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Testimony of Shirley Bergert¹

Before the Appropriations, Human Services, and Energy & Technology Committees

Regarding the 2008-2009 Low Income Energy Assistance Program Block Grant Allocation Plan

August 21, 2008

Connecticut Legal Services serves low income households, the intended beneficiaries of the energy assistance program. These are our vulnerable neighbors at greatest risk this winter. Necessary utility and energy services have dramatically increased costs, while household income has not kept pace.

Ensure the Energy Assistance Program is adequately funded to remain open through May 15. The projected expenditures of the energy assistance plan for FFY 2009 are \$84 million, \$41.4 million less than Connecticut expects to receive from the federal government. The first order of business should be to ensure adequate funding is available so the program remains open until May 15. The plan gap estimate of \$41.4 million may well be conservative given the increased costs, higher margin for oil dealers and the volatility of oil prices. As well, it is reasonable to expect that more eligible households will apply for assistance.

Note that Conn. Gen. Stat. sec. 16a-41a(a)(1)(E) provides for parity in benefits under the energy assistance program, regardless of heat source. If such parity was realized, Plan funding would need to be increased. Under the Plan, a vulnerable household with income of \$600/month would receive a total of \$675 in assistance if it heated with gas or electricity. If that household heated with oil, its assistance could be \$2950 with "crisis" and "safety-net" benefits.

Maintain NEW "Expanded Rental Assistance Benefits" in the Plan. Receipt of energy assistance allows DSS to calculate a household's food stamp benefit using a "standard utility allowance;" in most cases this results in increased federally funded food stamp benefits. Historically, households with heat included in their rent, where rent is less than 30% of gross income, have not qualified for energy assistance in Connecticut. The Plan provides a nominal energy assistance benefit for these households -- DSS will be able to recalculate their food stamp benefits to help ameliorate the impact of increased food expenses associated with increased fuel costs. [Plan, p. 9, sec. X]

Preclude requirement of provision of a Social Security number for all household members as a condition of receipt of energy assistance benefits. The Plan proposes to continue the practice the legislature did not approve last year, requiring Social Security numbers of all household members (with limited exception often difficult to apply) as a condition of eligibility for assistance.

¹ Member of the Low Income Energy Advisory Board, the Energy Conservation Management Board, the Fuel Oil Conservation Board, and the Advisory Board of the Institute for Sustainable Energy.



Initially DSS sought to include this requirement as a surrogate for identification of ineligible immigrants, but modified its claimed basis when the Attorney General indicated DSS could not legally use it as intended, and it could not legally require the CAAs to verify citizenship status. There is no evidence that the SS number requirement resulted in any significant fraud prevention. Many qualified immigrants are precluded from accessing needed energy assistance because they do not have a SS number; some immigrants who are not eligible have a SS number. This approach has created massive confusion and legal services is aware of numerous situations where needy individuals were incorrectly told they could not access energy assistance based on misunderstandings regarding their immigration status – understanding the many immigration statuses is very confusing. Additionally, the Plan’s definition of a “non-qualified alien” is inconsistent with federal law regarding eligibility. I am prepared to provide you with detailed information and legal citations regarding this matter. [Plan, p.3, sec. II.P. & Q. and sec. III definition of “non-qualified alien”; p. 6-7, sec. V.H.-J.; p. 8, sec. VII, ¶ 2]

Increase the program asset limits to \$15,000 for home-owners and \$10,000 for renters. The current asset limit for the energy assistance program is \$10,000 for home-owners and \$7,000 for all others. It has never been increased, although household expenses have. This primarily affects elderly access to energy assistance, among state residents most vulnerable to hypothermia. [Plan, p. 5, sec. V.A.4.].

Direct DSS and OPM, working with the Low Income Energy Advisory Board, to review options for Plan improvements and report the results to the legislature:

- **alternate purchasing methodologies for oil designed to reduce the cost of oil purchased under the energy assistance program:** The Plan provides for payment margin increases to oil dealers of 5.5% to 22.6% per gallon, depending on location in the state. This increase is provided “in response to increases in transportation and delivery costs.” [Plan, p. 13, sec. XVII.]. I do not have the data to evaluate whether these increases are justified by actual cost increases. Alternate purchasing mechanisms that will stretch precious energy assistance dollars to meet critical need (*e.g.*, bidding systems) should be explored.
- **administrative program improvements designed to reduce administrative costs and minimize beneficiary confusion:** For example, DSS could certify households throughout the year as eligible for energy assistance when it makes eligibility determinations and redeterminations regarding food stamp eligibility; the food stamp program uses a definition of household make-up and income that is similar to the energy assistance program. This certification could be passed on to the Community Action Agencies; the CAAs could then process benefits without the need to conduct redundant eligibility determinations. DSS beneficiary households include a high level of persons with disabilities, and this would help ensure that administrative barriers did not prevent them from successfully accessing needed assistance.
- **effective methods for directly linking DSS beneficiaries with the conservation programs administered by the CT Energy Efficiency Fund and the Fuel Oil Conservation Fund:** DSS serves most of the lowest income, vulnerable households in the state, including the elderly, persons with disabilities and chronic illnesses, and young children. These households should be prioritized for receipt of conservation assistance. This would require DSS obtain permission from the households and then provide contact information to the conservation programs. There may also be other approaches worthy of exploration.