

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE DRS15187-LM-89 (03/26)

Short Title: Energy Assistance Act.

(Public)

Sponsors: Senator Lucas.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE ENERGY ASSISTANCE ACT FOR LOW-INCOME PERSONS.

The General Assembly of North Carolina enacts:

**SECTION 1** Article 3 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 33.

"North Carolina Energy Assistance Act.

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

(a) The General Assembly makes the following findings:

- (1) Maintaining the general health, welfare, and prosperity of the people of this State requires that all citizens receive essential levels of heat and electric service regardless of their economic circumstance.
- (2) Declining federal low-income energy assistance funding necessitates a State response to ensure the continuity and further development of energy assistance and related policies and programs in the State.
- (3) Current energy assistance policies and programs in the State have benefited North Carolina citizens, and should be continued with the modifications provided in this Part.

(b) The General Assembly declares that it is the policy of this State that a weatherization assistance program should be utilized to: (i) increase the energy efficiency of dwellings owned or occupied by low-income persons, particularly the most vulnerable of this group, the elderly, persons with disabilities, families with children, high residential energy users, and households with a high-energy burdens; (ii) reduce low-income persons' total residential expenditures; and improve low-income persons' health and safety. The State shall utilize all appropriate and available means to fund the

1 weatherization assistance program and, to the extent possible, identify and utilize  
2 additional sources of funding to achieve the objectives of this Part.

3 **"§ 143B-216.71. Definitions.**

4 The following definitions apply in this Part:

- 5 (1) Applicant. – A member of the family residing in the dwelling unit for  
6 which assistance is sought or the owner or designated agent of the  
7 owner of such a dwelling unit.
- 8 (2) Department. – The North Carolina Department of Health and Human  
9 Services.
- 10 (3) Secretary. – The Secretary of the Department.
- 11 (4) Subgrantee. An entity managing a weatherization project that receives a  
12 federal grant of funds awarded pursuant to 10 CFR Part 440 from the  
13 State or another entity named in the Notification of Grant Award and  
14 otherwise referred to as the "grantee."
- 15 (5) Weatherization. – The modification of homes and home heating and  
16 cooling systems to improve heating and cooling efficiency, including  
17 caulking, weather-stripping, storm windows, storm doors, and  
18 insulation of ceilings, attics, walls, and floors.

19 **"143B-216.72. The Office of Economic Opportunity designated agency; powers and**  
20 **duties.**

21 (a) The Office of Economic Opportunity in the Department shall administer the  
22 Weatherization Assistance Program for the State of North Carolina as established by 42  
23 U.S.C. § 6861, et seq., and 42 U.S.C. § 7101, et seq. The Office of Economic  
24 Opportunity shall exercise the following powers and duties:

- 25 (1) Establish standards and criteria to carry out the provisions and  
26 purposes of this Part.
- 27 (2) Develop policy, criteria, and standards for receiving and processing  
28 applications for weatherization assistance.
- 29 (3) Develop procedures for appeals from decisions to deny applications  
30 for weatherization assistance or participation in the State plan as a  
31 subgrantee or contractor.
- 32 (4) Adopt, amend, and repeal rules and regulations, consistent with the  
33 laws of this State, that may be required by the federal government for  
34 grants-in-aid for weatherization and other energy assistance programs.
- 35 (5) Establish procedures for the submission of periodic reports by  
36 subgrantees and community action agencies or other agencies or  
37 entities authorized to manage a weatherization project.
- 38 (6) Implement criteria for periodic review of the weatherization program  
39 and individual weatherization projects.
- 40 (7) Solicit, accept, hold, and administer on behalf of the State any grants  
41 or bequests of money, securities, or property for use by the Department  
42 or other agencies in the administration of this Part.
- 43 (8) Adopt rules and regulations pursuant to Chapter 150B of the General  
44 Statutes.

1       (b) The Secretary shall have final decision-making authority with regard to all  
2 powers and duties described in this section.

3 **"§ 143B-216.73. Policy Advisory Council.**

4       (a) Within the Office of Economic Opportunity is created a Policy Advisory  
5 Council that shall advise the Office with respect to the development and implementation  
6 of the Weatherization Assistance Program.

7       (b) The Policy Advisory Council shall have 17 members, including the Secretary  
8 or the Secretary's designee, who shall serve as chair. The remaining members shall be  
9 appointed by the Governor to serve for terms of three years or until their successors are  
10 appointed and qualified. The Governor's appointments shall be made as follows:

11           (1) Three members from the Department, one representing the Division of  
12 Vocational Rehabilitation, one representing the Division of Social  
13 Services, and one representing the Division of Aging.

14           (2) One member from the North Carolina Housing Finance Agency.

15           (3) One member from the State Energy Program of the Department of  
16 Administration.

17           (4) One member from the Work Force Development Program of the  
18 Department of Commerce.

19           (5) Two members shall represent nonprofit agencies concerned with  
20 weatherization energy services.

21           (6) Two members shall represent low-income households or organizations  
22 that represent such households.

23           (7) Two members shall represent local agencies engaged by the  
24 Department to assist in the administration of this Part.

25           (8) Four members shall represent public utilities or other entities that  
26 provide energy services.

27       (c) No member appointed by the Governor shall serve more than two complete  
28 consecutive three-year terms. Any member may be removed by the Governor for good  
29 cause, and any vacancy shall be filled by the Governor for the unexpired term.

30       (d) The Council shall elect a vice-chair who shall hold office according to rules  
31 adopted by the Council. A majority of the Council shall constitute a quorum for the  
32 transaction of business. The Council shall hold at least four regular meetings each year  
33 as provided by rules adopted by the Council. The Council may hold additional meetings  
34 upon the call of the chair or any five members. All clerical and other services required  
35 by the Council shall be supplied by the Secretary.

36       (e) Members of the Council shall receive no compensation for their services, but  
37 shall be entitled to travel, per diem, and other expenses authorized by G.S. 93B-5."

38       **SECTION 3.** This act is effective when it becomes law.