

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Energy Assistance Act is amended by changing
5 Section 6 as follows:

6 (305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

7 Sec. 6. Eligibility, Conditions of Participation, and
8 Energy Assistance.

9 (a) Any person who is a resident of the State of Illinois
10 and whose household income is not greater than an amount
11 determined annually by the Department, in consultation with the
12 Policy Advisory Council, may apply for assistance pursuant to
13 this Act in accordance with regulations promulgated by the
14 Department. In setting the annual eligibility level, the
15 Department shall consider the amount of available funding and
16 may not set a limit higher than 150% of the federal nonfarm
17 poverty level as established by the federal Office of
18 Management and Budget. Notwithstanding any other provision of
19 this Section, in determining the amount of a household's annual
20 income, the Department may consider the household's
21 extraordinary medical expenses, as defined by the Department by
22 rule, including but not limited to expenses related to life
23 support equipment for a household member.

1 (b) Applicants who qualify for assistance pursuant to
2 subsection (a) of this Section shall, subject to appropriation
3 from the General Assembly and subject to availability of funds
4 to the Department, receive energy assistance as provided by
5 this Act. The Department, upon receipt of monies authorized
6 pursuant to this Act for energy assistance, shall commit funds
7 for each qualified applicant in an amount determined by the
8 Department. In determining the amounts of assistance to be
9 provided to or on behalf of a qualified applicant, the
10 Department shall ensure that the highest amounts of assistance
11 go to households with the greatest energy costs in relation to
12 household income. The Department shall include factors such as
13 energy costs, household size, household income, and region of
14 the State when determining individual household benefits. The
15 Department may also include factors such as extraordinary
16 medical needs of a household member, as defined by the
17 Department by rule, including but not limited to a need for
18 life support equipment, when determining individual household
19 benefits. In setting assistance levels, the Department shall
20 attempt to provide assistance to approximately the same number
21 of households who participated in the 1991 Residential Energy
22 Assistance Partnership Program. Such assistance levels shall
23 be adjusted annually on the basis of funding availability and
24 energy costs. In promulgating rules for the administration of
25 this Section the Department shall assure that a minimum of 1/3
26 of funds available for benefits to eligible households with the

1 lowest incomes and that elderly and disabled households are
2 offered a priority application period.

3 (c) If the applicant is not a customer of an energy
4 provider for winter energy services or an applicant for such
5 service, such applicant shall receive a direct energy
6 assistance payment in an amount established by the Department
7 for all such applicants under this Act; provided, however, that
8 such an applicant must have rental expenses for housing greater
9 than 30% of household income.

10 (d) If the applicant is a customer of an energy provider,
11 such applicant shall receive energy assistance in an amount
12 established by the Department for all such applicants under
13 this Act, such amount to be paid by the Department to the
14 energy provider supplying winter energy service to such
15 applicant. Such applicant shall:

16 (i) make all reasonable efforts to apply to any other
17 appropriate source of public energy assistance; and

18 (ii) sign a waiver permitting the Department to receive
19 income information from any public or private agency
20 providing income or energy assistance and from any
21 employer, whether public or private.

22 (e) Any qualified applicant pursuant to this Section may
23 receive or have paid on such applicant's behalf an emergency
24 assistance payment to enable such applicant to obtain access to
25 winter energy services. Any such payments shall be made in
26 accordance with regulations of the Department.

1 (f) The Department may, if sufficient funds are available,
2 provide additional benefits to certain qualified applicants:

3 (i) for the reduction of past due amounts owed to
4 energy providers; and

5 (ii) to assist the household in responding to
6 excessively high summer temperatures or energy costs.
7 Households containing elderly members, children, a person
8 with a disability, or a person with a medical need for
9 conditioned air shall receive priority for receipt of such
10 benefits.

11 (Source: P.A. 91-936, eff. 1-10-01; 92-690, eff. 7-18-02.)

12 Section 99. Effective date. This Act takes effect September
13 1, 2009.