



States Routinely Request to Increase LIHEAP's Weatherization Cap, but Must Repeat the Process Every Year

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KEY POINTS

- The Low-Income Home Energy Assistance Program (LIHEAP) allows states to allocate up to 15 percent of program funds for weatherization activities and repairs that maximize energy efficiency. Since Fiscal Year 2016 (FY16), states have devoted an average of around nine percent of LIHEAP dollars to weatherization annually.
- States can also request a waiver to allocate up to 25 percent of funds for weatherization. Since FY16, 12 states have received a weatherization waiver at least once, and 10 have received multiple waivers. During this period, between two and 11 states have submitted weatherization waiver requests in a given year. None of these waivers have been denied.
- States seeking weatherization waivers must reapply annually as required by federal LIHEAP statute, requiring them to frequently seek public comment and submit updated justifications.¹

BACKGROUND

The U.S. Department of Health and Human Services (HHS) administers the Low-Income Home Energy Assistance Program (LIHEAP) block grant. LIHEAP serves low-income households that pay a high proportion of income on home energy, helping them meet immediate energy needs. Grantees can use LIHEAP funds for a variety of needs including heating and cooling assistance and low-cost residential weatherization or other home energy related repairs (see box).²

LIHEAP statute allows grantees—including states, the District of Columbia (D.C.), tribes, and territories—to allocate up to 15 percent of funds for weatherization.³ The same rules apply to all grantees; however, this brief specifically focuses on states and D.C. In FY24, national spending on weatherization accounted for **10 percent of LIHEAP funds**, totaling \$424 million across all 50 states and D.C. — nearly as much as the \$442 million used for cooling assistance (see

Allowable Uses of LIHEAP Funds

- Heating assistance
- Cooling assistance
- Energy crisis intervention or crisis assistance
- Weatherization
- Administrative/planning costs
- Leveraging resource development
- Assurance activities that encourage and enable households to reduce home energy needs
- Carryover funds

Table 1). At least 45 states and D.C. used funds for weatherization in FY24.^{i, 4}

Under LIHEAP statute (42 U.S.C. § 8624(k)), states can request authority to increase the weatherization limit, allowing them to allocate up to 25 percent of funds for weatherization. The statute requires states to submit a waiver request for each fiscal year they want to increase weatherization authority and to allow for public comment on their requests. To approve a standard waiver, the Secretary must find, after reviewing a state's request and any public comments, that the number of households and the total amount of benefits from the other LIHEAP funding areas do not decrease from the previous fiscal year, and that the weatherization activities funded demonstrate measurable savings.

If the state does not meet all these requirements, the Secretary may still approve the waiver if the state demonstrates 'good cause' for failing to meet them, a separate pathway described further below.⁵ While the LIHEAP statute outlines these baseline requirements for requesting a waiver, regulations at 45 CFR 96.83(c) specify additional information and documentation that states must provide beyond the baseline requirements described in statute. In some cases, the waiver request process is more burdensome than the statute requires.

Table 1. Ten percent of federal LIHEAP funds went toward weatherization in FY24ⁱⁱ

Number of States (Including D.C.)	Use of LIHEAP Funds	Percent of Funds ⁱⁱⁱ	Estimated Obligations
50	Heating Assistance	45	\$ 1.9 billion
48	Energy Crisis Assistance	21	\$890 million
22	Cooling Assistance	10	\$442 million
46	Weatherization Assistance	10	\$424 million
50	Administrative and Planning Costs	8	\$346 million
43	Carryover to FY 2025	4	\$191 million

Source: LIHEAP Performance Measurement Web Site (<https://liheappm.acf.hhs.gov>).

