

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Community Development

(agency name)

Administrative Order No. 87-07

(1) I, Chuck Clarke, Deputy Director, Director of

the Department of Community Development

do promulgate and adopt at Ninth & Columbia Building, Olympia, Washington (place)

the annexed rules relating to:

Winter Utility Moratorium Program, Chapter 365-100 WAC; WAC 365-100-010 General Purpose; WAC 365-100-020 Definitions; WAC 365-100-030 Applicant Responsibilities; WAC 365-100-040 Agency Responsibilities.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on These rules shall take effect: [] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Chuck Clarke, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is: Clarifying amendments are needed to incorporate changes made in the Laws of 1986. This action is taken to ensure implementation of appropriate services and assistance to low-income households under this program.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

- [] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.
[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

[x] (c) This rule is promulgated under the general rule-making authority of the Department of Community Development (agency)

as authorized in RCW 43.63A and 34.04

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 29 1987

STATE OF WASHINGTON FILED

By Chuck Clarke

MAY 1 1987

Deputy Director Title

CODE REVISER'S OFFICE WSR 87-10-019

STATEMENT OF PURPOSE

TITLE: Chapter 365-100 WAC
Winter Utility Moratorium Program

STATUTORY AUTHORITY FOR ADOPTING THE RULE AND SPECIFIC STATUTE
THE RULE IS INTENDED TO IMPLEMENT: RCW 43.63A.060 and RCW 34.04.

SUMMARY OF RULE AND REASONS SUPPORTING ACTION:

This rule sets the conditions and procedures for the Department of Community Development and its contractors to assist applicants obtain protection from utility disconnection during the winter.

The action amends Chapter 365-100 WAC to conform with changes made in the law by Chapter 245, Laws of 1986.

AGENCY PERSONNEL RESPONSIBLE FOR DRAFTING, IMPLEMENTATION, AND ENFORCEMENT OF THE RULE:

Katherine Friedt, Assistant Director
Division for Community Services
Department of Community Development
Ninth and Columbia Building, GH-51
Olympia, Washington 98504-4151
(206) 753-4979

ORGANIZATION IMPLEMENTING THE RULE CHANGE: Department of Community Development

AGENCY COMMENTS OR RECOMMENDATIONS: None

IS THIS RULE NECESSARY AS THE RESULT OF FEDERAL LAW OR FEDERAL OR STATE COURT ACTION? No

SMALL BUSINESS ECONOMIC IMPACT STATEMENT: Not Applicable

Chapter 365-100 WAC

WINTER UTILITY MORATORIUM PROGRAM

WAC

- 365-100-010 General purpose.
 365-100-020 Definitions.
 365-100-030 Applicant responsibilities.
 365-100-040 ((Agency)) Contractor responsibilities.

AMENDATORY SECTION (Amending Order 84-02, filed 2/13/85)

WAC 365-100-010 GENERAL PURPOSE. The following regulations are adopted pursuant to chapter ((254)) 245, Laws of ((1984)) 1986 for the purpose of implementing a moratorium on utility shut-off's during the winter. The legislature has determined and declared that utilities that supply ((electrical)) electricity or natural gas for home heating cannot discontinue service for low-income households between November 15 and March 15 for reasons of nonpayment((;)) provided the customer complies with the provisions of the act.

The purpose of this chapter is to outline the conditions and procedures under which the department of community development (DCD) and its contractors will implement this program pursuant to chapter ((254)) 245, Laws of ((1984-and-its-grantees)) 1986.

AMENDATORY SECTION (Amending Order 84-02, filed 2/13/85)

WAC 365-100-020 DEFINITIONS. The following definitions shall apply to terms in chapter ((254)) 245, Laws of ((1984)) 1986, and/or this chapter:

"Applicant" refers to a client of a community action agency or other public or private nonprofit organization, or a current customer of a utility company, or an applicant for service of a utility company, who applies for the moratorium program or other energy assistance.

(("Agency")) "Contractor" means community action agency or other public or private nonprofit organizations providing energy assistance ((program-or)) and weatherization ((program--grantee--of)) services under contract with the department of community development.

"Business days" means all days except Saturday, Sunday and legal holidays.

"Client income statement" means a statement the applicant((/customer)) signs that acknowledges ((their)) household gross income, ((their-self-declared)) self-certified income, and ((the--applicants)) seven percent ((payment)) of household's income. The statement acknowledges whether the income is verified or unverified, whether the applicant((/customer)) has applied for energy and weatherization assistance, and whether the utility company and the agency were properly notified by the applicant((/customer)). The statement also acknowledges that the applicant((/customer)) agrees to enter into a payment plan ((and-agrees)), to pay the past due bill by October 15 even if they move, to pay for continued utility service, and ((agrees)) to apply any assistance received to the bill.

