
HOUSE BILL 3141

State of Washington 60th Legislature 2008 Regular Session

By Representatives Liias, Chase, Ericks, Loomis, Rolfes, Miloscia, Upthegrove, Appleton, Dickerson, Kenney, and Ormsby

Read first time 01/23/08. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to sustainable residential weatherization for
2 low-income households; amending RCW 70.164.020, 70.164.040, and
3 43.330.110; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.164.020 and 1995 c 399 s 199 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Department" means the department of community, trade, and
10 economic development.

11 (2) "Energy assessment" means an analysis of a dwelling unit to
12 determine the need for cost-effective energy conservation measures as
13 determined by the department.

14 (3) "Household" means an individual or group of individuals living
15 in a dwelling unit as defined by the department.

16 (4) "Low income" means household income that is at or below one
17 hundred twenty-five percent of the federally established poverty level,
18 or as determined by the department.

1 (5) "Nonutility sponsor" means any sponsor other than a public
2 service company, municipality, public utility district, mutual or
3 cooperative, furnishing gas or electricity used to heat low-income
4 residences.

5 (6) "Residence" means a dwelling unit as defined by the department.

6 (7) "Sponsor" means any entity that submits a proposal under RCW
7 70.164.040, including but not limited to any local community action
8 agency, community service agency, or any other participating agency or
9 any public service company, municipality, public utility district,
10 mutual or cooperative, or any combination of such entities that jointly
11 submits a proposal.

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

14 (9) "Sustainable residential weatherization" or "weatherization"
15 means materials or measures, and their installation or application,
16 (~~that~~) including related repair representing advanced sustainable
17 technologies, to the extent feasible, that are used to improve the
18 thermal efficiency of a residence and the health and safety of
19 residents.

20 (10) "Weatherizing agency" means any approved department grantee or
21 any public service company, municipality, public utility district,
22 mutual or cooperative, or other entity that bears the responsibility
23 for ensuring the performance of weatherization of residences under this
24 chapter and has been approved by the department.

25 **Sec. 2.** RCW 70.164.040 and 1987 c 36 s 4 are each amended to read
26 as follows:

27 (1) The department shall solicit proposals for low-income
28 weatherization programs from potential sponsors. A proposal shall
29 state the amount of the sponsor match, the amount requested from the
30 low-income weatherization assistance account, the name of the
31 weatherizing agency, and any other information required by the
32 department.

33 (2)(a) A sponsor may use its own moneys, including corporate or
34 ratepayer moneys, or moneys provided by landlords, charitable groups,
35 government programs, the Bonneville Power Administration, or other
36 sources to pay the sponsor match.

1 (b) Moneys provided by a sponsor pursuant to requirements in this
2 section shall be in addition to and shall not supplant any funding for
3 low-income weatherization that would otherwise have been provided by
4 the sponsor or any other entity enumerated in (a) of this subsection.

5 (c) No proposal may require any contribution as a condition of
6 weatherization from any household whose residence is weatherized under
7 the proposal.

8 (d) Proposals shall provide that full levels of all cost-effective,
9 structurally feasible, sustainable residential weatherization
10 materials, measures, practices, and related repair, as determined by
11 the department, shall be installed and employed when a low-income
12 residence is weatherized.

13 (3)(a) The department may in its discretion accept, accept in part,
14 or reject proposals submitted. The department shall allocate funds
15 appropriated from the low-income weatherization assistance account
16 among proposals accepted or accepted in part so as to:

17 (i) Achieve the greatest possible expected monetary and energy
18 savings by low-income households and other energy consumers ((and))
19 over the greatest period of time;

20 (ii) Promote the greatest possible health and safety improvements
21 for residents of low-income households; and

22 (iii) Leverage, to the extent feasible, technologically advanced
23 and environmentally friendly sustainable technologies, practices, and
24 designs.

25 (b) The department shall, to the extent feasible, ensure a balance
26 of participation in proportion to population among low-income
27 households for: ~~((a))~~ (i) Geographic regions in the state; ((b))
28 (ii) types of fuel used for heating, except that the department shall
29 encourage the utilization of fuels representing energy efficient
30 sustainable technologies; ((c)) (iii) owner-occupied and rental
31 residences; and ((d)) (iv) single-family and multifamily dwellings.

32 (c) The department may allocate funds to a nonutility sponsor
33 without requiring a sponsor match if the department determines that
34 such an allocation is necessary to provide the greatest benefits to
35 low-income residents of the state.

36 (4)(a) A sponsor may elect to: (i) Pay a sponsor match as a lump
37 sum at the time of weatherization, or (ii) make yearly payments to the
38 low-income weatherization assistance account over a period not to

1 exceed ten years. If a sponsor elects to make yearly payments, the
2 value of the payments shall not be less than the value of the lump sum
3 payment that would have been made under (i) of this subsection.

4 (b) The department may permit a sponsor to meet its match
5 requirement in whole or in part through providing labor, materials, or
6 other in-kind expenditures.

7 (5) The department shall adopt rules to carry out this section.

8 **Sec. 3.** RCW 43.330.110 and 1993 c 280 s 14 are each amended to
9 read as follows:

10 (1) The department shall maintain an active effort to help
11 communities, families, and individuals build and maintain capacity to
12 meet housing needs in Washington state. The department shall
13 facilitate partnerships among the many entities related to housing
14 issues and leverage a variety of resources and services to produce
15 comprehensive, cost-effective, and innovative housing solutions.

16 (2) The department shall assist in the production, development,
17 rehabilitation, and operation of owner-occupied or rental housing for
18 very low, low, and moderate-income persons; operate programs to assist
19 home ownership, offer housing services, and provide emergency,
20 transitional, and special needs housing services; and qualify as a
21 participating state agency for all programs of the federal department
22 of housing and urban development or its successor. The department
23 shall develop or assist local governments in developing housing plans
24 required by the state or federal government.

25 (3) The department shall coordinate and administer energy
26 assistance and residential energy conservation and rehabilitation
27 programs of the federal and state government through nonprofit
28 organizations, local governments, and housing authorities.

29 (4) Through all of its housing programs, the department shall
30 continually strive to be a state leader in promoting and utilizing
31 technologically advanced and environmentally friendly sustainable
32 technologies, practices, and designs.

33 NEW SECTION. **Sec. 4.** If any part of this act is found to be in
34 conflict with federal requirements that are a prescribed condition to
35 the allocation of federal funds to the state, the conflicting part of
36 this act is inoperative solely to the extent of the conflict and with

1 respect to the agencies directly affected, and this finding does not
2 affect the operation of the remainder of this act in its application to
3 the agencies concerned. Rules adopted under this act must meet federal
4 requirements that are a necessary condition to the receipt of federal
5 funds by the state.

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