

## 10 TAC §6.2 Definitions

(a) To ensure a clear understanding of the terminology used in the context of the CSBG, LIHEAP, and DOE-WAP programs of the Community Affairs Division, a list of terms and definitions has been compiled as a reference. Any capitalized terms not specifically defined in this section or any section referenced in this chapter shall have the meaning as defined in Chapter 2306 of the Tex. Gov't Code, Chapter 1 of this title (relating to Administration), Chapter 2 of this title (relating to Enforcement), or applicable federal regulations.

(b) The words and terms in this chapter shall have the meanings described in this subsection unless the context clearly indicates otherwise. Refer to Subchapters B, C, and D of this chapter for program specific definitions.

(1) Affiliate--An entity related to an Applicant that controls by contract or by operation of law the Applicant or has the power to control the Applicant or a third entity that controls, or has the power to control both the Applicant and the entity. Examples include but are not limited to entities submitting under a common application, or instrumentalities of a unit of government. This term also includes any entity that is required to be reported as a component entity under Generally Accepted Accounting Standards, is required to be part of the same Single Audit as the Applicant, is reported on the same IRS Form 990, or is using the same federally approved indirect cost rate.

(2) Awarded Funds--The amount of funds or proportional share of funds committed by the Department's Board to a Subrecipient or Service Area.

(3) Categorical Eligible/Eligibility--A method where a Subrecipient must deem a Household to be eligible for LIHEAP or DOE benefits if that Household includes at least one member that receives assistance under specific federal programs as identified in this chapter or by Contract.

(4) Child--Household member not exceeding 18 years of age.

~~(5) Code of Federal Regulations (CFR)--The codification of the general and permanent rules and regulations of the federal government as adopted and published in the Federal Register.~~

~~(56) Community Action Agencies (CAAs)--Private Nonprofit Organizations and Public Organizations that carry out the Community Action Program, which was established by the 1964 Economic Opportunity Act to fight poverty by empowering the poor in the United States.~~

~~(67) Community Services Block Grant (CSBG)--An HHS-funded program, which provides funding for CAAs and other Eligible Entities that seek to address poverty at the community level.~~

~~(78) Comprehensive Energy Assistance Program (CEAP)--A LIHEAP-funded program, to assist low-income Households, in meeting their immediate home energy needs.~~

~~(89) Concern--A policy, practice or procedure that has not yet resulted in a Finding or Deficiency, but if not changed will or may result in a Finding or Deficiency.~~

~~(910) Contract--The executed written agreement between the Department and a Subrecipient performing an activity related to a program that describes performance requirements and responsibilities assigned by the document, for which the first day of the Contract Term is the point at which program funds may be considered by a Subrecipient for Expenditure, unless otherwise directed in writing by the Department.~~

~~(11) Contract System--A web-based data collection platform which allows Subrecipients of Community Services programs to sign and view Contracts and submit performance and financial reports online.~~

~~(102) Contract Term--The period of Expenditure under a Contract.~~

~~(13) Contracted Funds--The gross amount of funds Obligated by the Department to a Subrecipient as reflected in a Contract.~~

~~(1114) Cost Reimbursement--A Contract sanction whereby reimbursement of costs incurred by the Subrecipient is made only after the Department has conducted such review as it deems appropriate as more fully described in §2.201 of this Title (relating to Cost Reimbursement). which may be complete or limited, such as on a sampling basis, and approved backup documentation provided by the Subrecipient to support such costs. Such a review and approval does not serve as a final approval and all uses of advanced funds remain subject to review in connection with future or pending reviews, monitoring, or audits and in no way serves to constrain or limit them.~~

~~(1215) Declaration of Income Statement (DIS)--A Department-approved form used only when it is not possible for an applicant to obtain third party or firsthand verification of income.~~

~~(1316) Deficiency--Consistent with the CSBG Act, a Deficiency exists when an Eligible Entity has failed to comply with the terms of an agreement or a State plan, or to meet a State requirement. The Department's determination of a Deficiency may be based on the Eligible Entity's failure to provide CSBG services, or to meet appropriate standards, goals, and other requirements established by the State, including performance objectives, or as provided for in §2.203(b) of this title (relating to Termination and Reduction of Funding for CSBG Eligible Entities). A Finding, Observation, or Concern that is not corrected, or is repeated, may become a Deficiency.~~

