



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: Mississippi Department of Human Services

Document Status: Public Comment 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.

The current needs for the State of Mississippi are: the reduction of arrearages, reduction of rates of water and wastewater services, restoration of household water/wastewater services, and prevention of disconnection. During the COVID pandemic, many households experienced the loss of decrease of income. Therefore, many households have large arrearages or are at risk of disconnection.

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).

Our goal is to provide services to the three priority groups:

1. Immediate restoration of water/wastewater services to households whose service is disconnected.
2. Prevent disconnection of services to households whose service is pending disconnection.
3. Reduce the rates charged to households by paying the current amount of the water/wastewater bill.

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.).

The State of Mississippi estimates October 1, 2021 as the start date of the program for households to begin applying.

Estimated Funding Allocations		
1.4 Estimate what amount of available LIHWAP funds will be used for each component that you will operate: <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>	Consolidated Appropriations Act of 2021 Percentage (%)	American Rescue Plan Grant Percentage %
Household Benefits	75 %	75 %
Outreach/Eligibility Determination	10 %	10 %
Administration - State	5 %	5 %
Administration - Subrecipients	10 %	10 %
Total (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: <ul style="list-style-type: none"> • 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) <p><i>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.</i></p> <p>The Low-Income Home Energy Assistance Program (LIHEAP) agencies will administer the LIHWAP. The State of Mississippi is currently upgrading the computer system (Virtual ROMA) to include the LIHWAP grant. Since eligibility is the same for LIHEAP, the LIHWAP allocation will be approved without the need for another application.</p>

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)

Countable income for the LIHWAP:

Wages, self-employment income, contract income, unemployment insurance, SSI, Social Security, retirement/pension, alimony, child support, and VA benefits.

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) <input type="checkbox"/> Federal Poverty Guideline <input checked="" type="checkbox"/> State Median Income <input type="checkbox"/> Hybrid Federal and State (Based on Household Size)	Eligibility Threshold Percent 60 %		
2.2 Do you anticipate additional eligibility requirements beyond the income threshold noted in 2.1 for water assistance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If the answer to question 2.2. is "Yes" please provide an explanation below			
2.3. How will you support households whose utility payments are included in their rental payments? The household will be required to obtain a statement from the landlord or a rental agreement which gives the amount or an estimate of the water/wastewater payment. This amount will be awarded on behalf of the household. If the landlord cannot give an estimated amount, a payment of \$60 per month will be awarded.			
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): <input checked="" type="checkbox"/> Income <input checked="" type="checkbox"/> Household Size <input type="checkbox"/> Household Drinking Water Burden <input type="checkbox"/> Household Wastewater Burden <input type="checkbox"/> Other (Please describe):			
2.5 Describe estimated benefit levels for the project period for which this plan applies			
Minimum Benefit	\$ 1	Maximum Benefit	\$ 1,500

2.6 Benefit periods		
Is this a one-time benefit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If no, please explain the frequency of allowable benefit (e.g., monthly, quarterly, etc.): Household may receive a monthly benefit, depending on the availability of funds.		
2.7 Do you give priority in eligibility to:		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.8 Describe how you prioritize the provision of water assistance to vulnerable populations (e.g., benefit amounts, early application periods, etc.)		
Households with lower income receive a higher benefit amount on the matrix. The elderly, disabled, and families with young children (5 and under) are given priority when assigning appointments. Phone applications may be taken for the elderly and disabled.		
2.9 Do you provide applicants, including those who are physically disabled, the means to submit applications for benefits without leaving their homes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If No, explain. Caseworkers may conduct home visits or phone appointments. Also, the applicant can choose an authorized representative to complete the application on their behalf.		
2.10 For individual who are homebound or physically disabled, do you provide travel to the sites at which applications for assistance are accepted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If No, explain and explain alternative means of intake to those who are homebound or physically disabled? Caseworkers may conduct home visits or phone appointments. Also, the applicant can choose an authorized representative to complete the application on their behalf.		

