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It Will Be an Ugly Winter (Again) This Year: A Case Study of the Vermont Community Action Partnership's Perennial Fight for Low-Income Fuel Assistance Programs

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**IT WILL BE AN UGLY WINTER (AGAIN) THIS YEAR:
A CASE STUDY OF THE VERMONT COMMUNITY ACTION PARTNERSHIP'S
PERENNIAL FIGHT FOR LOW-INCOME FUEL ASSISTANCE PROGRAMS**

Elizabeth H. Bennett

PIM-70

A Capstone Paper submitted in partial fulfillment of the requirements for a
Master of Arts in Intercultural Service, Leadership, and Management
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Advisor: Dr. Jeff Unsicker

Practicum Sites:

Morningside Shelter – Brattleboro, Vermont; and
Southeastern Vermont Community Action (SEVCA) – Brattleboro, Vermont

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Dedication

This Capstone is dedicated to my wonderful family, whose support has made this all possible for me; and to the memory of my father, who helped me realize that making a career out of social justice work with vulnerable people would mean I would never get bored or stop doing what I love.

I owe great thanks to my interview participants, many of whom gave me a great deal more time and insight than I ever expected. Your efforts are much appreciated.

I would also like to acknowledge and thank the families and individuals whose stories are contained within this paper. Your voices have illustrated and humanized the realities of the need for low-income home heating assistance.

Many thanks to you all.

Terms & Acronyms List

| | |
|---------------|---|
| AHS | Vermont Agency of Human Services |
| BROC | Bennington Rutland Opportunity Council |
| CAP | Community Action Program Agency |
| CAP Directors | Executive Directors of Vermont’s Community Action agencies – also collectively known as VCAP – the Vermont Community Action Partnership |
| CF | Crisis Fuel Program |
| CSBG | Community Services Block Grant |
| CVCAC | Central Vermont Community Action Council |
| CVOEO | Champlain Valley Office of Economic Opportunity |
| CVPS | Central Vermont Public Service Corporation |
| DCF | Vermont Department of Children and Families |
| FPL | Federal Poverty Line |
| Fuel Office | Vermont Office of Home Energy Assistance |
| GMP | Green Mountain Power |
| HEAT Force | Home Energy Assistance Task Force |
| LIHEAP | Low Income Home Energy Assistance Program |
| OEO | The State Office for Economic Opportunity |
| NEADA | National Energy Assistance Directors Association |
| NEKCA | Northeast Kingdom Community Action |
| NCAF | National Community Action Foundation |
| SEVCA | Southeastern Vermont Community Action |
| SF | Seasonal Fuel Program |
| VCAP | Vermont Community Action Partnership |
| VCDR | Vermont Coalition for Disability Rights |
| VFDA | Vermont Fuel Dealers Association |
| VLIAC | Vermont Low-Income Advocacy Council |

Abstract

Despite the extraordinary need for the vital Low Income Home Energy Assistance Program (LIHEAP), the program has seen major budget cuts as part of the Federal Budget's Discretionary spending, even as fuel prices rise and incomes fall. The Vermont Community Action Partnership (VCAP – also known as the Vermont CAP Directors) has been the primary advocate for LIHEAP in Vermont. This case study examines VCAP's measures to advocate for level funding of the LIHEAP program at the federal level, as well as influencing state level decision makers to improve service delivery to Vermont's eligible low-income households.

This study combines in-depth interviews and participant observation completed during the author's practicum with Southeastern Vermont Community Action (SEVCA), where she administered the Crisis Fuel program for low-income residents of southern Windham County, Vermont. The research aims to answer the questions: To what extent can the Vermont Community Action Partnership's measures to advocate for level funding for LIHEAP be considered effective? And, what general lessons can be learned from their efforts? An analysis of the research data using Gabrielle Watson's Framework of Impact Analysis for Social Justice Advocacy finds that VCAP's "campaign" may not be considered effective – unless current input results in a change in state-level policy before the 2012-2013 heating season commences.

Introduction

One of my two practicum sites during the Reflective Practice Phase of my degree program was Southeastern Vermont Community Action (SEVCA). My position as a Family Services Outreach Worker included providing several different services to assist low-income families in the southern part of Windham County, from granting clothing and furniture vouchers to rental assistance. However, the majority of my time over the course of the seven months I was there was spent administering the Crisis Fuel program, which provides emergency heating fuel assistance to low-income households throughout the winter months.

In this paper, I examine the efforts of the Vermont Community Action Partnership (VCAP or the CAP Directors) to advocate for level funding of the Low Income Home Energy Assistance Program (LIHEAP) which funds the Crisis Fuel program in the state of Vermont. Without this program and the assistance it provides, many of the families and individuals with whom I worked at SEVCA would be homeless, hungry, or both. I consider heating and cooling to be a basic human need – the summer heat wave of 2012 is responsible for at least forty-six deaths across the United States (Huffington Post). While once much more common, it is now somewhat more difficult to find stories of deaths related to freezing, in large part thanks to LIHEAP.

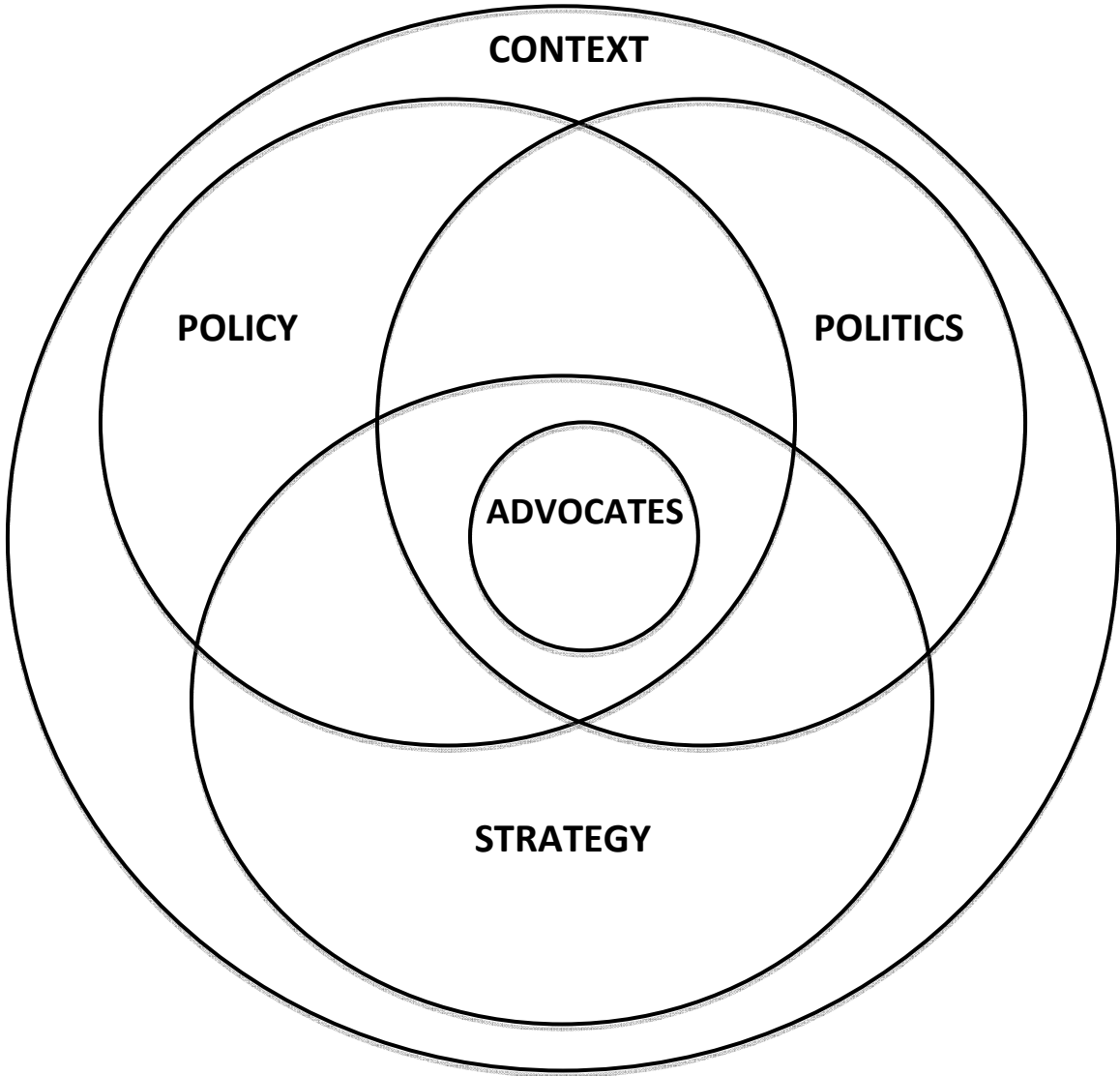
In order to contextualize the importance of LIHEAP as a tool for achieving social justice, I utilize in-depth interviews and participant observation to provide the human perspective behind the politics. The stories of the families and individuals contained herein are real stories of households with whom I worked during the 2011-2012 Crisis

Fuel season at SEVCA. While the names have been changed to maintain confidentiality and additional efforts have been made to mask details such as the towns in which these individuals live, they are the stories conveyed to me of legitimate struggle here in Windham County, Vermont.

In-depth interviews and personal interaction with key players in the fight for LIHEAP funding have provided first-hand, detailed information that has given shape to this case study. These actors include: The President of the Vermont Community Action Partnership and Executive Director of SEVCA – Steve Geller; Vermont’s Fuel Assistance Program Chief – Richard Moffi; Senator Bernard Sanders (I – VT); The Legislative Assistant to Senator Patrick Leahy (D – VT) – Chris Saunders; The Community Liaison for Congressman Peter Welch (D – VT) – Susan Elliot; SEVCA’s Crisis Fuel Coordinator – Ellen Paquette; and SEVCA’s Family Services Director – Pat Burke. With their help, I have been able to access information and perspective that has led me toward answering my research question and sub-question: To what extent can the Vermont Community Action Partnership’s measures to advocate for level funding for LIHEAP be considered effective? And, what general lessons can be learned from their efforts?

This case study breaks down the CAP Directors’ advocacy efforts into five sections, which convey the non-linear nature of the “campaign.” This model is borrowed from Jeff Unsicker, who charts the dynamic elements of a campaign in five intersecting circles. The following is a model of Unsicker’s (2012) overlapping Advocacy Circles.

Figure 1: Unsicker's Advocacy Circles



Context

In his January 2010 State of the Union address, President Barak Obama proposed budget cuts to the Low Income Home Energy Assistance Program (LIHEAP) and the Community Services Block Grant (CSBG), both of which provide critical funding to support low-income families throughout the US. According to Vermont Senator Bernie Sanders, President Obama – who has traditionally been a fierce advocate for Community Action Programs or “CAPs” (the main recipients of CSBG and LIHEAP funding) – was using LIHEAP and Community Action “to show how tough he can be” in his efforts to reduce the National Debt. Sanders has called the mere proposal to cut these programs “inexcusable” (personal interaction). The President’s FY 2013 budget was no exception, proposing still deeper cuts to LIHEAP funded at \$3.02 billion (down from \$3.5 billion in FY 2012). According to the National Energy Assistance Directors Association (NEADA), these cuts would mean at least “one million families would be eliminated from the program” (2012). A Congressional budget for FY 2013 has yet to be decided.

Despite support from some Democratic and Republican policy makers to fully fund LIHEAP at the FY 2011 level, Congress voted to cut the FY 2012 LIHEAP funding by \$1.2 billion, which amounted to a \$1.6 billion cut when compared with the FY 2010 budget. At the same time, the cost of home heating fuels had risen by 13 percent from the year before, and 33 percent since January 2010, and 10 million Americans were expected to apply for assistance with heating fuel alone (the LIHEAP program also funds

cooling assistance during the summer in southern states). With these cuts, Congress has essentially asked low-income Americans to bear the brunt of deficit reduction.

Nearly nine million households nationwide received assistance through LIHEAP funding in FY 2011 (Garofolo, 2012). Four main factors determine how adequately low-income households are served each year:

- the amount of federal LIHEAP funding allotted to each state;
- the number of households to be served;
- the price of home heating fuels; and
- the severity of the winter's cold.

Because LIHEAP is a federal block grant, each state maintains flexibility in determining how the funds are allocated. In Vermont, the funding is split between two programs (see Table 1): The Seasonal Fuel program, and the Crisis Fuel program.

- The Seasonal Fuel program (SF) is administered by the State's Office of Home Energy Assistance (or Fuel Office), which determines eligibility by a formula based on need and provides a lump sum benefit sent directly to the recipient's fuel dealer or utility (for households with electric heat). The benefit may be issued directly to the beneficiary for the purchase of wood or wood pellets. All benefits are designed to be used over the course of the heating season.
- The Crisis Fuel program (CF) is administered by Vermont's Community Action agencies (CAPs) and provides emergency assistance based on the applicant's immediate need for heat (oil or kerosene at less than ¼ tank, propane at 25% or less, wood to last less than a few days, an electric disconnect notice for electric

heat or if the electric account in danger of disconnect is required to operate the primary heating system). Additionally, in order to be granted Crisis Fuel assistance, households must also have some extenuating or unpredictable circumstance that has kept them from being able to save the money to purchase their own fuel or supplement their Seasonal Fuel grant. Acceptable circumstances include medical expenses, expenses related to unexpected repairs to vehicle or home, unemployment, and fixed income, among others. The individual Crisis Fuel worker (a Community Action employee) has limited autonomy to determine eligibility based on his or her own reasonable interpretation of the rule.