(("DHS" means the department of social and health services.))

"Date of application" means the day the applicant((/customer)) notifies the utility of their inability to pay the bill.

"Extenuating circumstances" means anything beyond the reasonable control of the ((customer)) applicant.

"Household income" means the total income of all household members considered for LIHEAP eligibility determination.

"LIHEAP" means low-income home energy assistance program, a federally-funded block grant.

"Low-income households" means households whose total income is no more than 125 percent of the federal poverty level.

"Overdue notice" means a written notice to disconnect service on a given date, unless payment is made.

~~("Seven-percent-payment"-means-a-payment-of-7-percent-of-monthly income--(as--defined--in--the-LIHEAP-procedures)-of-the-household-from November-15-through-March-15-)~~ "Utility" means regulated electric and gas companies, public utility districts, and municipal electric suppliers.

AMENDATORY SECTION (Amending Order 84-02, filed 2/13/85)

WAC 365-100-030 APPLICANT RESPONSIBILITIES. (1) The applicant (~~/customer~~) shall notify the utility (~~company~~) of the inability to pay the bill, or the security deposit, within five business days. Notification may be made in person, in writing, or by telephone.

(2) The applicant (~~/customer~~) shall contact the (~~agency~~) contractor within five business days from the date of notification to the utility to (~~begin-completing-the~~) complete a client income statement. The applicant shall self-certify twelve months of household income.

(3) The applicant (~~/customer~~) shall provide the utility (~~company~~) with the completed client income statement of unverified income (~~r~~) within twenty days from the date of application. Verified income, or acceptance of self-certification, must be supplied to the utility within forty-five days of application. (See WAC 365-100-040.)

~~((The--applicant/customer--may-be-subject-to-disconnection-if-the client-income-statement-of-verified-income--is--not--returned--to--the utility--company--within-forty-five-days-and-no-interim-payment-agreement-has-been-made,-or-the-household-has-been--determined--not--income eligible.))~~

(4) At the time the client income statement is submitted to the utility, the applicant (~~/customer~~) shall enter an agreement to pay no less than seven percent of (~~their~~) the applicant's household monthly income, plus one-twelfth of any billing accrued from the date application is made and thereafter through March 15, during the period of the utility moratorium.

(5) Prior to March 15, the applicant (~~/customer~~) and the utility (~~company~~) shall enter into an agreement with the specific terms for the repayment of any account balance. Such repayment agreement shall require full payment of the balance no later than October 15 of that year, unless other arrangements are provided by the utility (~~company~~). ~~The--applicant/customer--shall--be--provided-a-choice-between-either-a budget-billing-plan-or-equal-payment-plan).~~

AMENDATORY SECTION (Amending Order 84-02, filed 2/13/85)

WAC 365-100-040 (~~AGENCY~~) CONTRACTOR RESPONSIBILITIES. (~~With the--agreement--of--the-local-utility,~~) (1) The (~~agency~~) contractor may use the unverified client income statement to expedite the process for determining client eligibility for the moratorium program. The contractor may accept the applicant's self-certification of income in determining eligibility, or verify and document income in accordance with LIHEAP procedures. In either instance, the contractor shall

notify the utility and the applicant of the applicant's eligibility no later than forty-five days from the date of application.

(2) The ((agency)) contractor shall provide the client income statement and assist the applicant((/customer)) in completing the statement when applying for the moratorium program. If the applicant((/customer)) contacts the ((agency)) contractor to apply for the moratorium program before notifying the utility ((company)) of their inability to pay the bill, the ((agency)) contractor shall instruct the applicant((/customer)) to immediately contact the utility.

(3) The ((agency)) contractor shall ((else)) interview the applicant((/customer)) for energy and weatherization assistance.

(4) The ((agency)) contractor shall provide the client income statement of unverified income to the applicant((/customer)) within twenty days from the date of application.

((The agency shall verify the applicant's/customer's--income--and program---eligibility---within---forty-five---days--from--the--date--of application--))

(5) The contractor shall inform the applicant that default on an agreed payment plan with the utility will remove moratorium protection until the past due bill is paid.

(6) The contractor shall advise the applicant that disconnection of services is possible if:

(a) Verified income is not supplied to the utility within forty-five days of application and no interim payment agreement has been made with the utility by the applicant.

(b) The applicant has been determined income ineligible.

(7) The contractor shall inform the applicant that the utility is required to offer a choice between a budget billing plan or equal payment plan.