2.11 Are any of the utility vendors you work with subject to a moratorium on shut offs? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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. The Mississippi Public Service Commission issued a moratorium from March 11- June 26, 2020 which ceased all water and sewer shut-offs for the entire state. Some cities are currently under moratoriums issued by the mayor, such as the City of Jackson.	
2.13 Do you make payments contingent on vendors taking appropriate measures or maintaining existing supports to alleviate the water burden of eligible households? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If so, describe the measures vendors may take or maintain.	
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	General (Not COVID-specific) <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*):

Information regarding LIHWAP assistance will be posted on the Mississippi Department of Human Services website.

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:**

The State has a joint application for LIHEAP and the Community Services Block Grant Program (CSBG). Eligibility for all programs is determined at intake appointment.

☒ **Intake referrals to/from other programs:**

Referrals will be received/given to: SNAP, TANF, Aging Programs, Child Support, and Child Care programs. LIHEAP agencies will refer to other local programs in the area.

☒ **One - stop intake centers:**

The Mississippi Access to Care (MAC) Centers are the statewide Single-Entry Point/No Wrong Door (SEP/NWD) housed in the Mississippi Department of Human Services- Division of Aging and Adult Services, which is the State Unit on Aging. MAC Centers provide a central source of information about a broad range of programs and services and help people understand and evaluate the various.

☐ **Other - Describe:**

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

The State met with the Public Service Commission (PSC) to inform them of the LIHWAP, get input on the state plan, and provide information for referrals to the State or local agencies. The PSC has agreed to send a joint letter from the PSC and MDHS to all water vendors informing them of the LIHWAP and to distribute the vendor agreements. PSC will ask the water vendors to refer customers, especially those in arrears and facing disconnection to the local CAAs to apply for assistance. PSC will also work with water vendors to include inserts in billings to inform customers of the LIHWAP.

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

Section 5: Agency Designation (Required for State grantees and the Commonwealth of Puerto Rico))

5.1 How would you categorize the primary responsibility of your State agency?

- ☐ Administration Agency
- ☐ Commerce Agency
- ☐ Community Services Agency
- ☐ Energy / Environment Agency
- ☐ Housing Agency
- ☒ Human Service Agency
- ☐ Other - *Describe:*

5.2 LIHWAP Component Administration	Drinking Water Service	Wastewater Service
5.2a Who determines client eligibility?	Community Action Agency/Human Resource Agency	Community Action Agency/Human Resource Agency
5.2b Who processes benefit payments to water service providers?	Community Action Agency/Human Resource Agency	Community Action Agency/Human Resource 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.

5.3 What is your process for selecting local administering agencies?

We have chosen agencies based on prior experience administering similar programs such as CSBG. The State sends the Notice of Financial Availability to local agencies to respond and submit a subgrant proposal for review. The subgrant is reviewed by the Division of Community Services, the Division of Budgets and Accounting, and the AGs office to ensure all fiscal and programmatic requirements are met. The subgrant is sent to the Executive Director's office for signature after division reviews have been completed and approved.

5.4 How many local administering agencies do you use?

18

5.5 What types of local administering agencies do you use?

- ☒ Community Action Agencies
- ☐ Local Governments
- ☐ City Governments
- ☐ County Governments
- ☒ Other non-profits

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

Two (2) of the non-profits are governed by the county boards of supervisors.

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?

Agencies must provide written notification to clients regarding the status of their application within 72 hours of approval for services. The notification letter must be scanned into Virtual ROMA and a copy placed into the client's file. In case of emergency, this notification must occur within 24 hours of application for services. If a client's application is denied, the agency must provide written explanation with the reason for the denial. The Fair Hearing Process must be included in the letter sent to the client.

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?

Vendor agreements the CAA has with the water supplier provides the assurance.

