

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 955

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

Sponsors: Senators Lucas; and Malone.

Referred to: Appropriations/Base Budget.

March 24, 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 a new Part to read:

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

8 **"§ 143B-216.70. Legislative findings and purpose.**

9 (a) The General Assembly 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 circumstances.
- 13 (2) Serving the State's most vulnerable citizens: its low-income elderly,
14 persons with disabilities, families with children, high residential
15 energy users, and households with a high-energy burden, is a priority.
- 16 (3) Conserving energy benefits all citizens and their environment.
- 17 (4) Ensuring proper payment to public utilities and other entities providing
18 energy services actually rendered is a responsibility of this State.
- 19 (5) Declining federal low-income energy assistance funding necessitates a
20 State response to ensure the continuity and further development of
21 energy assistance and related policies and programs in the State.
- 22 (6) Current energy assistance policies and programs have benefited North
23 Carolina citizens and should be continued with the modifications
24 provided in this Part.

25 (b) The General Assembly declares that it is the policy of the State that
26 westernization, replacement of heating and cooling systems, and other energy-related
27 assistance programs be utilized to increase the energy efficiency of dwellings owned or
28 occupied by low-income persons, reduce their total residential expenditures, and
29 improve their health and safety. The State shall utilize all appropriate and available

1 means to fund the Weatherization Assistance Program for Low-Income Families and the
2 Heating/Air Repair and Replacement Program under G.S. 108A-70.30, and any other
3 energy-related assistance program for low-income persons while, to the extent possible,
4 identifying and utilizing sources of funding to achieve the objectives of this Part.

5 **"§ 143B-216.71. Definitions.**

6 The following definitions apply to this Part:

- 7 (1) Applicant. – A member of the family residing in the dwelling unit, the
8 owner, or designated agent of the owner of a dwelling unit applying
9 for program services.
- 10 (2) Department. – The Department of Health and Human Services.
- 11 (3) Secretary. – The Secretary of Health and Human Services.
- 12 (4) Subgrantee. – An entity managing a weatherization project that
13 receives a federal grant of funds awarded pursuant to 10 C.F.R. § 440
14 from the State or other entity named in the Notification of Grant
15 Award and otherwise referred to as the grantee.
- 16 (5) Weatherization. – The modification of homes and home heating and
17 cooling systems to improve heating and cooling efficiency by caulking
18 and weather stripping, as well as insulating ceilings, attics, walls, and
19 floors.

20 **"§ 143B-216.72. The Office of Economic Opportunity designated agency; powers**
21 **and duties.**

22 (a) The Office of Economic Opportunity of the Department shall administer the
23 Weatherization Assistance Program for Low-Income Families established by 42 U.S.C.
24 § 6861, et seq., and 42 U.S.C. § 7101, et seq., the Heating/Air Repair and Replacement
25 Program established by the Secretary under G.S. 108A-70.30, and any other
26 energy-related assistance program for the benefit of low-income persons. The Office of
27 Economic Opportunity shall exercise the following powers and duties:

- 28 (1) Establish standards and criteria to carry out the provisions and
29 purposes of this Part.
- 30 (2) Develop policy, criteria, and standards for receiving and processing
31 applications for weatherization assistance.
- 32 (3) Make decisions and pursue appeals from decisions to accept or deny
33 applications for weatherization, replacement of heating and cooling
34 systems, and other energy-related assistance programs or otherwise
35 participate in the State plan as a subgrantee or contractor.
- 36 (4) Adopt, amend, and repeal rules, consistent with the laws of this State,
37 that may be required by the federal government for grants-in-aid for
38 the Weatherization Assistance Program for Low-Income Families, the
39 Heating/Air Repair and Replacement Program, or other energy-related
40 assistance programs. This section shall be liberally construed in order
41 that the State and its citizens may benefit from such grants-in-aid.
- 42 (5) Establish procedures for the submission of periodic reports by any
43 community action agency or other agency or entity authorized to

- 1 manage a weatherization project, replacement of heating and cooling
2 system, or other energy-related assistance project.
3 (6) Implement criteria for periodic review of weatherization, replacement
4 of heating and cooling systems, or other energy-related programs.
5 (7) Solicit, accept, hold, and administer on behalf of the State any grants
6 or bequests of money, securities, or property for use by the Department
7 or other agencies in the administration of this Part.
8 (8) Adopt rules pursuant to Chapter 150B of the General Statutes.
9 (9) Create a Policy Advisory Council within the Office of Economic
10 Opportunity that shall advise the Office of Economic Opportunity with
11 respect to the development and implementation of a Weatherization
12 Program for Low-Income Families, the Heating/Air Repair and
13 Replacement Program, and any other energy-related assistance
14 program for the benefit of low-income persons.

15 (b) The Secretary shall have final decision-making authority with regard to all
16 functions described in this Part."

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