

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Community Development
(agency name)

Administrative Order No. 84-01

(1) I, Chuck Clarke Assistant, director of the Department of Community Development

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

the annexed rules relating to: the winter utility moratorium program (title 365-100 WAC - WAC 365-100-010 General Purpose; WAC 365-100-020 Definitions; WAC 365-100-030 Applicants Responsibilities; WAC 365-100-040 Agency Responsibilities; WAC 365-100-050 Utility 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: The physical health of low-income households is threatened IF home heating is permitted to be disconnected during the winter months. The state legislature has mandated (passage of Chapter 251, laws of 1984) that the moratorium program year begins on November 15. Formal rule adoption will not take effect until after November 15. Emergency rules will allow the Department of Community Development to develop policy procedures for its grantees to implement the program, and will avoid disconnections of heating services to those households who ordinarily would be disconnected during the month of November. 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 RCW 43-63A-080

(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 Sept. 5 19 84
FILED
By Chuck Clarke Deputy Director Title

CODE REVISER'S OFFICE WSR 84-18-073

*Dee*  
CHAPTER 365-100 WAC  
WINTER UTILITY MORATORIUM PROGRAM

*Dee*  
NEW SECTION

WAC 365-100-010

GENERAL PURPOSE:

The following regulations are adopted pursuant to chapter 251, Laws of 1984 for the purpose of implementing a moratorium on utility shut-offs during the winter. The legislature has determined and declared that utilities that supply electrical 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 local Agencies will implement this program pursuant to chapter 251, 184 and its grantees.

NEW SECTION

WAC 365-100-020

DEFINITIONS:

The following definitions shall apply to terms in chapter 251 Laws of 1984, and/or this chapter:

"Agency" means community action agency or other energy assistance or weatherization grantee of the Department of Community Development.

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

"DSHS" means the Department of Social and Health Services.

"Extenuating Circumstances" means anything beyond the reasonable control of the customer.

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

"LIHEAP" means Low-Income Home Energy Assistance Program.

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

"Notification Statement" means a statement that verifies income eligibility, specifies the seven percent payment amount, and acknowledges that the Applicant/Customer is income qualified for LIHEAP Assistance.

"Operating System" means a system which is necessary for the operation of the main heating source.

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

"Residential Space Heating" means the source of home heating including the operating system provided the system is essential to the operation of the main heating source.

"Seven (7%) percent payment" means a payment of 7 percent of regarded monthly income (as defined in the LIHEAP procedures) of the household from November 15 through March 15.

NEW SECTION

WAC 365-100-030

APPLICANT

RESPONSIBILITIES

Upon notification in person, in writing or by telephone to the utility company of the inability to pay the bill; the Applicant/Customer must apply to DSHS or the appropriate local Agency for the moratorium program.

The Applicant/Customer must submit a notification statement to the utility company within thirty (30) days of being interviewed by the local agency provided the Applicant/Customer has not already qualified for energy assistance. However, if the Applicant/Customer has already been qualified for energy assistance, the notification statement must be submitted to the utility company within twenty (20) days.

The Applicant/Customer may voluntarily enter a payment plan that is acceptable to the utility company prior to the return of the notification statement to the utility company.

The Applicant/Customer shall enter into a payment plan with the utility company once the notification statement has been received by the utility company, unless the Applicant/Customer has already entered into a payment plan to pay the delinquent amount owed. The Applicant/Customer may choose between either a budget payment plan or an equal payment plan. The equal payment plan will be designed to pay both the past due amount by the following October 15 and to pay for continued utility service. Under this plan the Applicant/Customer shall pay a minimum monthly payment of seven percent of their household income.

The Applicant/Customer must sign an authorization form allowing the utility company to verify receipt of any Energy Assistance payments or other energy payments from government and/or private sector organizations. Payments received shall not be considered as household income nor shall it be counted as part of the households seven percent of income payment requirement.

NEW SECTION

WAC 365-100-040

AGENCY

RESPONSIBILITIES:

Upon receipt of an application for the moratorium program, the Agency shall interview the Applicant/Customer and determine income eligibility, verify income, determine the seven percent payment amount, and provide the Applicant/Customer with a notification statement.

NEW SECTION

WAC 365-100-050

UTILITY

RESPONSIBILITIES:

The utility company shall upon issuing a delinquent notice to the Applicant/Customer, mail a notice describing the availability of Energy Assistance funds and information on how assistance may be obtained.

In addition to the requirement of the statute, the utility company shall, at the time of personal contact or telephone, contact the Applicant/Customer of the availability of assistance and the telephone number and address of the local Agency which administers an Energy Assistance Program.

The utility company shall also inform the Applicant/Customer of the notification statement requirements.

The utility company may request confirmation that the Applicant/Customer has applied for energy assistance and, unless the request results in a determination that no application has been made, utility service shall be continued during the period of time allowed for the return of the notification statement. If within the thirty day period the notification statement is not returned and no interim payment agreement has been made, or the Applicant/Customer's household is not income eligible for energy assistance, the utility company may proceed with disconnection.