

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

1

HOUSE BILL 790

Short Title: Energy Assistance Act for Low-Income Persons. (Public)

Sponsors: Representatives Nye; Faison, Insko, Jones, Pierce, and Wainwright.

Referred to: Health.

March 17, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE ENERGY ASSISTANCE ACT FOR LOW-INCOME  
3 PERSONS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 3 of Chapter 143B of the General Statutes is amended  
6 by adding the following new Part to read:

7 "Part 34. North Carolina Energy Assistance Act for Low-Income Persons.

8 "**§ 143B-216.75. Legislative findings and purpose.**

9 (a) The General Assembly of North Carolina makes the following findings:

- 10 (1) Maintaining the general health, welfare, and prosperity of the people  
11 of this State requires that all citizens receive essential levels of heat  
12 and electric service regardless of their economic circumstance.  
13 (2) Serving the State's most vulnerable citizens, including low-income  
14 elderly, persons with disabilities, families with children, high  
15 residential energy users, and households with a high-energy burden, is  
16 a priority.  
17 (3) Conserving energy benefits for all citizens and their environment is  
18 important.  
19 (4) Ensuring proper payment to public utilities and other entities providing  
20 energy services actually rendered is a responsibility of this State.  
21 (5) Declining federal low-income energy assistance funding necessitates a  
22 State response to ensure the continuity and further development of  
23 energy assistance and related policies and programs in the State.  
24 (6) Current energy assistance policies and programs have benefited North  
25 Carolina citizens and should be continued with the modifications  
26 provided in this Part.

27 (b) The General Assembly declares that it is the policy of this State that  
28 weatherization, replacement of heating and cooling systems, and other energy-related  
29 assistance programs be used to increase the energy efficiency of dwellings owned or

1 occupied by low-income persons, reduce their total residential expenditures, and  
2 improve their health and safety. The State shall use all appropriate and available means  
3 to fund the Weatherization Assistance Program, Heating and Air Repair and  
4 Replacement Program, and any other energy-related assistance program for low-income  
5 persons while, to the extent possible, identifying and using sources of funding to  
6 achieve the objectives of this Part.

7 **"§ 143B-216.76. Definitions.**

8 The following definitions apply in this Part:

- 9 (1) Applicant. – A member of the family residing in the dwelling unit, the  
10 owner, or designated agent of the owner of a dwelling unit applying  
11 for program services.
- 12 (2) Department. – The North Carolina Department of Health and Human  
13 Services.
- 14 (3) Heating and Air Repair and Replacement Program. – A North Carolina  
15 program implemented in concert with the Weatherization Assistance  
16 Program to repair or replace inefficient heating systems in the homes  
17 of low-income families, especially the elderly, individuals with  
18 disabilities, and families with children.
- 19 (4) Secretary. – The Secretary of the Department of Health and Human  
20 Services.
- 21 (5) Subgrantee. – An entity managing a weatherization project that  
22 receives a federal grant of funds awarded pursuant to 10 CFR Part 440  
23 from the State or other entity named in the Notification of Grant  
24 Award and otherwise referred to as the 'grantee'.
- 25 (6) Weatherization. – The modification of homes and home heating and  
26 cooling systems to improve heating and cooling efficiency by  
27 caulking, weather stripping, or insulating ceilings, attics, walls, or  
28 floors.
- 29 (7) Weatherization Assistance Program. – A statewide program designed  
30 to help low-income citizens save energy and reduce expenses through  
31 the installation of energy conservation materials and the  
32 implementation of energy efficient measures in their homes.

