

CHAPTER 23
WEATHERIZATION
[Prior to 12/29/21, see 427—Chapter 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

421—23.1(216A,PL94-385,PL98-558) Purpose. Pursuant to the Energy Conservation and Production Act, P.L. 94-385; the Omnibus Budget Reconciliation Act, P.L. 98-558; and Iowa Code section 216A.99, the department of health and human services (department) will administer the weatherization assistance program.

The purpose of the program is to reduce heating and cooling costs for low-income households, particularly those with elderly members, persons with disabilities, or young children, by improving the energy efficiency of their homes while ensuring their health and safety.

[ARC 6101C, IAB 12/29/21, effective 2/2/22; Editorial change: IAC Supplement 6/28/23]

421—23.2(216A,PL94-385,PL98-558) Eligible households.

23.2(1) A household occupying a dwelling unit is eligible for assistance under the weatherization assistance program if the household:

a. Has an annual income no higher than 200 percent of the federal poverty guidelines determined in accordance with criteria established by the Director of the Office of Management and Budget (OMB).

b. Is receiving supplemental security income (SSI) or family investment program (FIP) assistance, regardless of income.

23.2(2) Household eligibility, including income verification, will be determined in accordance with the application requirements for the low-income home energy assistance program (LIHEAP), the application for which is considered a joint application. Household eligibility and prioritization for weatherization services are established annually.

23.2(3) Both owner-occupied and renter-occupied dwellings may be weatherized. However, rental units occupied by low-income residents shall be weatherized providing benefits accrue primarily to the low-income tenants, rents are not raised because of the weatherization, and no undue or excessive enhancement occurs to the value of the dwelling unit. Landlords of rental dwellings must agree to have their dwellings weatherized before assistance is provided.

23.2(4) Provision of all weatherization program services are contingent upon the availability of funds.
[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—23.3(216A,PL94-385,PL98-558) Local administering agencies (LAAs).

23.3(1) The division shall administer the program by utilizing community action agencies (CAAs), their approved subcontractors, or other public or nonprofit entities that have shown the ability or have the capacity to undertake a timely and effective weatherization program. Program funds shall be used for the purchase and installation of weatherization materials; training and technical assistance; administration; and supportive services.

23.3(2) LAAs will be required to sign a contractual agreement which specifies required and allowable program activities, including U.S. Department of Energy regulations, special conditions, participant forms, program and fiscal reporting, and audit requirements.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—23.4(216A,PL94-385,PL98-558) Application period. Households may apply for weatherization assistance between October 1, or the first working day of October, and September 30, or the last working day of September, as defined in the annual Weatherization Assistance Program State Plan.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—23.5(216A,PL94-385,PL98-558) Payments.

23.5(1) *Duplicate and fraudulent payment control.* Each LAA is required to provide a system to monitor and prevent possible duplicate and other fraudulent applications and payments. Duplication cross-checks shall be based on the unique client/vendor identifier.

23.5(2) *Referrals.* Each LAA is required to refer all suspected cases of fraud, including duplicate payments, overpayments, and fraudulent statements on applications, to the division for investigation.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—23.6(216A,PL94-385,PL98-558) Appeal and hearing procedures. The following appeal and hearing procedures shall be used.

23.6(1) When an applicant is denied assistance or wishes to file a complaint about the quality or extent of work performed, the applicant has 30 days from the date of the denial letter or completion of the work to appeal that decision by mailing or delivering the request for appeal to the LAA. Appeals for quality of work performed shall be subject to warranty requirements of the LAA and its subcontractors.

23.6(2) If the LAA neither approves nor denies an appeal within 30 calendar days of receipt, the applicant may treat the failure to act as a denial. The applicant then has 30 additional calendar days to appeal.

23.6(3) To appeal, the applicant (claimant) must submit a written appeal to the LAA through which weatherization services were provided and include the action the applicant would like taken and any other information which might affect the decision. Those claimants unable to read or write shall have the LAA assist them in reading, writing or understanding appeals and hearings and their associated procedures.

23.6(4) The LAA will act on the claimant's request and notify the claimant of the result in writing within 30 calendar days of the date an appeal was requested (postmark date if sent in mail).

23.6(5) If the claimant does not agree with the decision reached, the claimant may write the LAA within 14 calendar days of the decision (postmark date if sent in mail) and request that a state hearing be held with the division. The claimant must explain in writing why the agency's decision is being appealed and include any information which might affect the decision.

23.6(6) The LAA will forward all information concerning the request for hearing to the division, and a hearing will be scheduled within 14 calendar days of receipt of the appeal and request for a hearing. The claimant will be sent written notice of the date, time, and place of the hearing. State hearings may be held by telephone at a mutually convenient time or in person. At the hearing, all information will be reviewed and a decision rendered by the division within seven calendar days.

23.6(7) The claimant may appeal the decision of the division to the Iowa department of inspection and appeals. The claimant must submit a written appeal to the division within seven calendar days (postmark date if sent in mail) of receiving the division's decision. The division will follow the appeal procedures outlined in this chapter.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—23.7(216A,PL94-385,PL98-558) Further criteria. The Weatherization Assistance Program State Plan and Weatherization Assistance Program Policy and Procedures Manual are incorporated by reference as part of these rules. If any rule in this chapter conflicts with federal law or rule, the federal law or rule shall prevail.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

These rules are intended to implement Iowa Code section 216A.99, P.L. 94-385, and P.L. 98-558.

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