Many households are eligible for both types of home heating assistance, while some are eligible for Crisis Fuel, but not Seasonal Fuel due to the monthly gross household income eligibility thresholds – 185% of the Federal Poverty Line (FPL) for Seasonal Fuel, and 200% of the FPL for Crisis Fuel.

In Vermont, when a household is in need of emergency home heating assistance, they contact their local Community Action office to apply for Crisis Fuel. Eligible households have historically been able to utilize up to three times per heating season – in contrast to the SF benefit, for which a household applies just once per year and is issued a single benefit (in some years, including 2012, a bonus benefit has been issued in mid- to late-January). Households applying to access Crisis Fuel assistance are required to apply for Seasonal Fuel assistance, as long as they are income eligible, before a second emergency Crisis Fuel assist will be granted.

Table 1: LIHEAP Reference Table

| Low Income Home Energy Assistance Program (LIHEAP) – Federal Block Grant | | |
|---|---|--|
| The State of Vermont divides LIHEAP funds into two programs: | Seasonal Fuel Assistance (SF) | Crisis Fuel Assistance (CF) |
| | For use over the course of the season | For emergency need |
| Administering Agency: | Vermont Office for Home Energy Assistance (or Fuel Office) | Community Action Agencies (CAPs) |
| Application Process: | Must apply annually – online or by mail – must report changes in income or household make-up throughout the year | Must apply at the local CAP office during CF season only (end of November – Mid-April) |
| Income Threshold: | Gross Monthly Household Income at or below 185% FPL | Gross Monthly Household Income at or below 200% FPL |
| Eligibility Requirements: | Based entirely on income threshold and recipient’s liability to provide own heat | Based on the beneficiary’s immediate need for heat: <ul style="list-style-type: none"> • Oil or kerosene at less than ¼ tank • Propane at 25% or less • Wood to last less than a few days • An electric disconnect notice for electric heat or if the electric account in danger of disconnect is required to operate the primary heating system <p style="text-align: center;">AND</p> An extenuating or unpredictable circumstance that has kept them from saving the money to purchase their own fuel or supplement their Seasonal Fuel grant on their own <p style="text-align: center;">AND</p> Must apply for SF if income eligible |
| Benefits Granted: | Lump sum \$ distributed directly to the recipient’s fuel dealer <p style="text-align: center;">OR</p> Lump sum \$ distributed to the recipient’s electric utility (if using electric heat) <p style="text-align: center;">OR</p> Lump sum \$ distributed directly to the recipient for the purchase of wood or wood pellets | Emergency fuel assistance for delivery within one week (on fuel dealer’s delivery schedule): <ul style="list-style-type: none"> • Maximum of 125 gallons of oil, kerosene, or propane • Maximum of 1 cord of wood • Maximum of 1 ton of wood pellets • Maximum payment on electric equal to the household’s current monthly charges due |
| Maximum Grants: | A single benefit issued in late November, often followed by a smaller bonus benefit issued in late January | A household can be granted assistance up to 3 times during the season (November to April) |

A few case examples of fuel benefits distributed to households in Vermont in the 2011-2012 heating season are as follows (names have been changed to maintain confidentiality):

Case Example 1: The Brown Family

The Browns are a family of five (two parents, three children) who get a Vermont Reach Up (welfare) benefit of \$861 per month. They pay \$900 per month to rent a drafty old house, for which they are responsible to provide the oil for heat. They have help from their parents to make up the difference in many of their monthly bills. He, a Veteran, has been out of work for the last year, but has not been receiving Unemployment benefits. They receive \$726 each month in food stamps, and their Seasonal Fuel benefit for FY 2012 was \$734 (in November 2011) with a bonus benefit of \$634 (in January 2012). Both payments were made directly to their fuel dealer.

With their fuel needs primarily taken care of, the Browns' biggest concern was their electric bill, which had been accumulating a large arrearage due to their minimal income. Given that their oil-burning furnace requires an electric start, disconnected electric service would leave the Brown family in the dark and in the cold. In an effort to maintain their electric service to keep their house warm, the Crisis Fuel (CF) program was able to help this family three times during the winter to pay the current charges on their electric account. In one instance, additional funds (provided by Green Mountain Power's Warmth program and allocated by the Community Action agency) were necessary to

build up enough of a payment to maintain service to the Browns to ensure their ability to heat their home.

Table 2: Vermont Unearned Income Reference Table

| Vermont Unearned Income Reference Table | | | |
|--|--|--|--|
| Income Type | Source | Eligibility | Maximum Benefit Amount(s) |
| Reach Up Financial Assistance (RUFA) | State of Vermont Agency of Human Services - Department of Children & Families (DCF) | Unemployed or severely underemployed families with children under age 18 | Dependent on household size and resources |
| Supplemental Security Income (SSI) | Social Security Administration (SSA) – Federal – with a small supplement from the State of Vermont | Aged, blind, and disabled individuals who have little or no income – benefits paid based on financial need (cannot have resources exceeding \$2,000, or benefits will cease) | \$750.04 per month |
| Social Security Disability Insurance (SSDI) | Social Security Administration (SSA) - Federal | Disabled individuals and certain family members of said individuals - if said individual worked long enough and paid Social Security taxes when s/he was working | Dependent on Social Security taxes paid when working |
| Note: The 1994 amendments to the Social Security Act prohibit the concurrent receipt of SSI and Reach Up (Vermont, 1994). | | | |

Case Example 2: The Parker Family

The Parkers are a household of three (father and two daughters), who in 2011 had been receiving a combined household monthly income of \$2,995. Dad was receiving \$1503 in Social Security Disability Insurance benefits (SSDI), and each of his daughters was getting \$746 per month in SSDI and Supplemental Security Income (SSI) for their medical disabilities. He owns their home and they heat with oil. Their oil-burning furnace requires an electric start. The Parkers were granted a FY 2012 Seasonal Fuel (SF) benefit of \$783 in November 2011, and a

bonus benefit of \$677 in January 2012 based on their income when they submitted their application for the 2011-2012 heating season. However, in October 2011 – as happens every year – the Social Security Administration (SSA) evaluated the national Cost of Living and – for the first time since 2009 – announced that all recipients of Social Security benefits would be receiving a 3.6 percent benefit increase for 2012 (SSA Press Office, 2011). For the Parkers, this increase in their benefits (Dad would now be receiving \$1558 in SSDI, and each of his daughters would be getting \$770 per month in SSI and SSDI – bringing their monthly household income to \$3,098), meant that as of January 1, 2012, they were no longer eligible for the SF program, and they were now \$8 over income for the Crisis Fuel program as well. While the figures for gross household income eligibility are re-evaluated annually, the increase in SSA benefits left this family struggling to pay their bills since their income increased.

Case Example 3: Charles

Charles is a sixty-seven-year-old disabled Veteran who lives in a camper for which he pays \$200 per month in a rent-to-own agreement. His monthly income consists of a Veterans Affairs (VA) pension of \$985 per month. He heats his camper with propane, but his furnace has been broken for the past two seasons, and he has been heating his camper with his gas stove. For the 2011-2012 heating season, Charles received a SF benefit of \$367, plus a January bonus benefit of \$317. At \$4.34 per gallon, neither of his SF benefits was enough to purchase 100 gallons (the minimum his fuel dealer was willing to deliver). Given

that he had recently experienced the loss of a close family member and had been driving back and forth to the hospital (a 28-mile trip each way) to be with her daily as her condition worsened, Charles did not have the money to supplement his SF benefit to have the propane delivered. When he called SEVCA, he had hoped for assistance to pay the difference to have his propane delivered – thinking that he would continue using the gas stove to heat the camper. Through the State’s Emergency Furnace Repair and Replacement program, Charles’ local Community Action agency was able to replace Charles’ furnace and supply his fuel dealer with enough funds to deliver Charles 125 gallons of propane.

The State of Vermont has been dedicated to making sure no one goes without heat, and has been successful in most years of finding ways to fill the gaps left by shrinking federal funds. Funding provided by the State has always been in client assistance dollars – never has it provided funds to pay staff or office costs (Geller, personal interview). While the federal LIHEAP funding has, in some years, provided Contingency Funds to the State of Vermont (10% of which can be used to assist CAPs with administration costs – while another 12% can be used toward CF benefits, and the remainder is to be paid out directly to fuel dealers in SF benefits), there were no such funds in the 2011-2012 season (Moffi, personal interview).

In response to the drastic cuts to Vermont’s allotment of federal LIHEAP funds (from about \$27.5 million in FY 2011 to around \$11.6 million for FY 2012) and the complete lack of Contingency funding allocated, at the beginning of the 2011-2012

heating season, Governor Peter Shumlin worked with legislative leaders (the House Appropriations Committee, Senator John Campbell, and Speaker of the Vermont House of Representatives Shap Smith) to attempt to address the \$15.9 million gap. In a press conference on December 27, 2011, Governor Shumlin stated: "There is bipartisan consensus that the state of Vermont is too good, too decent and too caring to let any Vermonter freeze in their home this winter" (Dillon, 2012), and he announced the State's allocation of \$6.1 million to shore up the home heating assistance program (Holeywell, 2012). Despite the Governor's efforts and an unusually mild winter, 2011-2012 has been the most difficult heating season to date, and proposals for how to handle next year's cuts are looking even more meager for low-income Vermonters.

Advocates

The unit of analysis for this study is the Vermont Community Action Partnership (VCAP), which is also known by its legal name – Vermont Community Action Directors Association, Inc. – but most commonly referred to in Community Action agencies as well as policy circles as the “CAP Directors” of the state of Vermont.

Vermont has five Community Action agencies (CAPs), each with its Executive Director serving as a member of the Vermont Community Action Partnership (VCAP). The five Vermont CAPs are: The Champlain Valley Office of Economic Opportunity (CVOEO), which covers Addison, Chittenden, Franklin, and Grand Isle Counties; Northeast Kingdom Community Action (NEKCA), covering Orleans and Caledonia Counties; the Central Vermont Community Action Council (CVCAC), covering Lamoille, Orange, and Washington Counties; the Bennington Rutland Opportunity Council (BROC)

covering Bennington and Rutland Counties; and Southeastern Vermont Community Action, which covers Windham and Windsor Counties.

Community Action agencies are non-profit organizations that were established under the 1964 Economic Opportunity Act in an effort to fight “America’s War on Poverty.” More than 34.5 million people live in poverty in the US, and clients of Community Action, nationally, have mostly been in households at less than 75 percent of the federal poverty threshold. The Community Action mission is “to help people help themselves in achieving self-sufficiency” (www.communityactionpartnership.com). Every state in the US, as well as Puerto Rico and other US territories, has Community Action agencies to help those living in poverty to overcome the challenges of making ends meet.

Community Action agencies are networked together at the state, regional, and national levels. The National Community Action Foundation works as the national lobbying organization advocating for funds to support Community Action, and the Community Action Partnership is the national nonprofit membership organization that represents the interests of CAPs all over the US.

Funding for CAPs has historically been through federal Community Service Block Grants (CSBG), state program contracts for supplemental and emergency heating fuel, housing, and Weatherization programs, as well as other state and federal program dollars for anything from disaster recovery to income management programs. Funding includes some direct client services dollars, to assist those with the greatest need to get bills paid in order to mitigate further household financial crisis.

Although the founding mission of Community Action underlies all CAPs, each agency provides a unique offering of services to its surrounding communities. This study will discuss mainly the work of the Vermont Community Action Partnership, and on a more focused level, that of Southeastern Vermont Community Action (SEVCA) and the efforts to advocate for home energy assistance program funding at levels adequate to meet the demand in Vermont.

Although policy advocacy plays a significant role in VCAP's scheme of work, it is just one of many programmatic areas in which the group is involved. Since VCAP is primarily involved with service provision, regular items on the monthly agenda include discussion of common programs offered by each of the CAPs in Vermont. These programs include General Assistance, Weatherization, Micro-Business, Individual Development Accounts, Disaster Recovery, housing programs and Crisis Fuel. The CAP Directors also discuss funding opportunities and requests for proposals (RFPs), upcoming conferences, and updates to and from the State of Vermont Office of Economic Opportunity (a division of the Vermont Agency of Human Services that oversees funding for Crisis Fuel, Weatherization, CSBG, and the Emergency Shelter Grant programs). While the group regularly meets monthly, they communicate throughout the month (passing along proposals via email) and hold conference calls or issue-specific meetings as needed, such as a recent strategic planning session. Additionally, the group takes the opportunity to meet whenever they are all gathered for other reasons, such as a conference or a statewide event. Meetings are generally attended by the directors of each of the five Vermont CAPs, as well as the Director of

the State Office of Economic Opportunity, who sits in for a portion of each meeting. Program directors from one or more CAPs may be in attendance if there is a specific programmatic issue. Often program directors will provide information or perspective if there are specific issues that impact their programs or funding, or if their perspective can help VCAP to provide key information to decision-makers.

