

CHAPTER 5  
WEATHERIZATION ASSISTANCE PROGRAM  
[For rules on Weatherization prior to 9/24/86, see 380—Ch15 and 630—Ch19]

**427—5.1(216A) Purpose.** Pursuant to a grant from the Department of Energy (DOE), Part A, 42 U.S.C. 6861-6870 of Title IV of the Energy Conservation and Production Act, Public Law 94-385, Title IV, Part A, as amended by Public Law 95-619, 10 Code of Federal Regulations (CFR), Part 440, Title XXVI of the Omnibus Budget Reconciliation Act (Public Law 98-558), and Iowa Code section 216A.99, the Department of Human Rights, Division of Community Action Agencies, will administer the weatherization assistance program.

The purpose of the program is to assist in achieving a healthful dwelling environment and maximum practicable energy conservation in the dwellings of low-income persons, particularly those of elderly and handicapped persons, in order to both aid those persons least able to afford higher utility costs and to conserve needed energy.

**427—5.2(216A) Eligible households.** All households assisted by this program must meet income eligibility requirements.

**5.2(1)** Only households with incomes no higher than 150 percent of the poverty guidelines determined in accordance with criteria established by the director of the office of management and budget (OMB) may be assisted by the programs.

**5.2(2)** Both owner-occupied and renter-occupied dwellings may be weatherized. However, in the latter case, 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.

**5.2(3)** Further program criteria is contained in the Iowa state plan for the weatherization assistance program, which is incorporated by reference as part of these rules. This document, as well as delegate agreements and reporting forms, is available at the Department of Human Rights, Division of Community Action Agencies, Lucas State Office Building, Des Moines, Iowa 50319, and is available for public inspection between the hours of 8 a.m. and 4:30 p.m. Monday to Friday. Copies of these documents and forms may be obtained at cost by contacting the Department of Human Rights at the above address, telephone (515)281-4204.

**427—5.3(216A) Local administering agencies (LAA).** The department of human rights, division of community action agencies, shall administer this 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.

Funds shall be used for the purchase of weatherization materials, e.g., insulation, storm windows, caulking, weatherstripping and other related items; training and technical assistance; administration; and supportive services.

LAAs will be required to sign a contractual agreement which specifies allowable program activities, regulations and special conditions, participant forms and audit requirements.

**427—5.4(216A) Appeal and hearing procedure.** The following appeal and hearing procedure shall be used:

**5.4(1)** When an applicant is denied assistance or wishes to file a complaint about the quality or extent of work performed, the applicant has 90 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 local administering agency (LAA).

**5.4(2)** If the LAA neither approves nor denies a complete application within 90 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.

**5.4(3)** To appeal, the applicant (claimant) must contact the agency at which the application was made and tell the agency of the wish to appeal, what action the applicant would like taken, and any other

information which might affect the decision. All appeals must be in writing. Those claimants unable to read or write shall have the LAA assist them in reading, writing or understanding appeals, hearings and their associated procedures.

**5.4(4)** The LAA will act on the claimant's request and notify the claimant of the result in writing within seven calendar days of the date an appeal was requested (postmark date if sent in mail).

**5.4(5)** If the claimant does not agree with the decision reached, the claimant may write the LAA again within 17 calendar days of the decision (postmark date if sent in mail) and request that a state hearing be held. The claimant must explain in writing why the agency's decision is being appealed and include any information which might affect the decision.

**5.4(6)** Within seven calendar days (postmark date if sent by mail) the LAA will forward all information concerning the request for hearing to the state, and a hearing will be scheduled. The claimant will receive written notice of a state-scheduled hearing from the director of the department of human rights, division of community action agencies. The notice will include the date, time and place of the hearing. State hearings may be held by telephone at a mutually convenient time. Prior to the hearing the agency will provide an opportunity for the claimant to review the case file and any written evidence that will be used in the hearing. An informal conference with the director or appropriate state staff personnel may be requested for the purpose of discussing actions taken and resolving the issues raised in the request for hearing.

**427—5.5(216A) Public information.** All parties interested in further information concerning the weatherization assistance program should contact the Department of Human Rights, Division of Community Action Agencies, Lucas State Office Building, Des Moines, Iowa 50319, telephone (515)281-4204.

Income guidelines, contractual agreements, application and reporting forms are on file at the above address and available for public inspection between the hours of 8 a.m. to 4:30 p.m., Monday to Friday.

**427—5.6(216A) Payments.**

**5.6(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 household members' names, addresses and social security numbers.

**5.6(2) Referrals.** Each LAA is required to refer all suspected cases of fraud, including duplicate payments and fraudulent statements on applications, to the DHR/DCAA for investigation.

**5.6(3) Overpayments.** If the DHR/DCAA receives information from an LAA or from any source that an overpayment has occurred because of client error, client fraud, client misrepresentation or agency error, the DHR/DCAA may refer the overpayment to the department of inspections and appeals (DIA) for investigation and collection in accordance with the procedures under 481 IAC 71.

These rules are intended to implement Part A, 42 U.S.C. 6861-6870 of Title IV of the Energy Conservation and Production Act, Public Law 94-385, 90 Statute 1125 et seq., and Iowa Code section 216A.99.

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