THE NATIONAL SHARE OF LIHEAP EXPENDITURES FOR WEATHERIZATION HAS BEEN FAIRLY CONSISTENT SINCE 2016

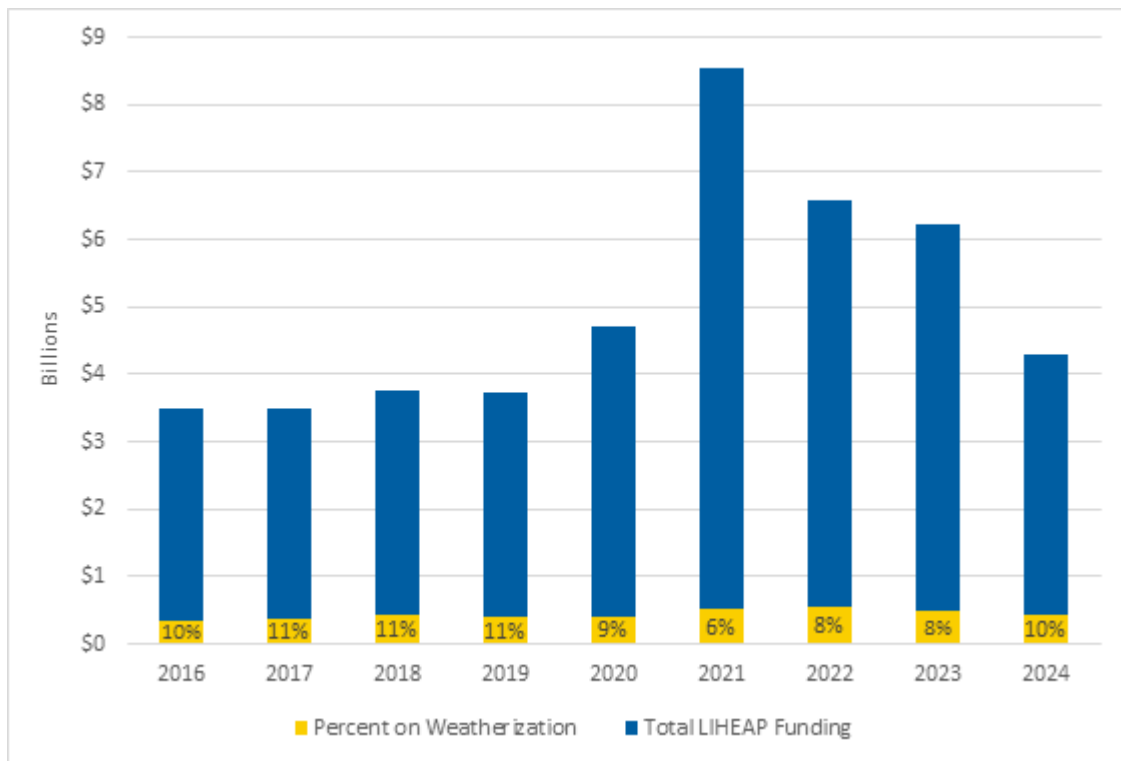
From FY16 through FY24, between six and 11 percent of LIHEAP funding was allocated for weatherization nationally. States spent between \$356 million and \$556 million on weatherization annually during that period, averaging \$439 million per year. However, total LIHEAP spending has varied over that same period, with program funding ranging widely from \$3.5 billion to \$8.6 billion, averaging \$5 billion annually (see Figure 1).⁶ Large supplemental funding increases in some years affected both the amount and share of LIHEAP funds spent on weatherization. For example, in FY21, LIHEAP received \$3.4 billion in regular funding, plus \$4.5 billion in supplemental funding from the American Rescue Plan Act. National weatherization spending increased to \$515 million that year but accounted for just six percent of overall program spending. Similarly, in FY23, LIHEAP received around \$3.4 billion in regular funding, plus supplemental funding from a variety of spending packages including the Bipartisan Infrastructure Investment and Jobs Act. As LIHEAP appropriations leveled back out without supplemental funding, the share of LIHEAP funds devoted to weatherization returned to 10 percent in FY24.

ⁱ Data for Hawaii are unavailable.

ⁱⁱ FY24 data are preliminary pending final data validation.

ⁱⁱⁱ Percentages may not sum precisely to 100 percent due to rounding.