The current chair of the Vermont Community Action Partnership is Steve Geller (Executive Director of SEVCA and a longtime Community Organizer prior to his work in Community Action), who is in his second consecutive one-year term as the President of VCAP. The leadership role within VCAP is rotational, with no particular order or schedule as to which CAP Director will serve as chair for any particular term. Each of the member CAPs has held the leadership position at one time or another. According to Geller, who has been a member of VCAP since he became the Executive Director of SEVCA nearly eight years ago, leadership is decided at the group's annual meeting, on a voluntary basis, taking into consideration a combination of availability and experience.

Although in many states the Community Action Directors Association has paid staff and funding streams in addition to member dues paid to the association, VCAP's membership is voluntary. While VCAP may apply for funding to support its work, funds are usually split up into the budgets of each respective CAP, or a single CAP will act as the fiscal agent for that particular grant. None of the Vermont CAPs pay dues for participation in VCAP.

Policy

In order to effectively advocate for increased LIHEAP funding for Vermonters in need, the Vermont CAP Directors have had to address policy at both the state and national levels. At the national level, VCAP has worked together with the National Community Action Foundation (NCAF), attending NCAF's Annual Conference in Washington, D.C. and focusing energy on providing quality information to the three federal delegates from Vermont – Senators Bernard Sanders (Independent) and Patrick Leahy (Democrat), and Congressman Peter Welch (Democrat). By federal law, Community Action agencies – as they maintain 501(c)(3) non-profit tax status and are recipients of federal funds – have significant limitations on the degree to which they can “lobby.” CAPs cannot get involved in campaigning for candidates running for public office, but they can conduct advocacy on an issue basis. According to Steve Geller, “No matter how fairly we advocate, there are certain funds such as CSBG, that cannot be used for advocacy.” CAPs can participate in lobbying through membership in the National Community Action Foundation (NCAF), to which they pay dues from private (as opposed to federal or public) funds.

At the NCAF Conference in March 2012, VCAP members and various Program Directors from Vermont's CAP agencies made visits to the offices of all three federal delegates. They provided real stories of Vermonters struggling to meet their energy needs. One such story was of the Jackson family, for whom the recent budget cuts have meant an incomprehensible reduction in their Seasonal Fuel benefit. In 2010, when they both worked part-time, Greg and Michelle Jackson and their three children,

received a Seasonal Fuel benefit of \$1100. In November of 2011, the Jacksons, now with just one part-time income between them, received just \$120 from Seasonal Fuel. As a result, they fell behind on their rent and their electric company was threatening to disconnect their service. This is a family for whom the debate came down to whether or not they would have a place to live at all, let alone whether or not to heat it.

At the national level, those in opposition are not as concerned with LIHEAP spending in particular, but with the overall size of government and government spending. Republicans are adamant that they will not allow tax increases (particularly increases that tax the rich) to fund discretionary spending and have been equally steadfast on placing tight funding caps on non-defense funding, while protecting the defense budget.

The Vermont Congressional delegation, while small, has taken a progressive stance to represent Vermonters and have co-sponsored legislation in both the Senate and the House to fund LIHEAP at \$4.7 billion. While the Vermont delegates are incredibly accessible to Vermonters and organizations like VCAP, Vermont's small population allows for just one Member of Congress (and therefore one of 435 votes) to represent Vermont at-large.

However, Representative Peter Welch has been steadfast in making the most of Vermont's one vote in the House. He co-sponsored the Energy Assistance for American Families Act (H.R. 4026) to increase LIHEAP to \$7.6 billion each year for the next four years. The last authorization of LIHEAP funds was in 2007, and set the budget at \$5.1 billion per year. Even before the cuts of this past 2011-2012 heating season only 27

percent of Vermonters who qualify were actually receiving assistance from the program (Coriell). In early March 2012, Welch testified before the House Budget Committee, which was preparing to consider the FY 2013 budget resolution, and told the story of Roger, a resident of Rutland, VT:

“Roger from Rutland, like many Vermonters, heats his home with fuel oil. With the price of home heating oil rising, he can no longer afford to fill his fuel tank. He lives alone in a very modest home. But at the age of 70, Roger is too old to split wood. The \$400 he has received in fuel assistance will not get him through the winter. He has exhausted all other means.

“LIHEAP is a vital lifeline that ensures Americans like Roger don’t have to choose between heating their home, putting a meal on the table, or paying for their medications. In Vermont, 76,000 households are eligible for LIHEAP assistance but only 46,000 households receive help.

“In spite of record high demand for help, the Administration has proposed slashing LIHEAP funding by \$2.1 billion. We can do better. We should be increasing LIHEAP funding, not slashing it. I urge the committee to fund LIHEAP at \$7.1 billion to meet this urgent need”

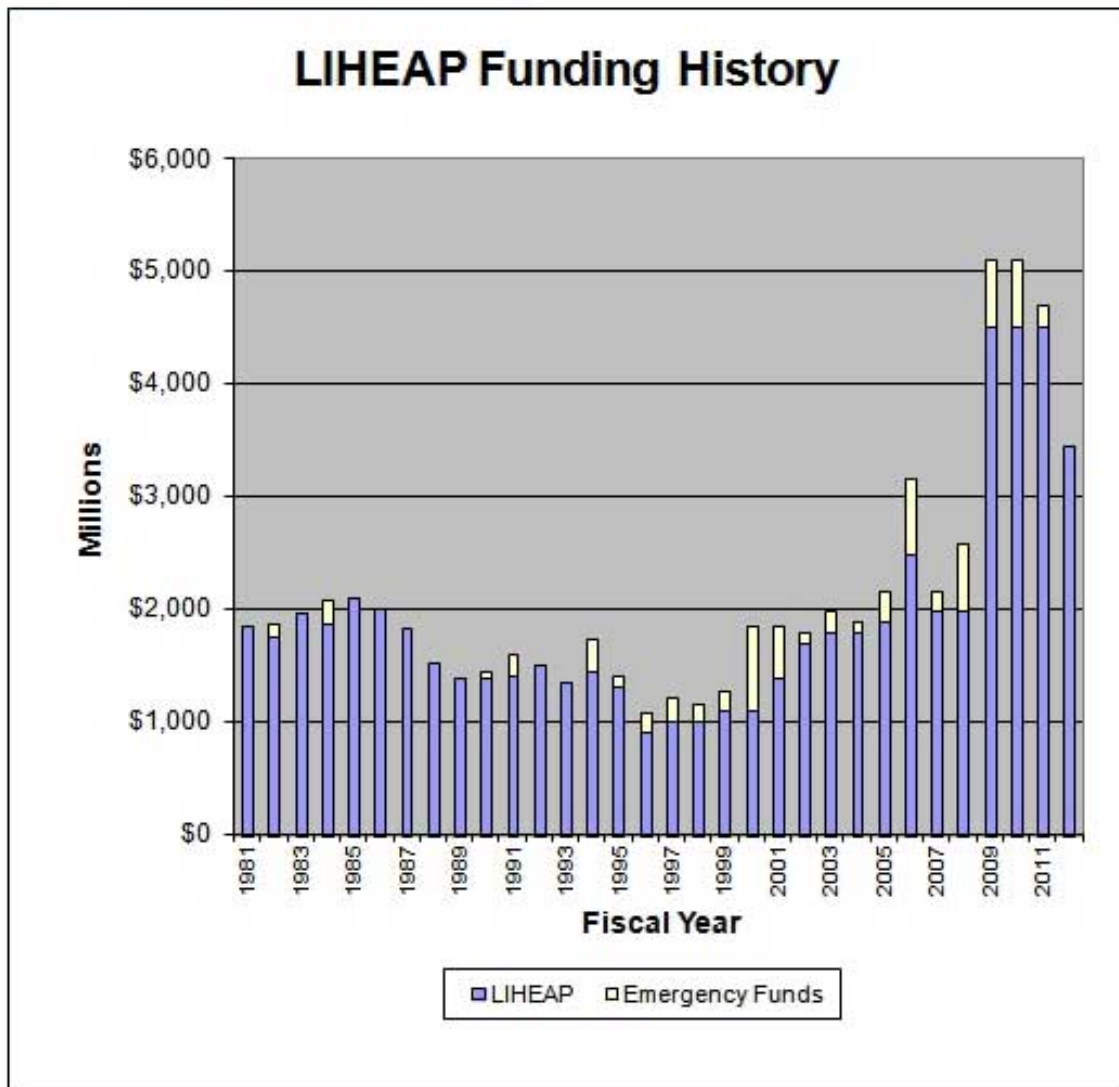
(welch.house.gov).

According to Susan Elliot, Community Liaison for Congressman Welch, Vermont’s CAP Directors were vital in bringing the stories of Vermonters to the floor of the US House of Representatives that day. She relates that Congressman Welch is constantly reaching out for information from Vermont’s CAPs in an attempt to humanize the debates in Washington. In a press conference on February 16, 2012 after introducing H.R. 4026, Welch argued:

“The folks, back home, who are needing this help, they don’t control the temperature, and they do not control the price of oil . . . they are just on the receiving end of what public policy decisions are made. . . . The oil companies are doing great - \$137 billion in profit last year - \$4 billion of that came courtesy of the taxpayers. So why is it that we can afford \$4 billion for a profitable industry, but not \$300 for Ron, who has no control whatsoever about the price or the temperature? . . . We’ve got a great President, but this [cutting the budget for LIHEAP] is a bad recommendation and we’ve got to get the support for him to make the right call here” (vtdigger.org).

In the past ten years the LIHEAP funding trend has been increasing, reaching an all-time high of \$5.1 billion in FY 2009 and FY 2010. Funding began to decrease with cuts in FY 2011 and the drastic cuts in FY 2012 do more than suggest a downward trend for future years, particularly in the wake of the Budget Reduction Act and its failed Super Committee.

Table 3: National LIHEAP Funding History



(liheap.ncat.org)

According to Chris Saunders, Legislative Assistant for Senator Patrick Leahy, VCAP members played a pivotal role in advocating at the State level for the supplemental funds allocated by Governor Shumlin, particularly by providing advice and counsel regarding the use of Weatherization funds to prop up the home heating program (Saunders, 2012). The Public Assets Institute, a research group with the aim to improve “the lives of ordinary citizens, especially the most vulnerable,” reports that

although Vermont has historically had a target of covering 60 percent of the cost of the average winter heating cost, last year, FY 2011, it was able to cover only one third of the cost. When Governor Shumlin announced the allocation of \$6.1 million borrowed from the Weatherization Trust Fund to supplement the federal LIHEAP block grant, the combined funds were projected to cover just 31 percent of the estimated average heating cost for the 2011-2012 heating season. According to the Public Assets Institute:

“This will be the third time since 2005 that Vermont has been forced to make up for inadequate federal funding, but this is likely to become the new normal if Congress insists on cutting federal spending instead of raising taxes, which are now at the lowest level since the early 1950s” (Hoffman).

Despite the infusion of supplemental State funding – for the first time in the history of the program – the CF season was brought to an abrupt end on April 6, 2012, when the program ran out of funds statewide. Historically, the program has always ended on the second Friday in April for those clients who use bulk fuels (oil, kerosene, propane); and for those who heat with metered propane or electric, the season has always ended on the last working Friday in April. The Office of Home Energy Assistance makes every effort to ensure that all of Vermont’s CAPs run out of funds at the same time – often transferring funds from CAPs who have used less, to those whose funds would otherwise dry up first.

As is mandated in the Vermont Statutes (see Appendix B), the Vermont Office of Home Energy Assistance chairs the Home Energy Assistance Task Force (HEAT Force). The HEAT Force, which has met bi-monthly throughout the heating season (October –

June) for the past seventeen years, is convened by Richard Moffi, the State of Vermont's Fuel Assistance Program Chief, and is comprised of members representing three perspective categories:

1. Three representatives of unregulated Vermont fuel dealers:
 - a. The Executive Director of the Vermont Fuel Dealers Association (VFDA);
 - b. Intermittent representatives from Vermont's two largest electric utilities – Central Vermont Public Service (CVPS) and Green Mountain Power (GMP); and
 - c. A representative from Vermont Gas Systems (natural gas supplier to many areas in the northern part of the state).
2. Three representatives from State agencies:
 - a. A representative from the Vermont Office of Economic Opportunity (OEO) – the agency that oversees the State's interactions with the CAPs;
 - b. A representative from the Vermont Economic Services Division (ESD) of the Agency of Human Services (AHS) from the Vermont Fuel Office; and
 - c. A representative from the Vermont Department of Public Service.
3. Three representatives from Vermont advocacy groups:
 - a. A representative from the Area Agencies on Aging (AAA) – often also represented by the Council of Vermont Elders (COVE);
 - b. A representative from the Vermont Low-Income Advocacy Council (VLIAC), a body that supports the views of the CAPs and VCAP (VCAP, while often represented at the HEAT Force meetings, does not have an official seat according to the Vermont Statute); and

c. A representative from the Vermont Coalition for Disability Rights (VCDR).

The HEAT Force is designed to be an advisory group to the Vermont Office of Home Energy Assistance – and, according to Moffi, is not intended to advise decision-makers in the state legislature. However, the Vermont Statute pertaining to the HEAT Force reads, *“The task force shall report regularly to the director [of the fuel office], and on request to the general assembly, for the purpose of making recommendations for improving Vermont's home energy assistance programs”* (see Appendix B).

