

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Community Development

(agency name)

Administrative Order No. 84-02

(1) I, Chuck Clarke, Deputy Director, Director of the Department of Community Development

do promulgate and adopt at Ninth & Columbia Bldg., MS GH-51, Olympia, Washington (place)

the annexed rules relating to: The Winter Utility Moratorium Program (the 365-100 WAC - WAC 365-100-010 General Purpose; WAC 365-100-020 Definitions; WAC 365-100-030 Applicant's Responsibilities; WAC 365-100-040 Agency Responsibilities; Utility Responsibilities).

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

This action is taken pursuant to Notice No. 84-18-072 filed with the code reviser on Sept. 5, 1984. These rules shall take effect: [X] 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, 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:

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-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 October 19, 19 84

STATE OF WASHINGTON FILED

OCT 19 1984

By Chuck Clarke

DEPUTY DIRECTOR Title

CODE REVISER'S OFFICE WSR 84-21-087

CHAPTER: 365-100 WAC
WINTER UTILITY MORATORIUM PROGRAM

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-off's 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, L84 and its grantees.

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.

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

"Self-Declaration of Income Statement" means a statement the Applicant/Customer signs acknowledging their unverified household gross income.

"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.

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 shall, within five (5) business days make application for the moratorium program to DSHS or the appropriate local Agency.

The Applicant/Customer must submit a Self-Declaration of Income Statement to the utility upon receiving an overdue notice. At the time the Self-Declaration of Income Statement is completed and submitted to the utility, the Applicant/Customer shall enter an agreement to pay no less than 7 percent of their household income during the period from November 15 to March 15.

The Applicant/Customer may voluntarily enter a payment plan that is acceptable to the utility company prior to the return of the Self-Declaration of Income Statement.

Prior to March, the Applicant/Customer shall enter into an agreement with the utility company for the repayment of any account balance. Such repayment agreement shall require full payment of the balance no later than October 15, 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.

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.

365-100-040

AGENCY

RESPONSIBILITIES:

The Agency shall provide and assist the Applicant/Customer in completing a Self-Declaration of Income Statement.

The Agency shall interview the Applicant/Customer to determine income eligibility for the moratorium program and energy and weatherization assistance programs. The agency shall verify income, determine the seven percent payment amount, and provide the utility company with a notification statement within thirty (30) days from the date of the Applicant/Customer interview.

365-100-050

UTILITY

RESPONSIBILITIES:

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 by the end of 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.