Figure 1. National percentage of LIHEAP funds devoted to weatherization from FY16 to FY24^{iv}



Source: LIHEAP Performance Measurement Web Site (<https://liheappm.acf.hhs.gov>).

WEATHERIZATION WAIVERS ALLOW SOME STATES TO DEVOTE SUBSTANTIALLY MORE LIHEAP FUNDING TO WEATHERIZATION

Weatherization waivers are relatively uncommon. Between FY16 and FY24, an average of five states each year received weatherization waivers, ranging from 11 states in FY18, to just two states in FY21 and FY22 (when supplemental funding was provided).^v Twelve states have received at least one weatherization waiver since FY16 and 10 have received repeat waivers, with California, Montana, and Wyoming requesting them most frequently over this period (Figure 2).

^{iv} FY23 and FY24 data are preliminary pending final data validation.

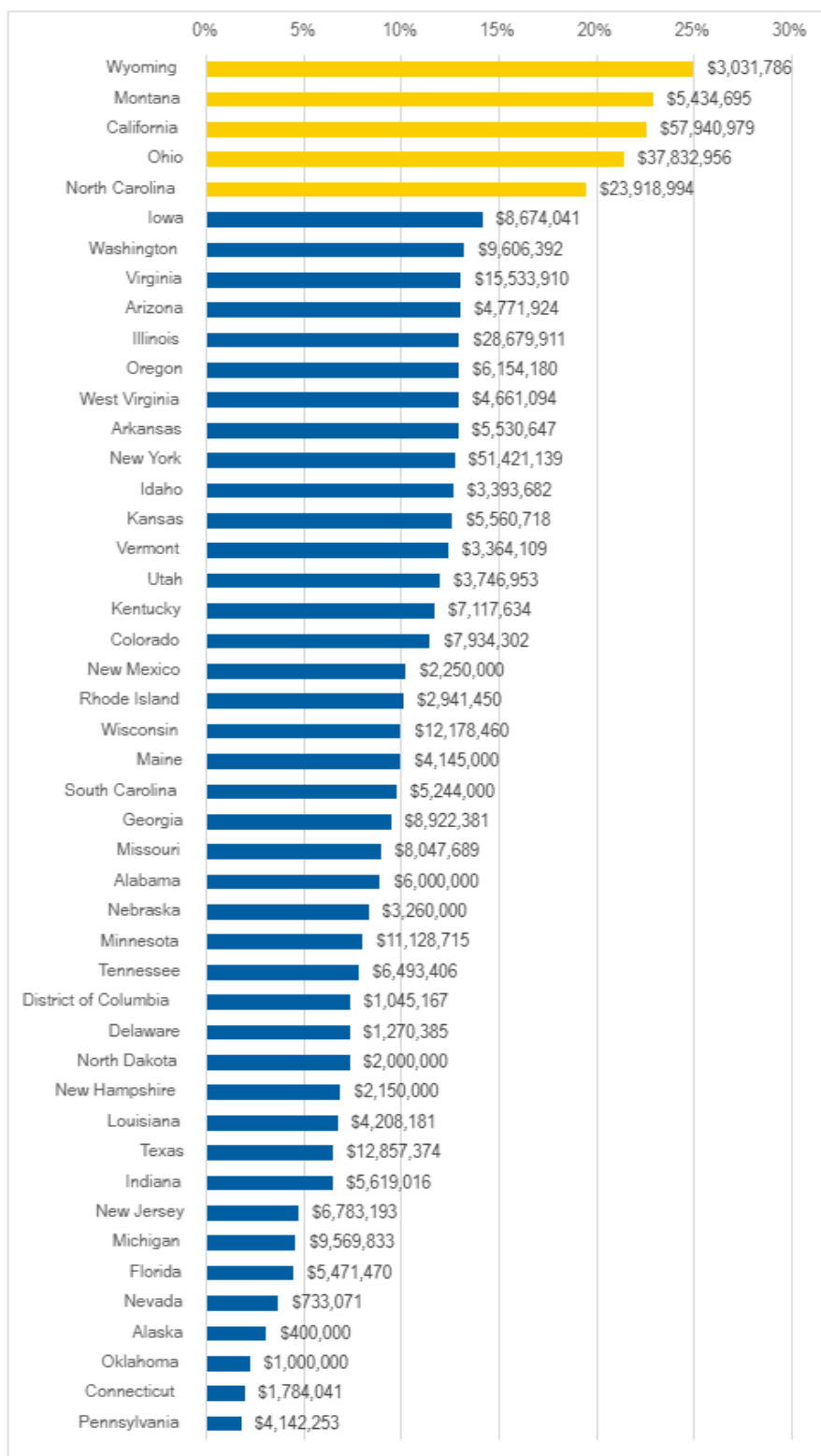
^v Based on internal data from ACF.