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

Vendor agreements the CAA has with the water supplier provides the assurance.

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).

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?

See Program, Fiscal Monitoring and Audit Attachment

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.	Monitoring	Strengthen controls over on-site MDHS monitoring. Action Taken: Compliance Unit was created, MDHS organizational changes, training, and procedures/policy changes +	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Procedure/policy changes
2.	Monitoring	Strengthen controls over on-site MDHS monitoring. Action Taken: Compliance Unit was created, MDHS organizational changes, training, and procedures/policy changes +	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Procedure/policy changes
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.

See Program, Fiscal Monitoring and Audit attachment.

7.5 Describe how you select local agencies for monitoring reviews.

Site visits:

All agencies are monitored annually.

Desk reviews:

Monthly financial and program reports are reviewed for all agencies.

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

Annually

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?

0

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?

0

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

There are no agencies on corrective action plans. However, as part of the department's Quality Control reviews, agencies are given training and technical assistance on recurring issues with eligibility determination, financial, or administrative issues.

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:

2 weeks

- ☐ 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?

8.3 Summarize the comments you received on your plan here:

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

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.

Please see Fair Hearing attachment

9.2 When and how are applicants informed of these rights?

The applicant is given a copy of the Fair Hearing Process at intake appointment. If the applicant is denied, a copy of the process is sent with the denial letter. A copy is posted on the Virtual ROMA website if the applicant completed a pre-application for assistance. Agencies post a copy in the lobby also.

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

Please see Fair Hearing attachment.

9.4 When and how are applicants informed of these rights?

The applicant is given a copy of the Fair Hearing Process at intake appointment. If the applicant is denied, a copy of the process is sent with the denial letter. A copy is posted on the Virtual ROMA website if the applicant completed a pre-application for assistance. Agencies post a copy in the lobby also.

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.

The State will provide in-person training to address the terms and conditions of the grants, eligibility, reporting, and other program requirements to local agencies during the state association meeting. The meeting will include executive directors, program directors, and fiscal directors. A Powerpoint presentation will be done and will be available for them to take back to agencies to share with caseworker staff. The presentation will be posted on the state's website for water utility providers to access. Contact information for the state and local agencies will be posted if providers have questions.

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.

We do not anticipate any challenges regarding collecting and reporting data on the LIHWAP. There may be challenges if a report similar to the LIHEAP Performance Report is required. At this point, the State is unsure if water providers will be able to send electronic data on the annual bill amounts and usage. This will entail the same effort as the LIHEAP report and working with the IT departments of the State and water providers.

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

None at this time.

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:*

Policy is on file with the Mississippi Secretary of State's Office

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 type="checkbox"/> Required <input type="checkbox"/> Requested	<input type="checkbox"/> Required <input type="checkbox"/> Requested	<input type="checkbox"/> Required <input checked="" 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 checked="" 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 type="checkbox"/> Requested	<input checked="" type="checkbox"/> Required <input type="checkbox"/> Requested	<input type="checkbox"/> Required <input type="checkbox"/> Requested
Other (<i>Describe Below</i>)	<input 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.

Normally, the Social Security card is required. Due to COVID, the State waived the policy and is still requiring the Social Security number be provided for all household members.

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:*

Actual card

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:*

☐ **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 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:*

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

The MDHS Office of Inspector General (OIG) will investigate any claims of fraud, waste, and abuse. If claims are proven, OIG will request payment from agency or clients.