As a response to a Vermont Agency of Human Services (AHS) Emergency Board Resolution filed on January 3, 2012, the HEAT Force worked with the Department of Children and Families Commissioner, Dave Yacovone, to submit a proposal to Vermont Governor Peter Shumlin; Vermont Senate President Pro Tempore John Campbell; and the Speaker of the Vermont House of Representatives, Shap Smith. The proposal, submitted March 1, 2012, responded to the Emergency Board Resolution asking for a review of the LIHEAP program and its funding that would propose “possible changes that will improve the sustainability and success of the LIHEAP program” (Vermont, 2012). The proposal makes twelve recommendations that its creators believe “will collectively result in a positive impact on the economics of home heating and energy for Vermont’s low-income families and individuals” (Yacovone, 2012), and its changes are planned to begin with the 2012-2013 heating season. Of the Recommendations, Geller has expressed, “It looks logical on paper, but it makes assumptions that are not realistic” (Personal Interview, 2012).

The twelve recommendations of this proposal are divided into four categories, each with an estimated savings of energy cost burden or reduction in consumption – many of which are to be determined. The following is a summary of the proposal and its recommendations:

Summary: Recommended Fuel Program Changes for Long-Term Sustainability

Submitted March 1, 2012

by the Vermont Commissioner of the Department of Children and Families – Dave Yacovone
in collaboration with the Home Energy Assistance Task Force (HEAT Force)¹

1. **Energy Cost Burden** – *Reduce the energy cost burden for low-income Vermonters for natural gas (VT Gas), electricity, and home heating fuels.* This category makes three recommendations:
 - a. To partner the Vermont Department for Children and Families (DCF) with the Department of Public Service (DPS) and the merged Green Mountain Power (GMP) and Central Vermont Public Service Corporation (CVPSC) to expand an established low-income electric support program to a statewide coverage. The program would take the existing proposed 25% rate reduction discount for households with gross incomes up to 200% of the federal poverty level and split it into three tiers (a 35% discount for the households in the lowest third of this income range; a 25% discount for the middle third; and customers in the lowest third would receive a 15% discount). This would be applicable to both electric and VT Gas customers, with the estimated energy cost burden reduction to be determined.
 - b. To require Vermont fuel dealers who wish to participate in the LIHEAP program to provide discounts which would leverage the State’s purchasing power. Each fuel dealer would be compelled to choose one or more of the following discount options:
 - i. “Margin Over Rack” pricing – an annually negotiated margin over the fuel dealer’s wholesale (or “rack”) price, at which all deliverable LIHEAP fuels (as

¹ This is my own summary of the four-page document submitted by Commissioner Yacovone.

opposed to electric) would be sold to the State.

ii. A fixed discount in addition to the fuel dealer's regular discounts for prompt or cash payment.

iii. A summer fuel contract with a capped maximum price per gallon and a Downside Protection clause (provides insurance protecting the consumer from paying a higher contract price when the price of fuel decreases during the contract period).

The estimated increased benefit purchasing power of this recommendation has yet to be determined.

c. Consulting with financial advisors to determine whether DCF should conduct a study of the impact of investing LIHEAP or other state funds into futures markets or annual heating fuel contracts.

2. **Seasonal Fuel Assistance** – *Establish SF benefit equity, based on income and energy burden.* Starting with the FY 2014 heating season, the Seasonal Fuel program would pay benefits to fuel dealers after deliveries are made, basing the State's portion on a fixed percentage of the client's bill, up to a maximum benefit per household. This proposed recommendation is designed to redistribute benefits from those who need less assistance to those with a need for more fuel in a given season. Creators of the proposal estimate that anywhere from \$1 million to \$2 million in SF assistance will be redistributed to where it is needed most.

3. **Crisis Fuel Assistance** – *Reduce client access to and dependence on CF Assistance.*
a. Starting with the FY 2013 heating season, the proposal recommends: "clients who are income eligible for SF may receive one fuel grant per season and clients who are over income for SF and income eligible for CF may receive two fuel grants per season." A single "grant" is: "a 125-gallon fuel delivery and one electric disconnection assist; OR one VT Gas heat disconnection assist and one electric disconnection assist; OR two electric disconnection assists (electric heat)." Based on data from FYs 2010 and 2011, this recommendation is expected to save the State \$750,000.

b. Based on the GMP and CVPSC Public Service Board order to provide a 25% rate discount to low-income Vermonters, the proposal recommends eliminating CF assistance for electric disconnections for GMP and CVPSC customers who are eligible for the rate reduction discount after the discount program has been in place for six months. Based on data from FY 2010 and 2011 CF data and CVPSC/GMP residential service data, implementation of this recommendation is expected to save the State \$700,000.

c. Once a discount program for all remaining electric and VT Gas companies has been in place for six months, the proposal recommends eliminating CF assistance for all clients who are income eligible for the low-income rates established by Recommendation 1. a. The estimated savings under this recommendation could total \$500,000 (\$300,000 from electric and \$200,000 for VT Gas savings).

d. In an effort to reduce the cost of direct service for the CF program, beginning with the FY 2015 heating season, the proposal recommends making all CF payments through the same SF “after delivery” system. The “after delivery” payment system has yet to be developed; therefore, the reduction in direct service costs cannot yet be determined.

e. Beginning with the FY 2013 heating season, the proposal recommends evaluating the impact on direct service costs after a season of implementing the above changes to the CF program. The proposal sites the current costs of CF direct service at \$520,000; its creators have not yet determined the reduction in direct service costs.

4. **Energy Consumption Burden** – The recommendations under this category aim to reduce energy consumption by:

a. *Targeting energy burden services to households based on energy consumption, financial need, and household composition* – using a Weatherization priority matrix to ensure maximum benefit to Weatherization clients.

b. *Providing Energy Efficiency Coaching* – continuing an established program providing energy efficiency coaching for low-income families to reduce their energy consumption (Sustainable Energy Resources for Consumers – SERC) beyond its

expiration (June 30, 2012) and incorporating it into the Weatherization program possibly using funds from Efficiency Vermont (EV) and DPS (costing \$250,000 to \$300,000 annually); and

c. *Establishing a Furnace Clean & Tune Program* – to help reduce consumption and prevent “many” of the repair and replacement needs now met by the Emergency Heating System Repair and Replacement Program (EHSRRP), which traditionally spends more than \$500,000 annually. Under this recommendation, LIHEAP would provide an initial annual investment of \$100,000.

The savings in energy consumption for the three recommendations in this category have yet to be determined.

Commissioner Yacovone and the HEAT Force believe that these recommendations will increase the average Seasonal Fuel benefit, distribute SF benefits more equitably, and reduce the costs of home energy and consumption. They acknowledge that these recommendations alone may not solve the challenge of achieving LIHEAP sustainability. They suggest that additional measures may need to be taken, including returning the income and resource eligibility requirements to pre FY 2012 levels (limiting the number of households eligible for LIHEAP assistance) and creating a “continuous and predictable stream of state-generated funds” to supplement the LIHEAP block grant (similar to the way the gross receipts tax provides predictable funding for the Weatherization program) (Vermont, 2012).

According to the CAP Directors, as well as Crisis Fuel staff across the state, there are many flaws in the Commissioner’s proposed changes. The proposal adds restrictions that make a bad situation worse, even devastating, for many low-income Vermonters. Rather than calculating a flat benefit for each household’s Seasonal Fuel assistance, as

the program has traditionally done, the proposal would be based on usage – a pay-as-you-go type model. Rather than receiving a benefit in a lump sum on their account with their fuel dealer, households would be required to pay a percentage (according to Geller, the unofficial figure being proposed is 40 percent) of each delivery used.

Based on fuel prices for the 2011-2012 heating season, paying 40 percent of the cost of each fuel delivery would be impossible for many of the families and individuals currently served by the program. For households heating with kerosene (one of the most expensive fuels, often required to heat mobile homes which have outdoor fuel tanks), which ranged from \$3.99 to \$4.29 per gallon in the 2011-2012 season, this would mean paying anywhere from \$200 to \$215 toward each 125 gallon delivery². If oil prices do not climb even higher for the 2012-2013 season, clients who heat with oil (priced at \$3.769 - \$4.039 per gallon during the 2011-2012 heating season) may be asked to pay anywhere from \$188 to \$202 toward each 125 gallon delivery. Those who heat primarily with wood, if required to pay 40 percent toward each one cord delivery, would be faced with a payment of anywhere from \$90 to \$120 (based on the prices for 2011-2012: \$225 - \$300 per cord) toward their “emergency” fuel assistance. Depending on how drafty or well insulated the home is, a single grant of assistance could last as little as three or four weeks before that client would need another delivery. Many of SEVCA’s clients on a fixed income, if required to pay these sums of money for each delivery, would ultimately leave their homes to stay with friends, family, or in community

² 125 gallons is the standard delivery for a single Crisis Fuel grant. A minimum delivery without Crisis Fuel assistance – directly on one’s account through the fuel dealer – could be anywhere from 100 – 150 gallons, depending on the fuel dealer and its standard practice.

warming shelters before they would be able to come up with the money to keep from freezing.

Ellen Paquette, Crisis Fuel Coordinator for SEVCA, is relatively certain that the Commissioner's Recommended Fuel Program Changes will be passed through the State legislature for the 2012-2013 season, and is rather outspoken as to her thoughts on the recommendations. While she favors the recommendation in part 1.b. (discounting fuel purchased by the State), she says the following regarding part 1.c. (consulting with financial advisors experienced in the oil futures market to determine whether DCF should undertake a study of investing LIHEAP and/or State funds into such financial products), "From what I understand, speculation in the market is what is causing overinflated oil prices – why would we want to become part of the problem?" (personal interaction, 2012).

In response to the recommendation listed in part 2 (paying benefits based on actual consumption of fuel) Paquette has said she believes it would be good to achieve a more equitable distribution of benefits, however, she believes it will be difficult to determine. She gives an example of mobile homes, which generally use less fuel than houses, but must heat with kerosene, which costs significantly more per gallon. Paquette wonders, with the reduced value of benefits dispersed this year (2011-2012), how much more money would actually be returned to the State in comparison to previous years.

Paquette is incredulous in her responses to the recommendations set forth in part 3 (reducing client access to and dependence on CF assistance by limiting the

number of CF grants for which each household would be eligible, and eliminating CF assistance for CVPS and GMP disconnections after six months of the start of the discount program). To the estimated cost savings of \$750,000 for 3.a., Paquette adds, “and a state full of people without any heat!” She calls the reduction “scary,” and believes that cutting back on CF grants (despite the “savings” going toward increased SF benefits) will be inadequate given the cost of fuel. In regard to the recommendation on cutting electric disconnections from the CF program, Paquette has responded, “Due to the high cost to purchase a minimum delivery of fuel, many folks have resorted to heating with electric space heaters.” She believes that this cut will result in households, which, whether or not they have fuel in their tanks to burn, will be unable to heat their homes at all. Even households that heat with wood alone typically use electric fans to circulate the hot air around the living space, which also keeps their pipes from freezing. Electric disconnection in the winter months can be devastating for Vermont households.

The Commissioner’s recommendations to cut service delivery costs by making CF payments through the SF “after delivery” payment system (as outlined in 3.d.), is met with Paquette’s skepticism as well. As she replies, this proposed plan fails to recognize that staff costs for service delivery will be nearly the same – “Someone still has to make out the applications and authorize the delivery” on behalf of the State.

The remainder of the Recommendations are met with little resistance from Paquette. She is concerned that landlords will not accept Weatherization services (as owner of the building, the landlord must qualify for Weatherization or will be asked to pay a small fee to provide the services to his or her low-income tenants). However, she

is completely supportive of the Furnace Clean and Tune Program. Overall, Paquette believes that a decrease in services and resources to assist low-income Vermonters amounts to a “great injustice to struggling families.” She supports the Commissioner’s parting suggestion to develop a “continuous and predictable stream of state-generated funds . . . to augment the LIHEAP block grant,” much like the gross receipts tax provides some predictable funding for the Weatherization program (Vermont, 2012), as she says it is favorable to reducing home heating assistance to Vermonters.

To save an undetermined amount of LIHEAP funding, Paquette proposes an elimination of the After Hours Crisis Fuel service, as restrictions were put in place in the 2011-2012 season eliminating, with very few exceptions, the authorization of Special Trip deliveries (deliveries that do not fall in the fuel dealer’s regular delivery schedule, be it a delivery after 4:30pm or a delivery that is outside the geographical area where the dealer’s trucks are scheduled to deliver on that given day). Rather than pay the staff costs for the four state-wide After Hours Crisis Fuel workers who rotate evenings and weekends throughout the season, Paquette recommends that the State contract the After Hours exceptions to be determined by the 2-1-1³ operators who already handle after hours rule exceptions for the State’s General Assistance program.

Paquette’s analysis is in tune with VCAP’s assertions on the proposed Recommendations. As she has worked with Crisis Fuel clients for years, she is well aware of the needs of struggling households as they seek solutions that will keep their children warm through the winter. It is precisely this type of human perspective that

³ 2-1-1 is a free 24-hour telephone information and referral system run by the United Ways of Vermont.

makes VCAP and the staffs of Vermont's CAP agencies the authority when it comes to advocating for Vermont's low-income households.