Figure 2. State waivers by fiscal year

State	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	Total
California	■	■	■	■	■	-	■	■	■	8
Montana	■	■	■	■	■	■	-	-	■	7
Wyoming	-	■	■	■	■	-	-	■	■	6
Maine	■	■	■	-	-	■	■	-	-	5
Idaho	■	■	■	■	-	-	-	■	-	5
Ohio	-	-	■	■	-	-	-	■	■	4
Washington	■	■	■	■	-	-	-	-	-	4
North Carolina	■	-	■	-	-	-	-	-	■	3
West Virginia	-	■	■	■	-	-	-	-	-	3
North Dakota	■	■	-	-	-	-	-	-	-	2
Colorado	-	-	■	-	-	-	-	-	-	1
Kansas	-	-	■	-	-	-	-	-	-	1
Total	7	8	11	7	3	2	2	4	5	

In FY24, five states received weatherization waivers – Wyoming, Montana, California, Ohio, and North Carolina (Figure 3; see Appendix for all states). With the waivers, these states allocated 19 to 25 percent of their total LIHEAP funding to weatherization. By comparison, weatherization accounted for two to 14 percent of LIHEAP funding in jurisdictions without a weatherization waiver, including 40 states and D.C.⁷ Four states did not spend any portion of their LIHEAP funds on weatherization in FY24, and data were unavailable for one state.

Figure 3. Five states received waivers to dedicate additional funds to weatherization in FY24



Source: LIHEAP Performance Measurement Web Site (<https://liheappm.acf.hhs.gov>); FY24 data are preliminary pending final data validation, and data were unavailable for Hawaii. Note: Maryland, Massachusetts, Mississippi, and South Dakota did not dedicate LIHEAP funds to weatherization in FY24.

States receiving weatherization waivers in multiple years generally devoted similar shares of LIHEAP funds to weatherization across those years (see Appendix). For example, California has received eight weatherization waivers since FY16 and devoted between 21 and 25 percent of its LIHEAP funds to weatherization in those years, averaging 23 percent. Montana has received seven weatherization waivers since FY16 and has spent 16 to 23 percent of its LIHEAP funds on weatherization, averaging 22 percent.

