

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Community Development

(agency name)

Administrative Order No. 84-03

(1) I, Chuck Clark, Deputy Director, director of The Department of Community Development

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

the annexed rules relating to: The Utility Shutoff Moratorium Program (the 365-100 WAC - WAC 365-100-010 General Purpose; WAC 365-100-020 Definitions; WAC 365-100-030 Applicant Responsibility; WAC 365-100-040 Agency Responsibility.

(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 Clark, 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 existing rules are vague and incorrect. Emergency rules are needed to clarify and correct the rules to continue implementation of the program. This program protects low-income households from having their heat services disconnected during the winter.

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

December 18, 1984

By

Chuck Clark

Deputy Director

Title

STATE OF WASHINGTON FILED DEC 18 1984

CODE REVISER 85-01-069

AMENDATORY SECTION (Amending Order 84-02, filed 10/19/84)

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-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, Laws of 1984 and its grantees.

AMENDATORY SECTION (Amending Order 84-02, filed 10/19/84)

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 program or weatherization program grantee of 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 income and the applicants seven percent payment. 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.

"DSHS" 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.

"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 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.

WAC 365-100-037 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 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.)

The applicant/customer shall notify the utility company of the inability to pay the bill within five business days. Notification may be made in person, in writing or by telephone. The applicant/customer shall contact the agency within five business days from the date of notification to the utility to begin completing the client income statement.

The applicant/customer shall provide the utility company with the completed client income statement of unverified income, within twenty days from the date of application.

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.

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 household income during the period of the utility moratorium.

Prior to March, the applicant/customer and the utility company shall enter into an agreement with the ((utility company)) 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.

((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.))

AMENDATORY SECTION (Amending Order 84-02, filed 10/19/84)

WAC 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 days from the date of the applicant/customer interview.)) With the agreement of the local utility, the agency may use the unverified client income statement to expedite the process for determining client eligibility for the moratorium program.

The agency 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 to apply for the moratorium program before notifying the utility company of their inability to pay the bill, the agency shall instruct the applicant/customer to immediately contact the utility.

The agency shall also interview the applicant/customer for energy and weatherization assistance.

The agency 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 365-100-050 UTILITY RESPONSIBILITIES.