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 and 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: Mississippi Department of Human Services		
Address Line 2: 200 South Lamar Street		
Address Line 3:		
City: Jackson	State: MS	Zip Code: 39201
<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: Mississippi

LIHWAP State/Territory Lead Agency: Mississippi Department of Human Services

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

X

Robert G. Anderson

Print Name

Governor's Authorized Official

ATTACHMENT-PROGRAM, FISCAL MONITORING AND AUDIT

Statutory reference 2605 (b)(10)

Fiscal, Accounting and Tracking Requirements

The State requires Subgrantees requesting LIHEAP funds to submit Monthly Cost Worksheets in Smartsheet. These Cost Worksheets show expenditures such as Program Assistance (regular), ECIP, Assurance 16 (if budgeted) and Administration. Subgrantees are required to submit Claim Support Forms (to request funds) based on Cost Reimbursement. Federal funds made available to the State under this title will disburse administrative and programmatic funds to Subgrantees in accordance with the LIHEAP Statute, and the overall contractual allocation for each subgrantee regulates the maximum allowable expenditures. The expenditures and drawdowns are processed in the MDHS-Division of Budgets and Accounting, Office of Procurement Services where the SF-425 Federal Fiscal Reports (FFR) are generated as well as the monthly reports for DCS verification and tracking. Documentation from Virtual ROMA will be required to support costs reflected on Cost Worksheets and Claims Support Forms as a means to adhere to mandates by Division of Monitoring to monitor costs reported for the month. Procedural manuals are in place which covers a range of fiscal and accounting rules and regulations with which Subgrantees must comply. Also, to further account for LIHEAP federal funds, 16 of 18 DCS Subgrantees use the same accounting software, GMS, which allows tracking through Virtual ROMA. It allows easy access in training new personnel, as well as existing personnel in the effective use of the GMS software and DCS requirements.

Subgrantees are required to have and submit an annual audit performed annually by an independent Certified Public Accountant. Also, the State complies with the Single Audit Act requirement.

The State continuously provides training and technical assistance to the subgrantees on program and fiscal management to enhance program compliance and quality service delivery to eligible households, and special training for new staff to ensure program compliance.

Subgrants will be monitored annually by the Division of Monitoring. Periodic reviews to the subgrantee, both announced and unannounced will be conducted by the Division of Community Services.

The Director of Monitoring reviews audit findings and forward them to the Division of Community Services and the Monitoring Supervisor. Audit findings are place on a spreadsheet and addressed during monitoring visits with the entity and addressed on the monitoring report.

ATTACHMENT-FAIR HEARING PROCESS

Statutory reference 2605(b) (13)

Fair Hearing Process

Purpose

A fair hearing is available for any applicant or recipient upon written request. A fair hearing provides an opportunity for a more formal review by the subgrantee's Board of Directors concerning the point(s) of dissatisfaction. If the applicant or recipient is still dissatisfied from said Boards' decision, the decision may be appealed to the Division of Administrative Hearings.

Basis for a Fair Hearing

Applicant(s) or recipient(s) shall be provided a copy of the 'Fair Hearing Process' during each application or recertification. Upon denial of services, a copy of the 'Fair Hearing Process' will be mailed with the denial letter to the applicant. A copy of the process will also be clearly posted in all subgrantee office locations.

The basis for a fair hearing is listed below:

- A. An applicant or recipient whose application or recertification concerning eligibility assistance was denied;
- B. An applicant or recipient whose claims for assistance are not acted upon reasonable promptness; or
- C. Any other adverse action that detrimentally effects the applicant or recipient by the subgrantee and/or agency.

Some issues are not subject to fair hearings, in which includes but not limited to, a subgrantee failing to have enough funds for the county that the applicant resides in. In this case, said subgrantee should refer applicant(s) to other social service providers, or use non-federal funds if available. If a county runs out of funds before the end of the program year, said subgrantee must maintain a list of applicants who could not be served. These applicants must receive priority when scheduling appointments at the start of the new program year or if additional funds are awarded.

Appeal to the Subgrantee Level

After having exhausted all channels of resolution with the Executive Director of the Subgrantee, the applicant or recipient must submit a written request for a fair hearing to the subgrantee Board of Directors within thirty (30) calendar days that the adverse action occurred. The written request must include the following:

- A. Name and address of applicant or recipient,
- B. Name of subgrantee,
- C. Date of denial notice or adverse action taken,

- D. Reason for said action,
- E. Justification stating why action should not be taken,
- F. Statement requesting a fair hearing, and
- G. Two (2) signed and dated copies of the request (original and one copy).