Politics

Federal level politics have never been messier. Ultimately, the most critical challenge in allotting adequate funds for LIHEAP is getting Congress to work together and bring any budget to the table. For advocates of LIHEAP funding, this challenge has only mushroomed by the President's lack of support for level funding the program. "The Obama administration has provided challenges we never would have anticipated," says Geller. "It is as if he is giving away half the store [to Republicans] before they even start asking" (personal interview, 2012).

The current situation with LIHEAP funding is framed by last year's cuts and the failure of the bi-partisan Super Committee to reach a negotiated agreement and pass a budget that would reduce the national deficit by \$1.2 trillion. According to Republican Senator Mitch McConnell of Kentucky, a Super Committee agreement "proved impossible not because Republicans were unwilling to compromise, but because Democrats would not accept any proposal that did not expand the size and scope of government or punish job creators." Democrats, according to Senate Majority Leader Harry Reid (a Democrat from Nevada), "were prepared to strike a grand bargain that would make painful cuts while asking millionaires to pay their fair share, and we put our willingness on paper," but the Republican members of the committee "never came close to meeting us halfway" (Barrett, et al., 2011).

Unfortunately, according to both Chris Saunders (Legislative Assistant to Senator Patrick Leahy) and Susan Elliot (Community Liaison for Congressman Peter Welch) a budget will most likely not be passed before the presidential election in November 2012. Elliot believes it may not be passed until at least January 2013. Leahy, who has been a US Senator for over 37 years, has reportedly called this Congress “the worst Congress ever” with bills and budgets coming to absolute stalemates (Burke, personal interaction).

Any outcome of the Super Committee would have meant further cuts to the LIHEAP budget. The continued gridlock means that the House and Senate Appropriations Committees have until the end of September 2012 (the end of the federal 2012 fiscal year) to come up with any negotiated solution or the \$1.2 trillion savings will be evenly split between defense and non-defense spending cuts (Dupree). According to the Children’s Defense Fund, non-defense domestic discretionary funding makes up approximately 12 percent of the federal budget. In 2010 – the last year for which a discretionary budget was passed for a full fiscal year’s spending – that 12 percent equaled about \$477 billion, while \$689 billion went toward defense spending. LIHEAP is just one of a number of programs funded by this discretionary 12 percent, including Head Start, all federal spending on K-12 education, Pell grants, housing programs, job training programs, and transportation spending, among others (Children’s Budget Watch).

Among the political targets that must be addressed to cumulatively provide enough funding to keep low-income Vermonters from freezing in winters to come are: President Obama, Republican and Democratic representatives in both houses of

Congress (particularly those seated on each of the Appropriations Subcommittees on Labor, Health and Human Services, Education and Related Agencies), and the House and Senate Appropriations Committees at-large. These are the real decision-makers who have the power to save the LIHEAP program and protect low-income Americans. Without buy-in from these stakeholders, there is little hope of maintaining last year's funding level, let alone achieving an increase to meet the actual demand for home heating assistance. As Richard Moffi asserts, "The Human Services budget is always the most difficult to approve" (personal interview, 2012).

On the State level, the politics of advocating for LIHEAP funding lie with the appropriation of federal funds between the two LIHEAP programs. VCAP has been working to directly influence decision makers in the Agency of Human Services, regarding the ways in which the federal LIHEAP block grant is spent within the State. While the 2010-2011 heating season was a record year, leaving Vermont's CAPs relying on all of the LIHEAP Contingency Funds to get through the season, the 2011-2012 season saw even greater demand (with the State receiving 12 percent more Seasonal Fuel applications than the 2010-2011 season), and not one cent was allocated for Contingency funding (Geller, personal interaction). The 25 percent cut in LIHEAP funding for Vermont left households that have been accustomed to relying on both the Seasonal Fuel and Crisis Fuel programs to keep warm paying for five or ten gallons of kerosene from their local gas station at as much as \$4.29 per gallon, only to find it barely lasted them the night. Households got less out of the Crisis Fuel program because their first of three possible emergency fuel grants went toward getting a

minimum delivery from their insufficient Seasonal Fuel grant. Likewise, for many households, the third grant went toward supplementing the even smaller Seasonal Fuel bonus benefit that came out in January 2012. On a fixed income of \$750 per month, the CAP Directors argue, it is ludicrous to believe that an individual would be able to save enough money throughout the year, let alone the season, to supplement the cost of a minimum fuel delivery when their State benefit has fallen \$200 short.

Vermont is one of very few states in which CAPs do not run the entire LIHEAP program – CAPs in Vermont run just the Crisis Fuel program on a contract from the State, while the State runs the Seasonal Fuel program through the Office of Home Energy Assistance. According to Geller, states where CAPs run the entire program are doing so with much greater efficiency than Vermont. Before Geller became SEVCA’s director, VCAP submitted a proposal to the State to shift the Supplemental Fuel program to the CAPs. At that time, Geller reports, Gloria Dawson (former Executive Director of SEVCA) and Linda Rooker (current Executive Director of BROCC) were unconvinced that the CAPs were equipped to cover both programs, and they presented an unnecessarily padded budget that was met with reasonable disapproval from the State. VCAP has revisited the issue since, but according to Geller, the most recent proposal was most likely lost in the process of the State’s move to “Modernization.”⁴ Geller believes that unless the

⁴ In 2009 the Economic Services Division (ESD) of the State of Vermont’s Agency of Human Services moved from a localized system, whereby clients would apply for benefits at their local District Office to a centralized system they called “Modernization.” The shift to Modernization was an attempt to use technology to update the system to an entirely electronic one, which would encourage on-line applications and would send all paper applications and documents through a single Application & Document Processing Center to be scanned and converted into electronic images that would then build an electronic file for each client. Additionally all phone calls are now routed through a single Benefits Service Center 800 number. The pros and cons of this system, which is now in the process of moving back

State officially decentralizes its services again, there will be no hope of the CAPs taking on the Seasonal Fuel program (personal interview).

According to Geller, the Crisis Fuel program is much more efficiently run through the CAPs than it would be through the State. The Vermont Agency of Human Services has traditionally staffed the Office of Home Energy Assistance with no fewer than eleven personnel (eight or nine full-time workers, plus two temporary workers, and one Director). However, when the State underwent Modernization, the Fuel Office decreased in size to a staff of just three full-time personnel: A Benefit Programs Assistant Administrator; a Benefit Programs Administrator; and the Fuel Assistance Program Chief (Moffi, 2012). Given the downsized fuel office staff, it would be impossible for the State to take back the Crisis Fuel program from the CAPs.

For the past fourteen years (since FY 1998), the CAPs have received the same amount of funding to administer the Crisis Fuel program, while the funds for direct client assistance (the funds that pay directly for fuels) have fluctuated. As fuel prices rise, and incomes continue to drop – making more households eligible for fuel assistance – there has been a great need for more service delivery funding. Geller calls this reality a “blind spot” for the State. “There seems to be a perception that we roll around town and throw money off the back of a truck. It is absurd to think that we don’t need to pay our people to provide the service.” Geller adds that VCAP is constantly forced to justify the need for service delivery, which includes not just authorizing delivery of fuels, but staff time to enroll, verify need and eligibility, educate,

toward a decentralized model in the aftermath of Tropical Storm Irene, are not addressed within this paper.

case manage, and help clients move toward stability. Consistently, year after year, in order to get through the CF season, accountants for Vermont's CAPs have had to charge CF program staff time to the CF budget until it ran out, then charge the CF staff time to other grants. However, at Geller's suggestion, Vermont's CAP directors began tracking actual staff costs. In the first year of tracking the actual cost it was found that while SEVCA had been granted \$60,000 for staff time, service delivery had cost the agency \$77,000. Since then, the cost of staff time has risen to \$92,000 – and as Geller comments, “To do it *well* would cost much more” (personal interview).

The 2011-2012 Crisis Fuel season (late November 2011 through the first week of April 2012) saw demand so high at the end of January 2012 that SEVCA was forced to reassign two Flood Recovery staff (hired to provide case management, resources and referrals to households affected by Tropical Storm Irene [August 2011]) to provide Crisis Fuel assistance. Normal staffing for the program during the 2011-2012 season included seven Crisis Fuel workers covering Windham and Windsor counties. However, for two weeks at the end of January 2012, ten workers were engaged in CF service delivery, which barely allowed for staff to respond to emergencies within the standard twenty-four hour window. This was the case in the middle of an incredibly mild winter for Vermont – as Geller and many others have considered, “Imagine last year's winter with this year's funding – it would have been impossible” (personal interview).

Decisions as to the allocation of the federal block grant are finalized through the Vermont Legislature and mandates are then handed down through the State Office of Economic Opportunity (OEO), which oversees the Office of Home Energy Assistance and

all of the CAPs. Despite the role of the HEAT Force as an advisory group to the Vermont Office of Home Energy Assistance (and not to the Legislature, the Vermont Department of Children and Families (DCF) or any of the legislative committees), Moffi reports that in reality, the Commissioner and Deputy Commissioner of DCF (as well as legislators) often ask for a reading from the HEAT Force before making formal decisions on spending and program rules. According to Moffi, DCF Commissioner Dave Yacovone has said he will not make decisions pertaining to LIHEAP funding without a formal meeting and recommendations from the HEAT Force (personal interview, 2012).

While VCAP is welcome at the HEAT Force table, they do not necessarily see the HEAT Force as a priority forum to advocate for Crisis Fuel clients. Jan Demers (Executive Director of CVOEO), the newest VCAP member, represents VCAP at HEAT Force meetings. As Geller explained, VCAP's strategy is to "get the right players in the right room at the right time" to be present and have an influence when real decisions are being made. Collectively VCAP thinks a lot about who needs to meet with whom or which committees to make the greatest impact for their advocacy. Moffi has expressed that he would like to see VCAP become a formal member of the HEAT Force, allowing voting rights to those representing the CAPs, which he believes could easily be accomplished with a request for a change in the Statute through any Vermont legislator. Moffi acknowledges that the HEAT Force is not a formal decision-making body, and that its recommendations rarely come to a vote.

Geller feels that the HEAT Force is "not really where the rubber hits the road." He feels the Task Force is more of a sounding board for the issue, not where the real

action takes place. Given the fact that VCAP frequently disagrees with HEAT Force recommendations, Geller and the other members of VCAP feel it is much more effective to have direct access to Commissioner Yacovone (Geller, personal interview, 2012).

According to Moffi (who together with the HEAT Force collaborated with Commissioner Yacovone on the Recommendations for Sustainability), several of the changes have been in process since the Recommendations were distributed on March 1. As of May 7, 2012 the Vermont Gas System discount had already passed through the Vermont Legislature. As of this writing, Moffi is in the process of filing rules to limit CF grants to one per year for households eligible for SF and two per year for households in the gap (over-income for SF and income-eligible for CF). According to Moffi at the end of May 2012, the Furnace Clean and Tune program was “in the works” and the State had begun working with a former consultant on the Bulk Fuel Pricing recommendation. The CAP Directors continue to provide information to Commissioner Yacovone and other officials within the State Office for Economic Opportunity, to advocate against select points in the Recommendations for Sustainability submitted to the Vermont legislature. As the HEAT Force breaks for the summer months, Moffi is confident that all of the Recommendations that were slated to begin this coming winter will proceed as outlined in the document – as he puts it, “the only unknowns are the dollar figures.” However, he predicts, “It will be an ugly, ugly, ugly winter this year” (personal interview). Moffi’s closing email to the HEAT Force in June stated that discussion regarding the changes to Crisis Fuel – which would limit crisis grants to one per season for income eligible households, and two per season for households ineligible for Seasonal Fuel

assistance – would continue with a conference call in September (email communication).

For Paquette, there is no question – “The State cannot afford to make up what the Feds have cut,” to which she added, “We’re going to have people out in the streets freezing. I think we could email suggestions all we want, but I think their minds are made up” (personal interaction, 2012). According to Paquette, the Crisis Fuel Coordinators for each of the Vermont CAPs used to have more influence in the decision-making process as they were more regularly asked for contributions in discussion on how the program would be implemented through participation in the Fuel PAC (political action committee). Paquette, who had been representing SEVCA on the Fuel PAC since 1999, has said, “Back when they had monthly face-to-face meetings, the Fuel Coordinators had much more say and more changes were made based on our suggestions.” Now, she reports, the group has not been convened face-to-face in at least two years, nor has it met anywhere nearly as frequently as it once did. In the 2010-2011 season, the group met only three times – each time by conference call, and in the 2011-2012 season, only two such calls took place – once in early November 2011 and the other just before the start of the CF season on November 28, 2011 (personal interview, 2012). As Veneklassen and Miller argue, “politics never occurs on an even playing field. Behind-the-scenes, political, economic, social, and cultural forces operate to shape who gets to sit at the decisionmaking [sic] table and whose issues get addressed” (2007, p. 47).