~~(147) Deobligate/Deobligation--The partial or full removal of Contracted Funds from a Subrecipient. Partial Deobligation is the removal of some portion of the full Contracted Funds from a Subrecipient, leaving some remaining balance of Contracted Funds to be administered by the Subrecipient. Full Deobligation is the removal of the full amount of Contracted Funds from a Subrecipient. This definition does not apply to CSBG non-Discretionary funds.~~

~~(158) Department of Energy (DOE)--Federal department that provides funding for a weatherization assistance program.~~

~~(169) Department of Health and Human Services (HHS)--Federal department that provides funding for CSBG and LIHEAP ~~energy assistance and weatherization.~~~~

~~(1720) Discretionary Funds--CSBG funds, excluding the 90% of the state's annual allocation that is designated for statewide allocation to CSBG Eligible Entities under §6.203 of this subchapter (relating to Formula for Distribution of CSBG Funds) and state administrative funds, maintained by the Department, at its discretion, for CSBG allowable uses as authorized by the CSBG Act.~~

~~(1824) Dwelling Unit--A house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters.~~

~~(1922) Elderly Person--~~

~~(A) For CSBG, a person who is 55 years of age or older; and~~

~~(B) For CEAP and WAP, a person who is 60 years of age or older.~~

~~(2023) Eligible Entity--Those local organizations in existence and designated by the federal and state government to administer programs created under the Federal Economic Opportunity Act of 1964. This includes CAAs, limited-purpose agencies, and units of local government. ~~The CSBG Act defines an Eligible Entity as an organization that was an Eligible Entity on the day before the enactment of the Coats Human Services Reauthorization Act of 1998 (October 27, 1998), or is designated by the Governor to serve a given area of the state and that has a tripartite board or other mechanism specified by the state for local governance.~~~~

~~(214) Emergency--defined as:~~

~~(A) A Natural Disaster;~~

- (B) A significant home energy supply shortage or disruption;
  - (C) Significant increase in the cost of home energy, as determined by the Secretary of HHS;
  - (D) A significant increase in home energy disconnections reported by a utility, a state regulatory agency, or another agency with necessary data;
  - (E) A significant increase in participation in a public benefit program such as the food stamp program carried out under the Supplemental Nutrition Assistance Program (SNAP) Food and Nutrition Act of 2008 ~~Food Stamp Act of 1977 (7 U.S.C. §§2011, et seq.)~~, SSI ~~the national program to provide supplemental security income carried out under Title XVI of the Social Security Act (42 U.S.C. §§1381, et seq.)~~ or the state temporary assistance for needy families program carried out under Part A of Title IV of the Social Security Act (42 U.S.C. §§601, et seq.), as determined by the head of the appropriate federal agency;
  - (F) A significant increase in unemployment, layoffs, or the number of Households with an individual applying for unemployment benefits, as determined by the Secretary of Labor; or
  - (G) An event meeting such criteria as the Secretary of HHS, at the discretion of the Secretary of HHS, may determine to be appropriate.
- ~~(225)~~ Expenditure--Funds that have been accrued or remitted for purposes of the award.
  - ~~(236)~~ Extended Foster Care--The Texas Department of Family Services program as identified in 40 TAC §700.346 or successor regulation.
  - ~~(247)~~ Families with Young Children--A Household that includes a Child age five or younger. For LIHEAP-WAP only, a Family with Young Children also includes a Household that has a pregnant woman.
  - ~~(258)~~ Federal Poverty Income Guidelines--The official poverty income guidelines as issued by HHS annually.
  - ~~(269)~~ Finding--A Subrecipient's material failure to comply with rules, regulations, the terms of the Contract or to provide services under each program to meet appropriate standards, goals, and other requirements established by the Department or funding source (including performance objectives). ~~A Finding impacts the organization's ability to achieve the goals of the program and jeopardizes continued operations of the Subrecipient.~~ Findings include the identification of an action or failure to act that results or may result in disallowed costs.
  - ~~(2730)~~ Gross Annual Income--Defined as the total amount of non-excluded income earned annually before taxes or any deductions for all Household members 18 years of age and older.
  - ~~(2834)~~ High Energy Burden--A Household whose energy burden exceeds 11% of their Gross Annual Income, determined by dividing a Household's annual home energy costs by the Household's Gross Annual Income.
  - ~~(2932)~~ High Energy Consumption--A Household that is billed more than \$1000 annually for related fuel costs for heating and cooling their Dwelling Unit.
  - ~~(3033)~~ Household--An individual or group of individuals, excluding unborn Children, who are living together as one economic unit. For DOE WAP this includes all persons living in the Dwelling Unit. For CSBG/LIHEAP it includes these persons customarily purchasing residential energy in common or making undesignated payments for energy. In CSBG/LIHEAP a live-in aide, or a Renter with a separate lease that includes a separate bill for utilities is not considered a Household member.
  - ~~(314)~~ Inverse Ratio of Population Density Factor--The number of square miles of a county divided by the number of poverty Households of that county.
  - ~~(325)~~ Low Income Household--Defined as:

(A) For DOE WAP, a Household whose total combined annual income is at or below 200% of the Federal Poverty Income guidelines, or a Household who is Categorically Eligible;  
(B) For CEAP and LIHEAP-WAP, a Household whose total combined annual income is at or below 150% of the Federal Poverty Income guidelines, or a Household who is Categorically Eligible; and  
(C) For CSBG, a Household whose total combined annual income is at or below 125% of the Federal Poverty Income guidelines.

~~(336) Low Income Home Energy Assistance Program (LIHEAP)--An HHS funded program, which serves Low Income Households who seek assistance for their home energy bills and/or weatherization services.~~

~~(347) Means Tested Veterans Program--A program whereby applicants who meet certain Veterans Affairs requirements, including but not limited to income and net worth limits set by Congress, receive payments from the U.S. Department of Veterans Affairs.~~

~~(358) Mixed Status Household--A Household that contains one or more members that are U.S. Citizens, U.S. Nationals, or Qualified Aliens, and one or more members that are Unqualified Aliens.~~

~~(369) Monthly Performance and Expenditure Report--Two separate but linked reports indicating a Subrecipient's or Eligible Entity's performance and financial information, due to the Department on or before the fifteenth day of each month of the Contract Term following the reporting month. If the fifteenth falls on a weekend or holiday, the reports must still be entered on or before the fifteenth. The data the Department collects is subject to change based on changes required by DOE or HHS.~~

~~(3740) Obligation--Funds become obligated upon approval of an award to Subrecipient by the Department's Governing Board, unless the Department does not receive sufficient funding from the cognizant federal entity.~~

~~(3844) Observation--A notable policy, practice or procedure observed through the course of monitoring.~~

~~(42) Office of Management and Budget (OMB) Office within the Executive Office of the President of the United States that oversees the performance of federal agencies and administers the federal budget.~~

~~(3943) Office of Management and Budget (OMB) Circulars--Instructions and information issued by OMB to Federal agencies that set forth principles and standards for determining costs for federal awards and establish consistency in the management of grants for federal funds, as more fully. Uniform cost principles and administrative requirements for local governments and for nonprofit organizations, as well as audit standards for governmental organizations and other organizations expending federal funds are set forth in 2 CFR Part 200, unless different provisions are required by statute or approved by OMB.~~

~~(44) Outreach The method used by a Subrecipient that attempts to identify customers who are in need of services, alerts these customers to service provisions and benefits, and helps them use the services that are available. Outreach is utilized to locate, contact and engage potential customers.~~

~~(45) Performance Statement A document which identifies the services to be provided by a Subrecipient.~~

~~(406) Person with a Disability--Any individual who is:~~

~~(A) An individual described in 29 U.S.C. §701 or has a disability under 42 U.S.C. §§12131 - 12134;~~

~~(B) Disabled as defined in 42 U.S.C. §1382(a)(3)(A), 42 U.S.C. §423, or in 42 U.S.C. §15001;~~

~~(C) Receiving benefits under 38 U.S.C. Chapter 11 or 15; or~~

(D) An individual with a disability as defined in §1.202(4).

~~(417)~~ Population Density--The number of persons residing within a given geographic area of the state.

~~(428)~~ Private Nonprofit Organization--An organization described in §501(c) of the Internal Revenue Code (the Code) of 1986 and which is exempt from taxation under subtitle A of the Code and that is not a Public Organization.

