f) The Workgroup shall study:

(1) the different systems and forms of financial assistance available to low-income electric and natural gas customers in the State from federal, State, local, and private sources, especially the Electric Universal Service Program and the Maryland Energy Assistance Program;

(2) inefficiencies and gaps in the availability, qualification, and processing of applications for and delivery of financial assistance to low-income electric and natural gas customers;

(3) the feasibility of establishing a new natural gas universal service program, or the expansion of existing programs to cover low-income natural gas customers, including the characteristics of any new or expanded program;

(4) coordination of benefits under existing financial assistance programs for low-income electric and natural gas customers and means to improve coordination so as to extend and enhance the effectiveness of these programs;

(5) anticipated short-term and long-term demand for financial assistance for low-income electric and natural gas customers in the wake of the COVID-19 pandemic and systemic economic inequities, particularly in disadvantaged communities;

(6) the feasibility of establishing one or more financial assistance programs for small businesses in low-income communities; and

(7) any other matter the Workgroup considers relevant and helpful to addressing the needs of low-income utility customers.

(g) The Workgroup shall submit a report of the study, findings, and recommendations, including recommended legislation and regulatory changes, to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1257 of the State Government Article, on or before January 1, 2022.

SECTION ~~5~~ 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall remain effective through June 30, 2023, and, at the end of June 30, 2023, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.

Seat	First Name	Last Name	Agency
Secretary of DHS (<i>designee</i>)	Lauren	Molineaux	DHS
Secretary of DHCD	Vacant	Vacant	DHCD
Attorney General (<i>designee</i>)	Rob	Durocher	AG
Chairman of the Public Service Commission (<i>designee</i>)	Lisa	Smith	PSC
People's Counsel (<i>designee</i>)	Brandi	Nieland	People's Counsel
Senate member	Malcolm	Augustine	Senate
House member	Lorig	Charkoudian	House
Member representing the interest of low-income electric and gas customers - GOV appointed	Cindy	Carter	Cancer Foundation
Member representing the interest of low-income electric and gas customers - GOV appointed	Laura	Peltier	Advocate
Member representing natural gas and electric utilities - GOV appointed	Robbie	Black	BGE
Member representing natural gas and electric utilities - GOV appointed	Nichole	Fernandez	PepCo

AVAILABLE ENERGY ASSISTANCE IN MARYLAND

	Maryland Energy Assistance Program (MEAP)	Electric Universal Service Program (EUSP)	Arrearage Retirement Assistance (ARA)	Gas Arrearage Retirement Assistance (GARA)	Fuel Fund of Maryland	Washington Area Fuel Fund (WAFF)	Good Neighbor Energy Fund (GNEF)
Frequency of Grant	Annual	Annual	Every 5 years	Every 5 years	Every year	Annual	Annual
	(State fiscal year)	(State fiscal year)	(certain exceptions may apply)	(certain exceptions may apply)	(certain exceptions may apply)		
Grant Requirement	Account does not have to be in the Applicant's name	Account <u>must</u> be in the Applicant's name	Applicant <u>must</u> receive EUSP grant to be eligible	Account must be in applicant's name.	Applicant must of completed an application for Energy Assistance since 7/1/2020	*Applicants are eligible based on low income (200% of the Federal Poverty Index) or moderate income (80% of Area Median Income)	Must be Delmarva Customer. Must have a disconnect notice.
		Requires Budget Billing	Applicant must have a past-due electric balance of at least \$300	Applicant must receive MEAP grant to be eligible	Applicant must be a BGE customer Applicant's 60+ years of age do NOT need to complete OHEP Fuel Fund financial assistance is provide 1x per 365 days	Grant available for heating source Customers must have a termination notice or warning of disconnection from the utility providing heat	Income at or below 175% federal poverty level.
				Applicant must have a past-due gas balance of at least \$300	Available January 1 - May 31 or until funds are depleted Eligibility is based on the income of your household received in the last 30 days	Do not qualify for fuel heating emergency assistance from other public or private sources.	
How Benefit is Applied	One-time credit to the fuel supplier	Pays a portion of customer's current electric bill	Assists customers with large past-due electric bills, up to \$2,000	Assists customers with large past-due gas bills, up to \$2,000	Lump sum payment BGE 50% match = lump sum payment		
		Grant is applied in monthly credits to electric supplier with certain exceptions	Grant is applied as a one-time credit to electric supplier	Grant is applied as a one-time credit to gas supplier		\$500 grant applied to customer account	Up to \$500 applied to customer account
Funding	Federal Low Income Home Energy Assistance Program	Utility ratepayer fees	Regional Greenhouse Gas Initiative via Maryland Strategic Energy Investment Fund	Federal Low Income Home Energy Assistance Program	Fuel Fund financial support is a result of the generosity of individuals donors, business, foundations and religious organizations. Fuel Fund receives no financial support at the Federal, State or City level(s).	Donations	Delmarva Power/ Donations
		Regional Greenhouse Initiative via Maryland Strategic Energy Investment Fund					
Authority	42 U.S.C. § 8621-8630	COMAR 07.03.22.01	COMAR 07.03.22.01		Fuel Fund of Maryland/BGE		
	COMAR 07.03.21.03	COMAR 07.03.22.03	COMAR 07.03.22.03			Washington Gas/Salvation Army	Delmarva Power
		COMAR 07.03.22.07	COMAR 07.03.22.08				