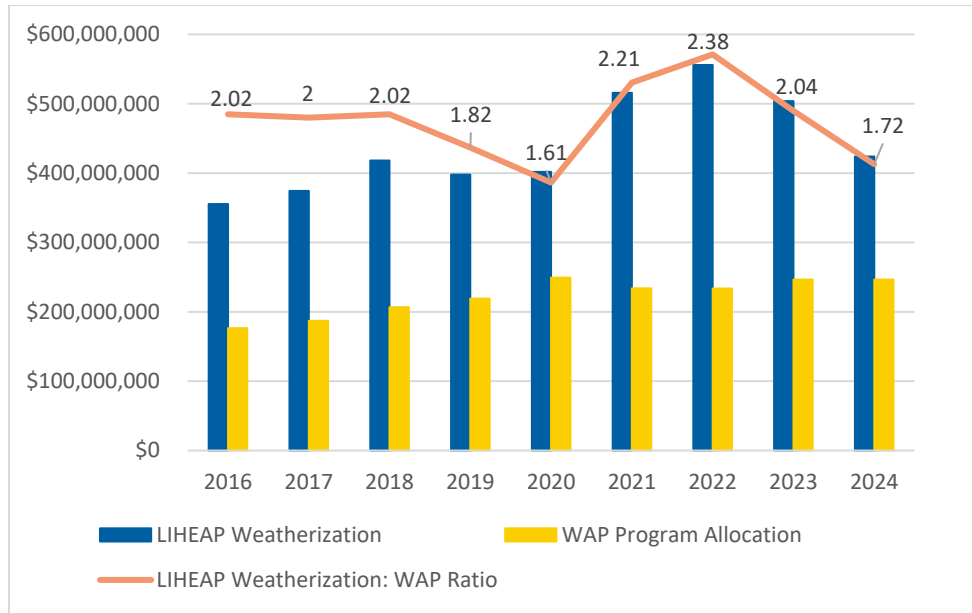
LIHEAP WEATHERIZATION SPENDING EXCEEDS WEATHERIZATION ASSISTANCE PROGRAM FUNDING NATIONALLY

The U.S. Department of Energy offers Weatherization Assistance Program (WAP) grants to states to improve energy efficiency of buildings occupied by low-income individuals.⁸ It is designed specifically to fund weatherization, whereas LIHEAP funds a greater variety of energy assistance activities. WAP and LIHEAP are complementary, as states can transfer LIHEAP weatherization funds into the WAP. WAP and LIHEAP funding have slightly different rules that can vary by state, including income thresholds for eligibility, types of housing structures that can be included in weatherization efforts, and spending allowed per housing unit.^{9,10}

When states submit their annual LIHEAP plans, they must indicate if they will primarily be following LIHEAP or WAP rules and which, if any, differing rules they will be following. For example, in FY24, California indicated they would administer their LIHEAP weatherization funds mostly under LIHEAP rules, but with the following WAP rules: weatherization of entire multi-family housing structures was permitted if at least 66 percent of units (50 percent in two- and four-unit buildings) were eligible units or would become eligible within 180 days; and weatherize shelters temporarily housing primarily low income persons (excluding nursing homes, prisons, and similar institutional care facilities).¹¹ WAP requires states to submit an implementation plan that outlines how they will use funds, including the proposed budget, number of households served, and types of weatherization activities.¹² LIHEAP also requires a similar state plan for overall LIHEAP spending, regardless of whether they plan to request a weatherization waiver. Therefore, states must provide similar documentation to two different Departments, plus additional information when requesting a weatherization waiver.

In FY24, LIHEAP had a total budget of \$4.1 billion, compared with \$326 for WAP, which funds weatherization and related activities like training and technical assistance.^{13,14} In FY24, LIHEAP provided \$424 million for weatherization activities, approximately 72 percent more than the \$247 million provided through WAP (Figure 4). Although LIHEAP supports multiple forms of energy assistance, its weatherization expenditures alone exceeded WAP weatherization funding nationally from FY26 through FY24. There is substantial state level variation among non-weatherization waiver states, with some states utilizing more WAP funds for weatherization efforts, and others utilizing more LIHEAP funds. However, LIHEAP weatherization spending exceeds WAP in all states that receive weatherization waivers. For example, in FY24, LIHEAP funding for weatherization was nearly eight times as much as WAP in California, and nearly five times as much in North Carolina. Conversely, some states do not allocate any LIHEAP funds for weatherization and rely solely on WAP for these activities, including Maryland, Massachusetts, Mississippi, and South Dakota in FY24.

Figure 4. LIHEAP funded roughly twice as much weatherization as WAP nationally from FY16-24



Source: WAP funding allocation data from DOE. Excludes WAP funds for training and technical assistance.