Strategy

Across the loose network of advocates for LIHEAP funding, the message to decision-makers has remained the same: Low-income Americans/Vermonters should not have to choose between having heat or having their necessary medicines and putting food on the table. According to Geller, “The power of LIHEAP is that it has a visceral, emotional aspect to it. Regardless of how people feel about the welfare state, they don’t want to see people freeze” (personal interview). Over the years, the fight for LIHEAP funding has coalesced into a regional issue. The LIHEAP program has been reauthorized or amended seven times since its creation by the Low Income Home Energy Assistance Act of 1981 (Perl, p. 12), and the program did not always fund both heating and cooling costs. Although LIHEAP continues to bring resentment from conservatives for whom cutting spending is a major priority, especially those from the warmer southern states, the introduction of air conditioning assistance helped to pull in support from many conservatives. Geller related a milestone from a number of years ago when he was working in New Hampshire – arguably, one of the most conservative states. At that time, there was a considerable success as advocacy for LIHEAP funding coalesced into a regional issue. As Geller explained it, “Conservatives don’t want to see something tragic happen on their watch.” As Community Action representatives spoke out about people using their electric ovens for heat, or an elderly couple in Massachusetts dying of hypothermia, or families poisoned by carbon monoxide from using faulty kerosene heaters in enclosed spaces, public outrage soared and more and more conservatives, who didn’t want to go on record voting against funding for home heating assistance

increased support for LIHEAP. Fiscal conservatives found themselves able to separate their voting records from their feelings about LIHEAP: “We’re in favor of cutting spending, but not this spending.” The cold winter weather became a unifier for delegates who, although their constituents are neighbors, could not have much more distant political views and records.

VCAP does not have any long-term goals pertaining specifically to national advocacy for LIHEAP. With their direct mission resting in service provision, to which advocacy often takes a backseat, VCAP watches the national politics closely, but they do not have a drive to create any deeper connection with any other advocates in a way that could be considered an alliance or coalition. Rather, the CAP Directors are committed to maintaining their strong relationships with Vermont’s Congressional delegates, a role in which they are well-respected providers of quality primary data regarding the plight of low-income Vermonters.

While VCAP members, especially Geller, regularly write Letters to the Editor or Opinion Editorials for Vermont publications, and are frequently interviewed on a number of topics pertinent to Community Action, little if anything has been done to engage the media in advocating for LIHEAP funding. The CAP Directors have been speaking publicly about their proposal to channel the windfall from the merger between Vermont’s two largest electric utilities into funding for Weatherization programs. However, they have generated no such publicity around LIHEAP – perhaps because the power is out of the hands of the people at this point and is laying squarely in the hands of the Human Services Appropriations Subcommittees, where it will likely sit until the

beginning of the 2013 fiscal year (October 1, 2012) and all discretionary programs are cut equally.

Veneklassen and Miller would agree with VCAP's strategy of "getting the right people in the right room at the right time" to influence the actual decision-making process. At this point, federal cuts to LIHEAP spending are inevitable, but if LIHEAP advocates from national campaigns like NCAF, the National Fuel Funds Network, and the Campaign for Home Energy Assistance (the LIHEAP Action Center) can influence key targets before September 30, 2012 they can mitigate the blow to low-income Americans who rely on LIHEAP funds. These groups are good potential allies for groups like VCAP, who have the support of their own federal delegates, but want to ensure that they are reaching out further to gain the support of any possible fence-sitters, particularly those participating on the relevant Appropriations Subcommittees. While VCAP has been known to contact the chairs of key Congressional committees to provide information, Geller had no recent memory of having done so with the intent of preventing cuts to LIHEAP.

Geller has participated in NCAF's national legislative conference in Washington, D.C. for the past twenty-six years. However, VCAP has never worked with any of the other LIHEAP advocacy groups seated in Washington, perhaps because the Vermont delegates are such supporters of LIHEAP. The extent of the Vermont CAP Directors participation in national advocacy has been limited to responding to requests from Members of Congress and their aids – providing information about what is going on in a particular district – as long as it is not directly asking for a particular vote or political

campaign. Members of Congress often contact VCAP to speak on panels or to gather information on the needs of low-income Vermonters. VCAP and the staff members of Vermont's CAP agencies are in a unique position to discuss needs for funding, and to describe the impact policies will have on low-income Vermonters. Due to Vermont's progressive democratic delegation and their support for Community Action programs, there is rarely a need to "lobby" on any particular issue.

While VCAP members feel it is most important to focus their strategies on being present where key decision-makers are gathered in the arenas in which decisions are actually made, they are most able to do so on the State level, where again, they see themselves primarily as purveyors of first-hand data gained in working with clients affected by policy. One long-term goal VCAP has on the State level may be to propose that Vermont's CAPs take control of the entire LIHEAP program (administering both the Crisis Fuel and Seasonal Fuel programs) as Community Action agencies do in the majority of states. While Geller believes that Vermont's CAPs can do a better job than the State, in light of the many other non-LIHEAP programs on VCAP's plate, this proposal is not an imminent priority for the group at this time.

As a short-term goal, VCAP has been communicating directly with Commissioner Yacovone to provide an alternate perspective on the Recommendations for Sustainability. They want to show why the program will not work as outlined for Vermont's most vulnerable households. Additionally, Geller has indicated that a consistent goal for VCAP has been advocating for more funds to pay Crisis Fuel staff for service provision so CAPs will not need to pay for CF staff time out of other grants.

Evaluation

While the Vermont CAP Directors are the primary advocates for increased LIHEAP funding for low-income Vermonters, they are far from waging a traditional advocacy campaign on the issue. Based on her work analyzing social justice advocacy case studies in various contexts and formats, Gabrielle Watson (Senior Campaign Advisor for Oxfam America) has learned and suggested the following:

- “Social justice advocacy seeks to change the balance of power to favor excluded groups by acting simultaneously in multiple arenas, including influencing policies and laws, opening channels of participation in decision-making forums, and building civil society.
- “More often than not, advocacy in a globalized world is carried out beyond a particular arena (local, regional, national, or “global”) and draws on a range of actors and allies that have different perspectives, agendas, and access to resources. . . .
- “Regardless of how open or closed the political system is, successful efforts employ a range of strategies, are flexible and responsive to changing circumstances, and identify a range of leverage points from the power of “rights” arguments, to filing complex legal cases, to identifying sympathetic allies within otherwise hostile targets” (Cohen et. al., 2001, p. 217).

With these learnings, Watson has created a framework for analyzing social justice advocacy campaigns. Although VCAP’s activities do not necessarily fit the profile of a dedicated campaign on the issue of increased funding for LIHEAP, Watson’s framework is a useful tool for evaluating VCAP’s efforts. Watson’s first task in reviewing the data of her multiple case studies was in preparing a definition of advocacy that would fit each of the many contexts she examined. She suggests that advocacy is a multi-dimensional

concept, “held together by the core principles of social justice, human rights, equity, and equal power for all members of society” (Cohen, et al., p. 218). In order to address the multi-dimensionality of the concept of advocacy, Watson’s framework for analysis covers the many angles from which an advocacy campaign should be evaluated, specifically looking at the campaign’s capacity for positive social change in policy, governance, and civil society.

Table 4: Watson’s Framework of Impact Analysis for Social Justice Advocacy

| Dimension of Advocacy Impact | | Policy | Governance Structures | Civil Society |
|------------------------------|--------------|--|---|---|
| Definition | Instrumental | Policies, laws, programs or practices that lead to other policy, governance, or civil society gains | Access to decision-making processes that facilitates policy gains or civil society gains | Increasing the ability of civil society organizations to articulate and fight for their interests with powerful actors and hold government and the private sector accountable |
| | Structural | Specific policies, laws, programs, and practices that have direct benefit for excluded groups, when implemented | Opening and consolidating channels of participation, voice, and power for civil society to engage in decision-making processes affecting their lives | Creating internal cultures, practices, and structures consistent with their social justice ideals and holding representative structures accountable |
| Strategies | | <ul style="list-style-type: none"> * Lobbying to promote a position * Proposing alternatives * Media Campaigns to influence decision makers * Research, monitoring, and investigations * Investigations by proxy (media, watchdogs) * Policy alliances with decision makers to increase leverage | <ul style="list-style-type: none"> * Changing public discourse * Creating, opening, and consolidating channels for civil society participation * Strategic alliances for articulating common interests to increase power * Strengthening vehicles for expressing civil society interests (media, governance structures, courts, etc.) | <ul style="list-style-type: none"> * Grassroots organizing * Popular education on social justice and human rights issues * Strengthening of representative organizations * Creating bridging organizations to link civil society organizations * Building a sense of dignity, courage, and self-respect to fight cynicism and despair |
| Indicators of Success | | Policy, law, program, precedent, etc. instituted and implemented | <ul style="list-style-type: none"> * Democratic space expanded * New channels for participation * Freedom of action, engagement * Position of credibility, and power of campaign participants strengthened | <ul style="list-style-type: none"> * Strong grassroots organizations and NGOs with representative and accountable structures * Ability to articulate rights (political, civil, social, and economic) and formulate proposals to assert these rights * Increased awareness of members and other sectors of civil society and public about issues at stake |

(Cohen et. al., p. 238)

While VCAP’s efforts fit Watson’s advocacy definition as an organization pursuing social justice and human rights for low-income Vermonters, it has had only minimal success in achieving the outcomes it has sought in terms of LIHEAP. VCAP’s

primary position as a service provider has limited its capacity for advocacy work.

Watson writes, “There are also tensions of competing priorities, with service work taking away from advocacy work, since the need always outstrips the resources” (Cohen, et al., p. 235). This is a fitting description of the limitations on VCAP’s advocacy work.

Not only does the group have a wide range of priorities, but also each of the members is the Executive Director of a dynamic, multi-county, multi-program CAP agency. It is with this understanding, that I undertake my evaluation of this “campaign’s” achievements and limitations.

VCAP’s greatest strength in advocating for both the Crisis Fuel program (at the State level) and increased federal funding for LIHEAP in general, is its incredibly strong relationships with Vermont’s Congressional delegates. VCAP is a trusted source of direct information, which brings the humanity of real people’s stories to the debates. These trusted relationships should be cultivated and expanded to reach members of the Vermont Legislature, where VCAP could garner more support for its alternatives to Commissioner Yacovone’s Recommendations for Sustainability. VCAP should invest the time to strategically plan for and propose a re-design of the entire LIHEAP program, which would be entirely administered by the CAPs. Having control of the entire program would ensure greater social justice in the dispersal of benefits across both programs and would eliminate the need to advocate against the State’s efforts to limit access to the program.

In terms of the intersection between policy and strategy, I recommend that VCAP invest the time to draft a formal proposal of alternative solutions to Commissioner

Yacovone’s sustainability recommendations that would come from an angle of social justice and human rights, which, according to Watson, are more difficult to argue against and provide “a tactical vehicle for making public arguments” (Cohen et. al., p.223). I would also recommend pursuing news media to draw attention to the injustice of cutting access to fuel assistance programs.

While it is particularly strong at using its position as a service provider to accurately depict the struggles low-income households face in obtaining home heating resources, there are a number of ways VCAP’s strategy measures for governance and civil society could be improved. At present, VCAP has no online presence at all. I would recommend that VCAP create a website to make LIHEAP and other advocacy information, including case studies and testimonials of real program participants, available to the public. I would also recommend a greater presence in the media with letters to the editor and opinion editorials representing VCAP’s stance on funding for LIHEAP. These would be most impactful coming from program participants themselves – VCAP should encourage articulate recipients of fuel assistance to publicly participate in the conversation.

In an effort to increase support with both the Vermont Legislature and Congress, VCAP should begin to seek out partnerships with organizations representing the human rights of vulnerable low-income populations, such as advocates for the elderly and disabled individuals. In line with this goal, the CAP Directors should vigorously pursue any potential partners with financial resources, which may increase VCAP’s capacity to fund staff positions to conduct additional advocacy work, manage a website, conduct a

more traditional public campaign, etc. A website would help VCAP to provide targeted information of interest to advocates of other vulnerable low-income populations to increase awareness of program changes at stake and to progress toward the formation of a network or coalition.

Above all else, I believe it is necessary for VCAP to begin working together with the HEAT Force to multiply its advocacy efforts with the Vermont Legislature and DCF. By limiting their participation in the HEAT Force, VCAP has lost an opportunity to partner with other (non-Community Action) civil society organizations and to influence that group, which has proven access to decision makers. VCAP needs to acknowledge the power held by the HEAT Force, not only as an advisory group for the Office of Home Energy Assistance, but also to the Vermont Legislature and DCF, and take advantage of the opportunity to make moral human rights arguments more clearly heard both in the task force forum and before the Legislature. In order to participate fully, VCAP must approach a supportive member of the Vermont Legislature to propose a change in the statute that would make VCAP a voting member of the HEAT Force. I would also recommend that VCAP work with that supportive legislator, the HEAT Force and perhaps even the Governor to draft legislation that would create a permanent fund to supplement LIHEAP in the event of future federal cuts.