~~(439)~~ Production Schedule--The estimated monthly and quarterly performance targets and Expenditures for a Contract Term. The Production Schedule must be signed by the applicable approved signatory and approved by the Department in writing.

~~(4450)~~ Program Year--January 1 through December 31 of each calendar year for CSBG and LIHEAP; July 1 through June 30 of each calendar year for DOE WAP.

~~(4451)~~ Public Organization--A unit of government, as established by the Legislature of the State of Texas. Includes, but may not be limited to, cities, counties, and councils of governments.

~~(4552)~~ Qualified Alien--A person that is not a U.S. Citizen or a U.S. National and is described at 8 U.S.C. §1641(b) and (c).

~~(4653)~~ Referral--The documented process of providing information to a customer Household about an agency, program, or professional person that can provide the service(s) needed by the customer.

~~(4754)~~ Reobligate/Reobligation--The reallocation of Deobligated funds to other Subrecipients or back to the Department for allowable uses.

~~(4855)~~ Service Area--The geographical area where a Subrecipient must provide services under a Contract.

~~(4956)~~ Single Audit--The audit required by OMB, 2 CFR Part 200, Subpart F, or Tex. Gov't Code, Chapter 738, Uniform Grant and Contract Management, as reflected in an audit report.

~~(507)~~ State--The State of Texas or the Department, as indicated by context.

~~(518)~~ Subcontractor--A person or an organization with whom the Subrecipient contracts with to provide services.

~~(529)~~ Subrecipient--An organization that receives federal funds passed through the Department to operate the CSBG, CEAP, DOE WAP, and/or LIHEAP program(s).

~~(60) Supplemental Security Income (SSI) -- A means tested program run by the Social Security Administration.~~

~~(5361)~~ System for Award Management (SAM)--Combined federal database that includes the Excluded Parties List System (EPLS).

~~(5462)~~ Systematic Alien Verification for Entitlements (SAVE)--Automated intergovernmental database that allows authorized users to verify the immigration status of applicants.

~~(63) Texas Administrative Code (TAC) -- A compilation of all state agency rules in Texas.~~

~~(5564)~~ Texas Grant Management Standards (TxGMS) and Uniform Assurances--The standardized set of financial management procedures and Assurances established by Tex. Gov't Code Chapter 783 for Contracts executed on or after January 1, 2022, and as further described in Chapter 1 Subchapter D of this title (relating to Uniform Guidance for Recipients of Federal and State Funds). The term "Assurance" refers to a statement of compliance with federal or state law that is required of a local government as a condition for the receipt Contract funds to promote the efficient use of public funds in local government and in programs requiring cooperation among local, state, and Federal agencies. This includes all Public Organizations. In addition, Tex. Gov't Code Chapter 2105, subjects Subrecipients of federal block grants (as defined therein) to the Texas Grant Management Standards and Uniform Assurances.

(~~5665~~) Uniform Grant Management Standards (UGMS)--The standardized set of financial management procedures and definitions established by Tex. Gov't Code Chapter 783 for Contracts executed before January 1, 2022, to promote the efficient use of public funds by requiring consistency among grantor agencies in their dealings with grantees, and by ensuring accountability for the expenditure of public funds. State agencies are required to adhere to these standards when administering grants and other financial assistance agreements with cities, counties and other political subdivisions of the state. This includes all Public Organizations. In addition, Tex. Gov't Code Chapter 2105, subjects Subrecipients of federal block grants (as defined therein) to the Uniform Grant and Contract Management Standards.

~~(66) United States Code (U.S.C.) A consolidation and codification by subject matter of the general and permanent laws of the United States.~~

(~~5767~~) Unqualified Alien--A person that is not a U.S. Citizen, U.S. National, or a Qualified Alien.

(~~5868~~) Vendor Agreement--An agreement between the Subrecipient and energy vendors that contains assurances regarding fair billing practices, delivery procedures, and pricing for business transactions involving LIHEAP beneficiaries.

(~~5969~~) Vulnerable Populations--Elderly persons, Persons with a Disability, and Households with a Child at or below the age of five.

(~~6070~~) Weatherization Assistance Program (WAP)--DOE and LIHEAP funded program, designed to reduce the energy cost burden of Low Income Households through the installation of energy efficient weatherization materials and education in energy use.