STATES MUST REAPPLY FOR WEATHERIZATION WAIVERS EACH YEAR

In addition to annual plans, the LIHEAP statute requires states to submit a written request to the Secretary after March 31 of the fiscal year for a waiver to increase the weatherization spending limit up to 25 percent.¹⁵ To approve a standard waiver, the Secretary must find, after reviewing the request and any public comments, that the state's request meets the following criteria:

- The number of households receiving benefits – other than weatherization – will not be lower than the number of households that received benefits the prior FY;
- The aggregate amount of benefits – other than weatherization – will not be lower than the prior FY's aggregate amount; and
- Weatherization activities funded must have demonstrated measurable savings.

States that meet all three criteria may submit a standard waiver request; states that do not meet one or more of these criteria may instead demonstrate good cause for not meeting these criteria. ACF defines the parameters for good cause waiver requests, requiring that states explain why they do not meet the relevant criteria and justifying why they are still seeking authority to increase their weatherization funds. See 42 USC 8624(k).

Regulations at 45 CFR 96.83 add additional procedural and documentation requirements, including potentially a two-step process. Although not required, states may first submit a preliminary request between February 1 and March 31, then provide a follow-up statement after March 31 that includes public comments and any material or substantive changes to the original request.¹⁶ The regulations also require states to submit a detailed documentation package, including program data, planned activities, and public comment materials. Program data includes prior fiscal year and projected program data such as households served and funding for heating, cooling, and crisis assistance. States must also describe planned weatherization activities and explain the specific criteria used to determine whether they produce measurable energy savings. They also document the state's public comment process itself, including a description of how the proposed waiver was made available for comment; the written comments received or their summaries, transcripts or summaries of

comments made at public meetings; a description of the state's method for reviewing those comments; and a statement of any resulting changes to the waiver request. States typically satisfy the public comment requirement through the hearing already required for their annual LIHEAP plans, supplemented by advisory council meetings, stakeholder meetings, or written comments.^{vi} The Secretary must then review the request and any public comments to ensure states meet the requirements to receive the waiver.

The annual waiver process requires recurring administrative work by both states and HHS. Since FY16, HHS has approved all waiver requests identified in the available data, and several states have received waivers in multiple years.

State justifications vary depending on whether they submit a standard waiver request or good cause waiver request.

For example, a standard waiver request from Ohio explained how program funds would allow the state to maintain both the number of households receiving LIHEAP assistance, as well as the aggregate amount of LIHEAP benefits.¹⁷ The request also described the planned weatherization activities and provided an estimate of the associated cost savings.

By contrast, a good cause request from West Virginia in FY19 explained that the state would serve fewer households than the prior FY because milder winter weather led to less spending on heating benefits and prior weatherization efforts had increased energy efficiency for a number of households, resulting in decreased need. Despite not meeting this criterion, West Virginia noted that increasing weatherization funds would decrease time for homes on their waitlist for weatherization services, and allow the state to implement cost-saving measures.¹⁸ Annual waiver requests require states to conduct and document public comment activities and prepare submissions. Federal staff must review the requests each year.

CONCLUSION

While national rates of spending on weatherization account for around nine to 10 percent of LIHEAP funds, about five states request waivers to spend up to 25 percent of their funds on weatherization each year. Some states request this increase for weatherization spending multiple years in a row. Among the waiver requests examined since FY16, none were denied. However, the statutory process requires states to provide justifications and hold a public comment period each time they submit a request. ACF could consider updating current regulations to streamline the request process while upholding statutory requirements and program oversight, which could maximize state flexibility while reducing the time that states and ACF spend on submitting and reviewing weatherization waiver requests.

^{vi} LIHEAP statute requires states to hold a public hearing on the proposed use and distribution of LIHEAP funds as part of their annual LIHEAP Plan. Many states use that existing process to seek public comment on their weatherization increase waiver, along with advisory council meetings, stakeholder meetings, listening sessions, or written comments.

REFERENCES

¹ 42 USC § 98624(k)(2)(B)

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⁴ Based on FY24 LIHEAP use data available from the LIHEAP Performance Measurement Web Site. Retrieved from <https://liheapmm.acf.hhs.gov>.

