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HOUSE BILL 1060

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By Representatives Lias, Walsh, Simpson, Ericks, Ormsby, Miloscia, Nelson, Rolfes, Conway, Wood, Kenney, Chase, Moeller, and Upthegrove; by request of Department of Community, Trade, and Economic Development

Prefiled 01/02/09. Read first time 01/12/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to updating the weatherization statute to reflect  
2 evolving green building and energy conservation practices; and amending  
3 RCW 70.164.020, 70.164.040, 70.164.050, and 70.164.060.

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~~) audit" means an analysis of a dwelling  
12 unit to determine the need for cost-effective energy conservation  
13 measures as 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~~  
18 ~~level~~), as defined 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, tribal nation, community service agency, or any other  
9 participating agency or any public service company, municipality,  
10 public utility district, mutual or cooperative, or any combination of  
11 such entities that jointly 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, that are used to~~  
16 ~~improve the thermal efficiency of a residence~~)) using funds  
17 administered by the department to preserve a dwelling unit occupied by  
18 a low-income household for activities and materials that result in  
19 energy and resource conservation and energy efficiency improvements;  
20 repair, indoor air quality, and health and safety investments; and  
21 client education. To the extent feasible, funds will be used to  
22 support and advance sustainable technologies.

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

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

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

36 (2)(a) A sponsor may use its own moneys, including corporate or

1 ratepayer moneys, or moneys provided by landlords, charitable groups,  
2 government programs, the Bonneville Power Administration, or other  
3 sources to pay the sponsor match.

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

8 (c) No proposal may require any contribution as a condition of  
9 weatherization from any household whose residence is weatherized under  
10 the proposal.

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

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

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

22 (ii) Identify and correct, to the extent practical, health and  
23 safety problems for residents of low-income households; and

24 (iii) Leverage, to the extent feasible, environmentally friendly  
25 sustainable technologies, practices, and designs.

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

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

37 (4)(a) A sponsor may elect to: (i) Pay a sponsor match as a lump  
38 sum at the time of weatherization, or (ii) make yearly payments to the

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

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

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

9 **Sec. 3.** RCW 70.164.050 and 1987 c 36 s 5 are each amended to read  
10 as follows:

11 (1) The department is responsible for ensuring that sponsors and  
12 weatherizing agencies comply with the state laws, the department's  
13 rules, and the sponsor's proposal in carrying out proposals.

14 (2) Before a residence is weatherized, the department shall require  
15 that an energy ~~((assessment))~~ audit be conducted.

16 **Sec. 4.** RCW 70.164.060 and 1987 c 36 s 6 are each amended to read  
17 as follows:

18 Before a leased or rented residence is weatherized, written  
19 permission shall be obtained from the owner of the residence for the  
20 weatherization. The department shall adopt rules to ensure that: (1)  
21 ~~The benefits of weatherization assistance ((in connection with a leased~~  
22 ~~or rented residence))~~, including utility bill reduction, and  
23 preservation of affordable housing stock, accrue primarily to low-  
24 income tenants occupying a leased or rented residence; (2) as a result  
25 of weatherization provided under this chapter, the rent on the  
26 residence is not increased and the tenant is not evicted; and (3) as a  
27 result of weatherization provided under this chapter, no undue or  
28 excessive enhancement occurs in the value of the residence. This  
29 section is in the public interest and any violation by a landlord of  
30 the rules adopted under this section shall be an act in trade or  
31 commerce violating chapter 19.86 RCW, the consumer protection act.

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