June 16, 2021

The Honorable Dereck Davis
Chair, Economic Matters Committee
The Maryland House of Delegates
6 Bladen Street, Room 231
Annapolis, Maryland 21401

Re: House Bill 606 - Electricity and Gas - Limited-Income Mechanisms and Assistance

Dear Chair Davis:

Thank you for your letter dated April 29, 2021, and thank you for your continued leadership in ensuring that Marylanders have access to funding that provides access to affordable home energy. The changes affected by House Bill 606 will improve access to energy assistance and improve outcomes for households in need. The Department of Human Services (Department) looks forward to convening the Workgroup on Low-Income Utility Assistance to continue to develop constructive recommendations for increasing efficiency and improving outcomes for energy assistance programs offered by the state.

Regarding the specific requests for regulatory and administrative changes in your letter, the Department conducted an initial review of the regulations, policies, processes, and systems that require modification with the implementation of these changes. The initial response to these requests are outlined below.

- **Make EUSP available to those who pay their electric bills through their condominium fee or rent.**

The Department plans to expand EUSP eligibility to those applicants who are not directly responsible for paying their electric bill. The Code of Maryland Regulations (COMAR) 07.03.22.02 B(12) will be modified to define “electric customer” as an individual or household: 1) with an active retail electric service account in a household member’s name; 2) who is applying for retail electric service for the household; or 3) responsible for paying for electric service costs through rent or fees.

Given the timeline for the regulatory promulgation process, the Department anticipates that updated regulations will be effective by July 1, 2022. In addition to the regulatory changes, the Department’s Office of Home Energy Programs (OHEP) is modifying policy documents, forms, agency training, and the OHEP Data Management System to implement this change.

- **Give Marylanders the choice to apply either for EUSP and MEAP together or directly to EUSP without requiring the documentation required by LIHEAP.**



The Honorable Dereck Davis

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The Department is reviewing the request to remove the “qualified alien” requirement from EUSP eligibility from legal, fiscal, and program perspectives. The findings will be presented, and the issue addressed through the Workgroup on Low-Income Utility Assistance created by the HB 606 legislation. If you have any questions, please contact the Director of Government Affairs, Lauren C. Graziano, at 443-571-6452 or at laurenc.graziano@maryland.gov.

Sincerely,

A handwritten signature in blue ink that reads "Lourdes R. Padilla". The signature is written in a cursive, flowing style.

Lourdes R. Padilla
Secretary