Table 5: Watson’s Framework as applied to VCAP and LIHEAP

| Advocacy Impact | | Policy | Governance Structures | Civil Society |
|-----------------|--------------|--|---|---|
| Definition | Instrumental | <p>Achievement: CAPs take on the Crisis Fuel program under contract from the State of Vermont</p> <p>Recommendation: Plan for and propose a re-design of the entire LIHEAP program which would then be administered entirely by Vermont’s CAP agencies (Seasonal Fuel and Crisis Fuel)</p> | <p>Achievement: Incredibly strong relationships with Vermont’s Congressional delegates as a trusted source of primary data regarding the struggles of low-income Vermonters</p> <p>Recommendation: Use the relationships created with Congressional delegates as a model for influencing state level legislators</p> | <p>Weakness: By limiting participation in the HEAT Force, VCAP has lost an opportunity to partner with other (non-Community Action) civil society organizations to work together for greater impact</p> <p>Recommendation: Approach a supportive member of the VT Legislature to propose a change in the statute that would make VCAP a voting member of the HEAT Force</p> |
| | Structural | <p>Achievement: Eligibility threshold increased to allow more households to participate in both LIHEAP programs</p> <p>Recommendation: Continue to advocate against the HEAT Force Recommendations for Sustainability that limit access to Crisis Fuel assistance</p> | <p>Recommendation: Acknowledge the power of the HEAT Force, not only as an advisory group for the Office of Home Energy Assistance, but also to the Vermont Legislature and DCF, and take advantage of the opportunity to make moral human rights arguments more clearly heard both in the task force forum and before the Legislature</p> | <p>Recommendation: Bring a greater social change and social justice perspective to the HEAT Force by participating more fully as a legitimate member</p> |

| | | | |
|---|---|---|--|
| <p style="text-align: center;">Strategies</p> | <p>Recommendation: Propose alternatives to the Recommendations for Sustainability from a Human Rights and Social Justice angle by drafting an alternative policy proposal</p> <p>Recommendation: Utilize media to draw attention to the injustice of cutting fuel assistance program access</p> | <p>Strength: Using position as a service provider to accurately depict the struggles low-income households face in obtaining home heating resources</p> <p>Recommendation: Create a website to make LIHEAP and other advocacy information available to the public – include case studies and testimonials of real program participants</p> <p>Recommendation: Write letters to the Editor and to decision-making bodies in Congress and the Vermont Legislature and encourage program participants to do the same</p> <p>Recommendation: Seek partnerships with organizations representing the human rights of vulnerable low-income populations, such as advocates for the elderly and disabled individuals</p> <p>Recommendation: Vigorously pursue any potential partners with financial resources, which may increase VCAP’s capacity to fund staff positions to conduct additional advocacy work, manage a website, conduct a public campaign, etc.</p> | |
| <p style="text-align: center;">Indicators of Success</p> | <p>Strength: VCAP remains engaged in the debate over recommended policy changes for FY 2013</p> <p>Achievement: Supplemental funding from the State of Vermont to address cuts to the federal LIHEAP block grant</p> <p>Recommendation: Work with a supportive legislator, the HEAT Force, and/or the Governor to draft legislation which would create a permanent fund to supplement LIHEAP in the event of future federal cuts</p> | <p>Strength: Existing channels for citizen participation in government are strong, and democratic political space is ample for citizen advocacy</p> <p>Strength: VCAP remains a well-positioned, sought-out, and credible source of information to both state and national decision-makers</p> | <p>Recommendation: Provide targeted information of interest to advocates of other vulnerable low-income populations to increase awareness of program changes at stake and to progress toward the formation of a network or coalition that will increase the collective voice on the issue</p> |

Hopefully, the CAP Directors will see success from their efforts to change the course of Commissioner Yacovone’s Recommendations and the “campaign” will result in blocking at least the portion of the proposal that limits access to the Crisis Fuel program from becoming policy. If this is the outcome, I suspect Watson would deem this a successful campaign. My assessment is that VCAP is unlikely to invest the time and

resources into building a network or coalition around the LIHEAP funding issue, and nothing about the situation is likely to bring about a change in governance. Therefore, in terms of Watson's framework, any outcome that does not amount to a VCAP-approved policy on the agenda or a VCAP-rejected policy blocked or repealed would be considered a failed campaign. Regardless of the outcome, it is necessary to consider the fact that VCAP is not primarily an advocacy group waging full-fledged campaigns, but a service provider advocating for vulnerable low-income Vermonters to whom it provides a voice.

My critique of the State level Recommendations for Sustainability mirror Paquette's. It is clear that Commissioner Yacovone and the HEAT Force are gearing up for yet another winter without a federal budget passed through Congress. While I can appreciate the need to plan an approach to make the program work with less, passing the costs on to those least able to pay them is far from the just and proper means to that end.

To achieve social justice within this mess of budget cuts, several things will need to happen. On the federal level it will be necessary to re-evaluate the Federal Poverty Line guidelines to account for the 3.6 percent increase in Social Security benefits that led so many households to become ineligible for any fuel assistance in the early months of 2012. This guideline, if not reevaluated before the beginning of the 2012-2013 heating season, will be devastating for households like the Parkers, who – because they have an extra \$103 dollars coming in to support the three of them each month – are suddenly expected to pay for \$2500 worth of fuel to heat their home for the season.

If the Recommendations for Sustainability that limit households to just one or two Crisis Fuel grants per season pass through the legislature, a great deal of public awareness, outreach and sensitization will need to be done to orient households to the new SF and CF programs. This outreach will need to happen far enough in advance to give Vermont's households time to plan their budgets carefully if they are to come anywhere near paying upfront for a portion of their heating fuel. This outreach will need to take place in the public realm, and cannot be directed by Community Action agencies alone. If this public outreach and education were conducted only through CAPs, many households who visit Community Action agencies only during CF season would be without information until their emergency fuel crisis was already upon them. If the Recommendations for Sustainability are passed and prove unfeasible, the State may, at that point, be more willing to hand over both LIHEAP programs to the CAPs.

Lessons Learned

Funding for LIHEAP is a perennial issue, not an issue that requires focused energy to reach a milestone landmark decision. New energy must be brought to the process to advocate for adequate funding for each heating season.

Ultimately, in order for any of my recommendations to be feasible (or for any similar campaign reliant on federal discretionary funding), it is necessary to develop a fair and reasonable federal budget that provides for social justice for the nation's most vulnerable citizens, who, as Representative Welch reminds us, do not control the price of oil or the temperature. It is clear that debt reduction is a priority for the health of the economy, but it must be done in a way that protects the provision of assistance for the

basic needs of low-income Americans. It is critical that we ask the wealthiest Americans to pay their fair share. In an attempt to do so, it is clear that VCAP and other advocates should be urging Vermont's delegates to get themselves to the table on the relevant Appropriations Subcommittees, where they can make the greatest impact at protecting LIHEAP funding from the chopping block.

It is unclear why LIHEAP is not budgeted as Entitlement spending – along with Medicaid, Medicare and Food Stamp programs – which is mandated by law and does not need Congressional approval each year. Perhaps advocates should be looking at a plan to change LIHEAP's classification to be included in Entitlement spending, which would secure funding for the program for what it is: meeting a basic need for low-income Americans. The likelihood of this happening in this or any subsequent Congress is low, at least until the National Debt has been more concretely addressed. Given the inability of the current Congress to get much of anything done, it seems no amount of advocacy can begin to provide the ideal outcomes for which VCAP has been hoping.

General lessons learned from the VCAP case study are to be deliberate and organized in planning an advocacy campaign. Be strategic in deciding exactly what it is that you want to achieve in both the short- and long-term – it will help tremendously when developing your message. Spread your message through some form of a public campaign – it does not need to cost anything to do so. Start by writing letters to the Editor and encouraging your constituents to do the same. Research and determine whom the key decision makers are, provide them with focused information about your objectives and target them with your message. Do your best to get a seat at the

decision making table either in an advisory role or by providing your strategic information to the key members of the decision-making body. Look for allies who can help amplify your efforts. If there is not an existing network or coalition, start a new one. Most importantly, if there is a chance to influence decision-makers, do not miss the opportunity to get the right person in the right room at the right time to do so.

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Appendix A: Vermont Statute Regarding Home Heating Fuel Assistance

Title 33: Human Services

Chapter 26: HOME HEATING FUEL ASSISTANCE

§ 2601. Policy and purpose

(a) It is the purpose of this chapter to secure the safety and health of low income Vermont households by providing needy Vermonters with assistance for the purchase of essential home heating fuel. To further this purpose, application acceptance, processing, and eligibility determination should as much as is practical be coordinated with other economic benefit programs administered by the agency of human services.

(b) This chapter establishes a home heating fuel assistance program in the agency of human services with both a seasonal fuel assistance component and a crisis component. (Added 1995, No. 158 (Adj. Sess.), § 1, eff. May 10, 1996; amended 2009, No. 88 (Adj. Sess.), § 1, eff. April 29, 2010.)

§ 2601a. Definitions

For purposes of this chapter:

(1) "Household" means any individual or group of individuals who live together as one economic unit:

(A) for whom energy for home heating fuel is customarily purchased in common; or

(B) who make undesignated payments for energy for home heat in the form of rent.

(2) The following individuals are members of the same household based on their being legally responsible for the financial support of the applicant or recipient or another member of the household:

(A) An individual residing in the dwelling unit who is the husband, wife, or civil union partner, or minor daughter or son of the applicant or recipient.

(B) An individual residing in the dwelling unit who is the parent of any minor daughter or son included in the household, any minor daughter or son of such parent not already included in the household, the husband, wife, or civil union partner, of any minor included in the household, or the minor daughter or son of any minor included in the household.

(3) The following individuals shall be presumed to be members of the same household, unless the applicant or recipient provides to the office of home heating fuel assistance reasonable evidence that such individuals are not members of the same household

economic unit:

(A) An individual residing in the dwelling unit who is related by blood, civil marriage, or adoption to another resident of the dwelling unit and has not been included in the household in accordance with the provisions of subdivision (2) of this section. Such relationships include the relationship of the adult applicant or adult recipient to his or her father, mother, grandmother, grandfather, adult son, adult daughter, grandson, granddaughter, brother, sister, stepfather, stepmother, stepbrother, or stepsister.

(B) An unrelated individual residing in the dwelling unit who does not pay reasonable compensation to rent one or more rooms as separate living quarters, or who does not make reasonable compensation in the form of caretaker or companionship services in the case of an applicant or recipient who is 60 years of age or older or disabled.

(4) The following individuals shall be presumed not to be members of the same household, provided that the applicant or recipient provides to the office of home heating fuel assistance reasonable evidence that such individuals meet the standards specified below for exclusion from the economic unit:

(A) Individuals in the custody of and placed in foster care by the department for children and families, and individuals placed in a home by or through a program administered by the department of health or of disabilities, aging, and independent living.

(B) Individuals providing medically necessary personal care or homemaker services to a member of the household who is 60 years of age or older or disabled. (Added 1999, No. 59, § 1, eff. June 1, 1999; amended 2005, No. 174 (Adj. Sess.), § 108; 2007, No. 172 (Adj. Sess.), § 12; 2009, No. 3, § 12a, eff. Sept. 1, 2009.)

§ 2602. Administration

(a) The agency of human services shall administer the home heating fuel assistance program through an office of home heating fuel assistance to be assigned within the agency as determined by the secretary, and to be headed by a director appointed by the secretary.

(b) The secretary of human services shall adopt rules, pursuant to chapter 25 of Title 3, necessary for the implementation of this chapter, or pursuant to any applicable federal laws or regulations.

(c) The secretary shall engage in cost-effective purchasing practices to maximize the purchasing power of public funds used in connection with the home heating fuel

assistance program. Such practices shall include, but not be limited to, preseason purchases of fuel, fixed price agreements, automatic fuel delivery, and negotiations with fuel suppliers on behalf of program beneficiaries for additional fuel price discounts. The practices authorized by this subsection shall be used in connection with all applicable fuels purchased by program beneficiaries. The secretary shall make available to program recipients the list of fuel suppliers who have agreed to provide fuel discounts. (Added 1995, No. 158 (Adj. Sess.), § 1, eff. May 10, 1996; amended 2001, No. 63, § 129a, eff. June 16, 2001; 2005, No. 93 (Adj. Sess.), § 38, eff. March 3, 2006; 2007, No. 172 (Adj. Sess.), § 13.)

§ 2603. Home heating fuel assistance fund

(a) There is created in the state treasury a fund to be known as the home heating fuel assistance fund.

(b) The fund shall consist of the receipts from any taxes dedicated to the fund and such other state funds as may be appropriated to it by the general assembly and the federal Low Income Home Energy Assistance Program (LIHEAP). These funds shall be expended by the secretary of human services or designee in accordance with this chapter, rules adopted pursuant to this chapter, and relevant federal law.

(c) All balances in the home heating fuel assistance fund at the end of any fiscal year shall remain in the fund for future disbursements.

(d) The secretary or designee may spend, in anticipation of federal receipts into the home heating fuel assistance fund established under this section, a sum no greater than 75 percent of the federal block grant funds allocated to Vermont for the current federal fiscal year under the Low Income Home Energy Assistance Program (LIHEAP), for the purpose of permitting preseason purchases of fuel and other cost-effective purchasing practices authorized by subsection 2602(c) of this title, in accordance with rules adopted by the secretary. (Added 1995, No. 158 (Adj. Sess.), § 1, eff. May 10, 1996; amended 2001, No. 63, § 129b, eff. June 16, 2001; 2009, No. 4, § 109, eff. April 29, 2009; 2009, No. 88 (Adj. Sess.), § 2, eff. April 29, 2010.)

§ 2604. Eligible beneficiaries; requirements

(a) Household income eligibility requirements. The secretary of human services or designee, by rule, shall establish household income eligibility requirements of beneficiaries in the seasonal fuel assistance program including the income of all residents of the household. The income eligibility requirements shall require that households have a gross household income no greater than 185 percent of the federal poverty level in order to be potentially eligible for benefits. To the extent allowed by federal law, the secretary of human services or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT, except that the secretary or designee shall include additional deductions or exclusions from income

required by LIHEAP.