Upon receipt of the applicant or recipient's request, the subgrantee Board of Directors must set the date of the fair hearing for the next scheduled board meeting. The fair hearing will be conducted at the discretion of the Board of Directors for the subgrantee. Said board shall render a written decision within five (5) business days of the fair hearing date.

Appeal to MDHS

- A. **Written Appeal to MDHS for Fair Hearing:** After having exhausted all channels for resolution at the subgrantee level, the applicant or recipient has thirty (30) calendar days from the date of the subgrantee Board of Directors' decision letter to submit a written request. The written request must include a copy of the original hearing request and the Board of Directors' decision letter. The request should be submitted to:
Mississippi Department of Human Services
Director of Administrative Hearings
Post Office Box 352
Jackson, Mississippi 39205
- B. **Notice for the Fair Hearing:** The recipient or applicant and subgrantee shall receive written notice of the hearing, in which will include a statement of the date, time the hearing is to be held. The hearing may be held telephonically unless a face-to-face hearing is requested. A fair hearing will be scheduled within seven (7) calendar days the Director of Administrative Hearings receives a proper written request.
- C. **Evidence and/or Documents:** All documents relating to any pending proceeding must be submitted to the Director of Administrative Hearings Division of MDHS at the address listed above.
- D. **Informal Disposition:** Informal disposition may be made of any case by written stipulation, agreed settlement, consent order, or default.
- E. **Postponement/Continuance:** The hearing officer may grant a postponement or continue the fair hearing for good cause based upon a written, advanced request by either party.
- F. **Conduct of Fair Hearings:** Subject to the hearing officer's ruling and recommended decision, opportunity must be given to all parties to respond, present evidence, argue all issues involved and call witnesses. A recording of each fair hearing should be made. If a party fails to appear, it may forfeit all rights.
- G. **Order of Hearing:** The hearing officer calls the fair hearing to order; introduces himself/herself and gives a brief statement of the nature of the proceeding; states what documents the record contains; calls for opening statements by each party; questions witnesses at will, and adjourns the fair hearing after all evidence has been presented.

During testimony, the applicant, recipient or subgrantee's representative(s) may question witnesses, cross-examine the other party's witnesses, and redirect if necessary.

- H. **Recommended Decisions and Final Decisions** The hearing officer shall have the responsibility of preparing a statement summarizing the facts brought out in the fair hearing, indicating the policy governing the issue at hand, and making a recommended decision based on the evidence presented. The recommended decision shall be based only on evidence, testimony, and documents presented at the fair hearing. Following the fair hearing adjournment, the hearing officer will forward, both the record and recommended decision, to the MDHS Executive Director for adoption, modification, or reversal. The final decision of the MDHS Executive Director will be forwarded to the recipient or applicant along with the Executive Director of the subgrantee. The decision of the MDHS Executive Director shall be final and binding. The recipient or applicant has exhausted all administrative appeals after the decision from the MDHS Executive Director has been rendered.

Appeal to U.S. Department of Health and Human Services

If the final MDHS decision is not satisfactory, the applicant or recipient has ten (10) calendar days to submit a written request to U.S. Department of Health and Human Services. Said request should be sent to:

Secretary
U.S. Department of Health and Human Services
Office of Community Services
370 L'Enfant Promenade, S.W., 5th Floor
Washington, D.C. 20449

The written request must include a copy of the original hearing request, the Board of Directors' decision letter, and the final decision from MDHS. A decision and/or hearing will be issued and/or conducted based on the discretion of the U.S. Department of Health and Human Services.

Note: If at any point during the fair hearings process the original adverse action or denial decision is overturned, the proper actions will be taken by the subgrantee.