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⁶ Based on FY16-24 LIHEAP use data available from the LIHEAP Performance Measurement Web Site. Retrieved from <https://liheapmm.acf.hhs.gov>.

⁷ Based on FY16-24 LIHEAP use data available from the LIHEAP Performance Measurement Web Site. Retrieved from <https://liheapmm.acf.hhs.gov>.

⁸ 10 CFR Part 440. Weatherization Assistance for Low-Income Persons. 1984. Available from: <https://www.ecfr.gov/current/title-10/part-440>.

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¹⁴ National Association of Counties. (2024). *Legislative Analysis for Counties: FY 2024 Appropriations*. Retrieved from <https://acf.gov/ocs/law-regulation/liheap-statute-and-regulations>.

¹⁵ Office of Community Services. (2012). *LIHEAP Statute and Regulations*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://acf.gov/ocs/law-regulation/liheap-statute-and-regulations>.

¹⁶ 45 CFR 96.83. Increase in Maximum Amount That May Be Used for Weatherization and Other Energy-Related Home Repair. 1982. Available from: <https://www.ecfr.gov/current/title-45/part-96/section-96.83>.

¹⁷ Ohio Department of Job & Family Services. (2026). *Low-Income Heating Assistance Program Waiver Request Available for Public Comment*. Retrieved from <https://jfs.ohio.gov/about/communications/news/low-income-heating-assistance-program-waiver-request-available-for-public-comment>.

¹⁸ Based on a weatherization waiver request provided by OCS.

APPENDIX

Table A. State Weatherization Spending in FY24

State (Including D.C.)	Total Program Funding	Total Funds for Assistance	Total Benefits - Weatherization	Percent of Total Program Funding for Weatherization
Wyoming	\$12,123,183	\$10,565,505	\$3,031,786	25.01%
Montana	\$23,692,619	\$18,810,794	\$5,434,695	22.94%
California	\$256,312,793	\$217,465,606	\$57,940,979	22.61%
Ohio	\$176,564,422	\$153,897,990	\$37,832,956	21.43%
North Carolina	\$122,539,819	\$99,836,069	\$23,918,994	19.52%
Iowa	\$61,211,978	\$53,195,811	\$8,674,041	14.17%
Washington	\$72,437,088	\$65,634,255	\$9,606,392	13.26%
Virginia	\$118,741,312	\$99,406,933	\$15,533,910	13.08%
Arizona	\$36,553,968	\$29,361,380	\$4,771,924	13.05%
Illinois	\$220,783,488	\$191,897,374	\$28,679,911	12.99%
Oregon	\$47,415,008	\$41,550,701	\$6,154,180	12.98%
West Virginia	\$36,034,714	\$30,017,414	\$4,661,094	12.94%
Arkansas	\$42,776,828	\$37,357,075	\$5,530,647	12.93%
New York	\$402,864,817	\$365,283,750	\$51,421,139	12.76%
Idaho	\$26,752,923	\$20,806,010	\$3,393,682	12.69%
Kansas	\$44,033,411	\$33,493,837	\$5,560,718	12.63%
Vermont	\$27,056,337	\$22,564,519	\$3,364,109	12.43%
Utah	\$31,212,523	\$27,765,398	\$3,746,953	12.00%
Kentucky	\$60,807,102	\$54,331,534	\$7,117,634	11.71%
Colorado	\$68,907,935	\$61,823,025	\$7,934,302	11.51%
New Mexico	\$21,936,189	\$19,978,819	\$2,250,000	10.26%
Rhode Island	\$29,068,833	\$24,183,303	\$2,941,450	10.12%
Wisconsin	\$121,637,390	\$105,226,713	\$12,178,460	10.01%
Maine	\$41,493,294	\$35,301,932	\$4,145,000	9.99%
South Carolina	\$53,698,446	\$43,610,101	\$5,244,000	9.77%
Georgia	\$94,012,679	\$83,035,064	\$8,922,381	9.49%
Missouri	\$89,664,602	\$74,611,044	\$8,047,689	8.98%
Alabama	\$67,008,624	\$57,572,214	\$6,000,000	8.95%
Nebraska	\$39,079,839	\$31,880,703	\$3,260,000	8.34%
Minnesota	\$138,381,641	\$112,243,436	\$11,128,715	8.04%
Tennessee	\$82,755,325	\$73,341,150	\$6,493,406	7.85%
District of Columbia	\$14,135,763	\$12,186,359	\$1,045,167	7.39%
Delaware	\$17,230,647	\$15,346,086	\$1,270,385	7.37%
North Dakota	\$27,169,188	\$20,427,146	\$2,000,000	7.36%
New Hampshire	\$31,138,931	\$26,234,635	\$2,150,000	6.90%
Louisiana	\$62,370,538	\$53,772,099	\$4,208,181	6.75%
Texas	\$197,541,659	\$183,014,396	\$12,857,374	6.51%
Indiana	\$86,437,217	\$74,622,355	\$5,619,016	6.50%
New Jersey	\$142,405,016	\$125,777,376	\$6,783,193	4.76%
Michigan	\$207,497,709	\$172,422,411	\$9,569,833	4.61%
Florida	\$121,756,441	\$103,217,575	\$5,471,470	4.49%
Nevada	\$19,759,850	\$17,340,802	\$733,071	3.71%