(b) Fuel cost requirements. The secretary of human services or designee shall by procedure establish a table that contains amounts that will function as a proxy for applicant households' annual heating fuel cost for the previous year. The seasonal fuel expenditure estimates contained within such table shall closely approximate the actual home heating costs experienced by participants in the home heating fuel assistance program. Such table shall be revised no less frequently than every three years based on data supplied by certified fuel suppliers, the department of public service, and other industry sources to the office of home heating fuel assistance. The secretary or designee shall provide a draft of the table to the home energy assistance task force established pursuant to subsection 2501a(c) of this title and solicit input from the task force prior to finalizing the table.

(c) In determining heating fuel costs of households:

(1) Residents of housing units subsidized by the federal, state, or local government shall be deemed to have incurred no annual home heating fuel costs, except to the extent required by any federal law or regulation if federal funds are utilized for the home heating fuel assistance program, and with the following additional exception. Housing unit residents who participate in Reach Up under chapter 11 of this title, or who receive Supplemental Security Income/Aid to the Aged, Blind, or Disabled (SSI/AABD), emergency assistance, or general assistance benefits that are used in whole or in part to pay for their housing or utility costs and do not receive other federal, state, or local government assistance targeted specifically to their housing or utility needs shall, with the exception of households for which the cost of heat is supplied by the landlord, be assumed to incur annual home heating fuel costs and their eligibility for annual heating fuel assistance shall not be limited by this subsection.

(2) The annual heating fuel cost for a household unit shall be only for the cost of the primary heating fuel source of the unit, which may be for wood, electricity, or any other fuel source, but annual heating fuel costs shall be only for the cost of heat and not include the cost of the fuel for any other uses of the household. (Added 1995, No. 158 (Adj. Sess.), § 1, eff. May 10, 1996; amended 1997, No. 2, § 68, eff. Feb. 12, 1997; 1997, No. 61, § 130a; 1999, No. 59, §§ 2, 3, eff. June 1, 1999; 1999, No. 66 (Adj. Sess.), § 56, eff. Feb. 8, 2000; 2007, No. 65, § 143; 2007, No. 172 (Adj. Sess.), § 14; 2009, No. 4, § 108, eff. July 1, 2008; No. 1 (Sp. Sess.), § E.324.3; 2009, No. 88 (Adj. Sess.), § 3, eff. April 29, 2010.)

§ 2605. Benefit amounts

(a) The secretary of human services or designee shall by rule establish a table that specifies maximum percentages of applicant households' annual heating fuel costs,

based on the proxy table established pursuant to subsection 2604(b) of this title, that can be authorized for payment as annual home heating fuel assistance benefits for the following year. The maximum percentages contained within this table shall vary by household size and annual household income. In no instance shall the percentage exceed 90 percent.

(b) The maximum percentages of annual heating fuel costs table established in subsection (a) of this section shall provide proportionally higher benefit percentages to households with a gross income of 154 percent of the federal poverty guidelines or less and proportionally lower benefit percentages to households with a gross income of 155 to 185 percent of the federal poverty guideline.

(c) Annually, based on the number of eligible households that have applied or are projected to apply, and on the eligibility of households in the benefit categories established in this section, the secretary of human services or designee shall, by procedure, set the payment rate that shall be used to determine the amount of annual home heating fuel assistance for each eligible household. In no event shall the payment rate be greater than 100 percent of the maximum percentage established by rule as required by subsection (a) of this section.

(d) In the case of a household for which the cost of heat is not supplied by the landlord, the household's annual home heating fuel assistance benefit is the household's annual heating fuel cost as defined in subsection 2604(b) of this title, multiplied by the maximum percentage for that household found in the table established by subsection (a) of this section, multiplied by the payment rate established in subsection (c) of this section.

(e) Households that make undesignated payments for energy for home heat in the form of rent and that are not participating in a public, subsidized, or Section 8 housing program shall be eligible for an annual home heating fuel assistance benefit in an amount equal to 30 percent of the benefit the household would have received if the household were purchasing energy for home heating fuel directly or in the amount of \$50.00, whichever amount is greater.

(f) Households that make undesignated payments for energy for home heat in the form of rent and are participating in a public, subsidized, or Section 8 housing program shall be eligible for a nominal annual home heating fuel assistance benefit of \$5.00.

(g) Residents of the dwelling unit who make reasonable compensation in the form of room rent and who are not members of the same household shall be eligible for an annual home heating fuel assistance benefit in the amount of \$50.00.

(h) Households receiving benefits from 3SquaresVT whose head of household is not

otherwise eligible for a fuel benefit under this section shall be eligible for a nominal annual home heating fuel assistance benefit of \$3.00. (Added 1995, No. 158 (Adj. Sess.), § 1, eff. May 10, 1996; amended 1997, No. 2, § 69, eff. Feb. 12, 1997; 1999, No. 59, § 4, eff. June 1, 1999; 2007, No. 172 (Adj. Sess.), § 22; 2009, No. 1 (Sp. Sess.), § E.324.4; 2009, No. 88 (Adj. Sess.), § 4, eff. April 29, 2010.)

§ 2606. Application period; assistance

(a) The secretary of human services or designee may accept applications on an ongoing basis beginning on April 1, 2010. The secretary or designee may establish by rule the procedure for accepting applications and determining eligibility under this subsection.

(b) No qualified applicant shall be penalized through a reduction of benefits for a late-filed application, except that such applicant shall not receive benefits for any period prior to the month of application.

(c) The secretary of human services or designee shall process applications and related tasks including assisting households in applying and providing required information, and locating and contacting fuel suppliers certified under section 2607 of this title. (Added 1995, No. 158 (Adj. Sess.), § 1, eff. May 10, 1996; amended 1999, No. 59, § 5, eff. June 1, 1999; 2009, No. 1 (Sp. Sess.), § E.324.2; 2009, No. 88 (Adj. Sess.), § 5, eff. April 29, 2010.)

§ 2607. Payments to fuel suppliers

(a) The secretary of human services or designee shall certify fuel suppliers, excluding firewood and wood pellet suppliers, to be eligible to participate in the home heating fuel assistance program. Beneficiaries may use their seasonal fuel assistance benefit to obtain home heating fuel or energy only from a fuel supplier certified by the director, except that beneficiaries who heat with firewood or wood pellets may obtain their firewood or wood pellets from any supplier they choose.

(b) Certified fuel suppliers shall agree to conduct reasonable efforts in order to inform and assist beneficiaries in their service areas, maintain records of amounts and costs of all fuel deliveries, send periodic statements to customers receiving home heating fuel assistance informing them of their account's credit or debit balance as of the last statement, deliveries or usage since that statement and the charges for such, payments made or applied, indicating their source, since that statement, and the ending credit or debit balance. Certified fuel suppliers shall also agree to provide the secretary of human services or designee such information deemed necessary for the efficient administration of the program, including information required to pay the beneficiary's benefits to the certified supplier after fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.

(c) Certified fuel suppliers shall not disclose the beneficiary status of recipients of home heating fuel assistance benefits, the names of recipients, or other information

pertaining to recipients to anyone, except for purposes directly connected with administration of the home heating fuel assistance program or when required by law.

(d) Certified fuel suppliers shall also agree to enter into budget agreements with beneficiaries for annualized monthly payments for fuel supplies provided the beneficiary meets accepted industry credit standards, and shall grant program beneficiaries such cash discounts, preseason delivery savings, automatic fuel delivery agreements, and any other discounts granted to any other heating fuel customer or as the secretary of human services or designee may negotiate with certified fuel suppliers.

(e) The secretary of human services or designee shall provide each certified fuel supplier with a list of the households who are its customers and have been found eligible for annual home heating fuel assistance for the current year, the total amount of annual home heating fuel assistance that has been authorized for each household, and how the total amount has been allocated over the heating season. Each authorized amount shall function as a line of credit for each eligible household. The secretary or designee shall disburse authorized home heating fuel assistance benefits to certified fuel suppliers on behalf of eligible households after fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.

(f) The secretary of human services or designee shall negotiate with one or more certified fuel suppliers to obtain the most advantageous pricing and, payment terms, and delivery methods possible for eligible households. (Added 1995, No. 158 (Adj. Sess.), § 1, eff. May 10, 1996; amended 1999, No. 59, § 6, eff. June 1, 1999; 2005, No. 93 (Adj. Sess.), §§ 38, 126c, eff. March 3, 2006; 2009, No. 88 (Adj. Sess.), § 6, eff. April 29, 2010.)

Amendment to the Fuel Assistance Statute, Title 33 Chapter 26, agreed upon by the House and Senate very late in the Legislative Session, to direct the Public Service Board as follows:

"(g)(1) The public service board shall require natural gas suppliers subject to regulation under 30 V.S.A § 203 to provide a discount program to customers with incomes no greater than 200 percent of the federal poverty level or who meet the department for children and families' means test of eligibility for LIHEAP crisis fuel assistance. Eligibility for the discount shall be verified by the department for children and families."

Note: "natural gas" only refers to the piped product supplied by Vermont Gas Systems Inc. as a regulated utility, and **not** to delivered or metered propane.

§ 2608. Weatherization program agreements

The director of the home energy assistance program shall inform the administrator of the home weatherization assistance program, established under chapter 25 of this title, of all participants in the home heating fuel assistance program. The agency of human services shall provide all participants in the home heating fuel assistance program with

information regarding the efficiency utility established under 30 V.S.A. § 209. All participants in the home heating fuel assistance program shall be deemed to comply with any income requirements of the home weatherization program, but to receive weatherization services recipients shall be required to meet any other eligibility requirements of the weatherization program. As a condition of receipt of benefits under the home heating fuel assistance program, a recipient shall consent to receive services of the home weatherization assistance program. The home weatherization assistance program shall give priority to providing services to participants with high energy consumption. (Added 1995, No. 158 (Adj. Sess.), § 1, eff. May 10, 1996; amended 2005, No. 208 (Adj. Sess.), § 16.)

§ 2609. Crisis reserves

Annually, the secretary of human services or designee shall determine an appropriate amount of funds in the home heating fuel assistance fund to be set aside for expenditure for the crisis fuel assistance component of the home heating fuel program. The secretary or designee shall also adopt rules to define crisis situations for the expenditure of the home heating fuel crisis funds, and to establish the income and asset eligibility requirements of households for receipt of crisis home heating fuel assistance, provided that no household shall be eligible whose gross household income is greater than 200 percent of the federal poverty level based on the income of all persons residing in the household. To the extent allowed by federal law, the secretary or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT, except that the secretary or designee shall include additional deductions or exclusions from income required by LIHEAP. (Added 1995, No. 158 (Adj. Sess.), § 1, eff. May 10, 1996; amended 2009, No. 1 (Sp. Sess.), § E.324.5; 2009, No. 88 (Adj. Sess.), § 7, eff. April 29, 2010.)

Appendix B: Vermont Statute Regarding the Role of the Office of Home Energy Assistance

Title 33: Human Services

Chapter 25: HOME WEATHERIZATION ASSISTANCE PROGRAM

33 V.S.A. § 2501a. Office of home energy assistance

§ 2501a. Office of home energy assistance

(a) There is created an office of home energy assistance to be assigned to a department within the agency of human services as designated by the secretary, and to be headed by a director appointed by the secretary.

(b) The responsibilities of the office of home energy assistance shall include:

(1) Administering the Low Income Home Energy Assistance Program (LIHEAP), 42 U.S.C. § 8621 et seq., and coordinating it with other related heating and weatherization programs.

(2) Developing and recommending policy changes for the secretary.

(3) Coordinating home energy advocacy training and statewide outreach.

(4) Monitoring related federal developments and projects in other states.

(5) Exploring alternative and additional funding possibilities to LIHEAP, both private and public.

(6) Preparing a written annual report addressing the above functions as well as energy needs, caseload and funding projections, recommendations, if any, for appropriate pilot projects, and, in coordination with the home energy assistance task force, recommendations to the general assembly.

(7) Coordinating with the Vermont housing finance agency and the Vermont economic development authority in establishing income, efficiency, and administrative guidelines for the energy efficiency loan program.

(c) A home energy assistance task force shall advise the office of home energy assistance. The task force shall be composed of the commissioner of the designated department or the commissioner's designee, one member of the low income community selected by the low income advocacy council, one representative of the elderly selected by the coalition of Vermont elders, one representative of people with

disabilities selected by the Vermont coalition for disability rights, one representative of unregulated fuel providers selected by unregulated fuel providers, one representative of electric utilities selected by the electric utilities, one representative of gas utilities selected by the gas utilities, one representative of the state economic opportunity office, and one representative of the public service department. If any constituency group cannot agree on its representative, the secretary shall make those selections. Members of the task force shall be entitled to reimbursement for reasonable travel and meal expenses. The task force shall report regularly to the director, and on request to the general assembly, for the purpose of making recommendations for improving Vermont's home energy assistance programs. (Added 1993, No. 182 (Adj. Sess.), § 1; amended 2007, No. 192 (Adj. Sess.), § 6.019, eff. June 7, 2008.)