33 **"§ 143B-216.77. The Secretary; powers and duties.**

34 (a) The Secretary shall administer the Weatherization Assistance Program for the  
35 State of North Carolina as established by 42 U.S.C. § 6861, et seq., and 42 U.S.C. §  
36 7101, et seq., the Heating and Air Repair and Replacement Program as established by  
37 the Secretary, and any related energy assistance program for the benefit of low-income  
38 persons. The Secretary shall exercise the following powers and duties:

- 39 (1) Establish standards and criteria to carry out the provisions and  
40 purposes of this Part.
- 41 (2) Develop policy, criteria, and standards for receiving and processing  
42 applications for weatherization assistance.
- 43 (3) Make decisions and pursue appeals from decisions to accept or deny  
44 applications for weatherization, replacement of heating and cooling

1 systems, and other energy-related assistance programs or otherwise  
2 participate in the State plan as a subgrantee in accordance with Chapter  
3 150B of the General Statutes.

4 (4) Adopt, amend, and repeal rules consistent with the laws of this State  
5 and that may be required by the federal government for grants-in-aid  
6 for the Weatherization Assistance Program, the Heating and Air  
7 Repair and Replacement Program, or other energy assistance  
8 programs. This section shall be liberally construed so that the State and  
9 its citizens may benefit from grants-in-aid.

10 (5) Establish procedures for the submission of periodic reports by any  
11 community action agency or other agency or entity authorized to  
12 manage a weatherization project, the replacement of heating and  
13 cooling systems, or other energy-related assistance project.

14 (6) Implement criteria for periodic review of weatherization, replacement  
15 of heating and cooling systems, or other energy-related programs.

16 (7) Solicit, accept, hold, or administer on behalf of the State any grants or  
17 bequests of money, securities, or property for use by the Department or  
18 other agencies in the administration of this Part.

19 (8) Create a Policy Advisory Council within the Office of Economic  
20 Opportunity to advise the Office regarding the development and  
21 implementation of the Weatherization Assistance Program, the  
22 Heating and Air Repair and Replacement Program, and any other  
23 energy related assistance program for the benefit of low-income  
24 persons.

25 (b) The Secretary shall have final rule-making authority with regard to all  
26 functions described in this Part.

27 **"§ 143B-216.78. Weatherization Assistance Program.**

28 (a) The purpose of the North Carolina Weatherization Assistance Program is to  
29 create a safe, energy efficient and comfortable home environment for low-income  
30 citizens throughout the State.

31 (b) Funds received by the Department for this purpose shall be distributed by the  
32 Office of Economic Opportunity to agencies based on the percentage of poverty in the  
33 counties, as well as the agencies' efficiency in meeting production goals. Local agencies  
34 shall determine client eligibility based on Federal Poverty Income Guidelines.

35 (c) Agency staff shall conduct an energy audit and perform diagnostic testing to  
36 determine air infiltration, heat loss, levels of carbon monoxide, and identify  
37 recommended energy conservation, safety, and health measures. Local agency staff and  
38 private contractors shall complete the work. Staff and the resident of the dwelling unit  
39 shall inspect the work, and the resident shall approve the work.

40 (d) State energy conservation representatives shall visit local sub-recipients to  
41 monitor program accomplishments. Files and records shall be examined to verify State  
42 and federal compliance, and homes shall be inspected for work quality by the agency.  
43 The Office of Economic Opportunity may require an extensive written report to  
44 document observations, recommendations, and any necessary corrective action.

1 **"§ 143B-216.79. Heating Appliance Repair and Replacement Program.**

2 (a) The purpose of the Heating Appliance Repair and Replacement Program shall  
3 be to repair or replace inefficient heating systems in the homes of low-income families,  
4 especially the elderly, individuals with disabilities, and families with children.

5 (b) This program shall work in coordination with the Weatherization Assistance  
6 Program and use the same client eligibility standards as permitted in the North Carolina  
7 Annual Low Income Home Energy Assistance Program State Plan.

8 (c) All homes that are weatherized shall receive an energy audit and diagnostic  
9 testing to determine levels of carbon monoxide and to identify recommended health,  
10 safety, and air and heating system energy efficiency measures to be undertaken. Each  
11 eligible system shall be evaluated, cleaned, and tuned, and when appropriate as  
12 determined by the Office of Economic Opportunity, the system shall be replaced."

13 **SECTION 2.** This act is effective when it becomes law.