



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Department of Community Development

- Permanent Rule
- Emergency Rule

(1) Date of adoption: November 27, 1991 Administrative Order No. 92-01

(2) Purpose: To administer the state's Energy Matchmakers program in an equitable manner while substantially increasing resources for low-income weatherization with required match.

(3) Citation of existing rules affected by this order:

- Repealed:
- Amended: 365-180 Energy Matchmakers
- Suspended:

(4) Authority for adoption:

- Statute: Chapter 70.164 RCW
- Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 91-21-139 on October 23, 1991 (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

- 31 days after filing
- Other (specify) _____ *
- Immediately
- Later (specify) _____

* (if less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

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NAME (TYPE OR PRINT)

Chuck Clarke

SIGNATURE: *Chuck Clarke*

TITLE: Director

DATE: 1-6-92

AMENDATORY SECTION (Amending Order 88-01, filed 1/4/88)

WAC 365-180-030 DEFINITIONS. (1) "Department" means the department of community development.

(2) "Energy matchmakers local coordinated plan" means a proposal(s) for use of funding for local low-income weatherization programs in a specific geographical area.

(3) "Low-income" means household income that is at or below one hundred twenty-five percent of the federally established poverty level.

(4) "Nonutility sponsor" means an organization that is not an energy supplier and that submits a local coordinated plan.

(5) "Residence" means a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters; but excluding institutional buildings such as: A university, group care facility, nursing home, half-way residence, hospital, hotel, motel, etc.

(6) "Sponsor" means an organization that submits a match proposal as part of the energy matchmakers local coordinated plan.

(7) "Sponsor match" means the share, if any, of the cost of weatherization to be paid by the sponsor.

(8) "Weatherization" means materials or measures, including the education of the low-income household about energy saving behaviors in the home, and their installation or application, that are used to improve the thermal efficiency of a residence.

(9) "Weatherizing agency" means a public or nonprofit private organization, approved by the department, responsible for doing all aspects of the weatherization work.

AMENDATORY SECTION (Amending Order 88-01, filed 1/4/88)

WAC 365-180-060 SPONSOR MATCH. (1) Plans submitted by energy suppliers shall include a commitment of a matching contribution. Matching contributions can be either cash, in-kind contributions, or both. The match must cover half of the total cost of the low-income weatherization being proposed in the local area.

(2) Only resources that would not otherwise have been used for low-income weatherization will be considered as match.

(3) A sponsor may pay the sponsor match as lump sum at the time of weatherization, or make yearly payments over a period not to exceed ten years. When the sponsor elects to make yearly payments, the value of the payments shall be determined by the department, but shall not be less than the value of the lump sum that would have been made.

(4) All match committed shall result in:

(a) Increasing the number of residences weatherized ((or));

(b) Increasing weatherization measures installed on or in the residence; or

(c) Otherwise increasing the thermal efficiency of the residence.

(5) The department may place a cap on the amount of match it will accept under subsection (4)(c) of this section.

(6) Match waivers may be granted by the department for plans submitted by nonutility sponsors.

AMENDATORY SECTION (Amending Order 88-01, filed 1/4/88)

WAC 365-180-090 PROGRAM SERVICES. (1) Weatherizing agencies shall provide weatherization services to eligible low-income households in accordance with the "Washington state low-income weatherization assistance program procedures and guidelines" established by the department.

(2) No contribution may be required from the eligible household.

(3) Full levels of all cost-effective structurally feasible measures, as determined by the department, shall be installed when a residence is weatherized.

(4) No undue or excessive enhancement to a residence shall occur as a result of weatherization provided under this chapter.

(5) Before a leased or rented residence is weatherized, the department's (~~"weatherization-program-owner/authorized-agent-approval form"~~) "property owner/agency weatherization agreement" form, or subsequent special conditions established by the department when necessary to comply with applicable state or federal law, must be signed by the owner of the building or the owner's authorized agent. Through this form the landlord ensures that, (~~for-twelve-months-from-the-date the-form-is-signed~~) at a minimum, during a period extending through one year following the date of completion of the weatherization work, the amount of rent will not be raised for any reason and during the period extending through three years following the date of completion of the weatherization work performed, rent will not be increased, nor the tenant evicted, as a result of the weatherization provided.

(6) Benefits of weatherization work performed on behalf of a low-income tenant shall accrue primarily to the low-income tenant.