Alaska	\$12,845,533	\$10,136,220	\$400,000	3.11%
Oklahoma	\$44,172,656	\$43,306,441	\$1,000,000	2.26%
Connecticut	\$90,752,123	\$73,577,732	\$1,784,041	1.97%
Pennsylvania	\$230,689,322	\$193,152,851	\$4,142,253	1.80%
Maryland	\$95,362,797	\$92,120,956	\$0	0.00%
Massachusetts	\$150,140,231	\$130,941,291	\$0	0.00%
Mississippi	\$39,949,521	\$35,959,789	\$0	0.00%
South Dakota	\$21,377,085	\$20,063,282	\$0	0.00%
Hawaii	N/A	N/A	N/A	N/A

Source: LIHEAP Performance Measurement Web Site (<https://liheappm.acf.hhs.gov>).

Table B. Percentage of LIHEAP spending on weatherization for waiver states by fiscal year

State	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	Total
California	24.8%	24.7%	23.7%	24.8%	21.4%	12.2%	21.5%	22.0%	22.6%	22.0%
Montana	23.2%	23.0%	22.9%	23.2%	16.2%	23.6%	13.8%	12.8%	22.9%	20.2%
Wyoming	14.0%	19.1%	20.1%	23.1%	16.0%	8.2%	10.9%	23.0%	25.0%	17.7%
Maine	23.4%	22.8%	19.9%	13.0%	13.8%	18.5%	20.8%	0.0%	10.0%	15.8%
Idaho	23.1%	22.9%	23.1%	23.2%	0.0%	11.0%	6.5%	18.0%	12.7%	15.6%
Ohio	12.6%	13.2%	19.2%	18.6%	13.5%	8.2%	12.0%	16.3%	21.4%	15.0%
Washington	17.7%	18.2%	17.7%	18.3%	14.9%	13.4%	13.6%	7.3%	13.3%	14.9%
North Carolina	16.7%	15.0%	15.7%	13.6%	11.1%	8.3%	13.6%	9.4%	19.5%	13.7%
West Virginia	14.1%	21.9%	18.0%	17.8%	9.9%	5.2%	4.6%	10.2%	12.9%	12.7%
North Dakota	22.7%	22.7%	13.7%	11.8%	4.1%	3.6%	13.7%	5.3%	7.4%	11.7%
Colorado	12.5%	11.8%	22.9%	14.9%	10.0%	6.6%	6.5%	7.1%	11.5%	11.5%
Kansas	5.2%	12.5%	19.0%	13.8%	8.7%	5.3%	9.1%	9.0%	12.6%	10.6%

Source: LIHEAP Performance Measurement Web Site (<https://liheappm.acf.hhs.gov>).

Note: Green text indicates spending during waiver years

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