

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**HOUSE DRH30104-LU-55 (3/3)**

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

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Sponsors: Representative Nye.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE ENERGY ASSISTANCE ACT FOR LOW-INCOME PERSONS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

1       (b) The General Assembly declares that it is the policy of this State that  
2 weatherization, replacement of heating and cooling systems, and other energy-related  
3 assistance programs be used to increase the energy efficiency of dwellings owned or  
4 occupied by low-income persons, reduce their total residential expenditures, and  
5 improve their health and safety. The State shall use all appropriate and available means  
6 to fund the Weatherization Assistance Program, Heating and Air Repair and  
7 Replacement Program, and any other energy-related assistance program for low-income  
8 persons while, to the extent possible, identifying and using sources of funding to  
9 achieve the objectives of this Part.

10 **"§ 143B-216.76. Definitions.**

11       The following definitions apply in this Part:

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

36 **"§ 143B-216.77. The Secretary; powers and duties.**

37       (a) The Secretary shall administer the Weatherization Assistance Program for the  
38 State of North Carolina as established by 42 U.S.C. § 6861, et seq., and 42 U.S.C. §  
39 7101, et seq., the Heating and Air Repair and Replacement Program as established by  
40 the Secretary, and any related energy assistance program for the benefit of low-income  
41 persons. The Secretary shall exercise the following powers and duties:

- 42       (1) Establish standards and criteria to carry out the provisions and  
43 purposes of this Part.

- 1           (2)   Develop policy, criteria, and standards for receiving and processing  
2           applications for weatherization assistance.
- 3           (3)   Make decisions and pursue appeals from decisions to accept or deny  
4           applications for weatherization, replacement of heating and cooling  
5           systems, and other energy-related assistance programs or otherwise  
6           participate in the State plan as a subgrantee in accordance with Chapter  
7           150B of the General Statutes.
- 8           (4)   Adopt, amend, and repeal rules consistent with the laws of this State  
9           and that may be required by the federal government for grants-in-aid  
10           for the Weatherization Assistance Program, the Heating and Air  
11           Repair and Replacement Program, or other energy assistance  
12           programs. This section shall be liberally construed so that the State and  
13           its citizens may benefit from grants-in-aid.
- 14           (5)   Establish procedures for the submission of periodic reports by any  
15           community action agency or other agency or entity authorized to  
16           manage a weatherization project, the replacement of heating and  
17           cooling systems, or other energy-related assistance project.
- 18           (6)   Implement criteria for periodic review of weatherization, replacement  
19           of heating and cooling systems, or other energy-related programs.
- 20           (7)   Solicit, accept, hold, or administer on behalf of the State any grants or  
21           bequests of money, securities, or property for use by the Department or  
22           other agencies in the administration of this Part.
- 23           (8)   Create a Policy Advisory Council within the Office of Economic  
24           Opportunity to advise the Office regarding the development and  
25           implementation of the Weatherization Assistance Program, the  
26           Heating and Air Repair and Replacement Program, and any other  
27           energy related assistance program for the benefit of low-income  
28           persons.

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

31           **"§ 143B-216.78. Weatherization Assistance Program.**

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

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

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

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

6 **"§ 143B-216.79. Heating Appliance Repair and Replacement Program.**

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

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

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

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