

Memphis Weatherization Assistance Program Policies & Procedures Manual

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City of Memphis
Division of Housing and Community Development

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1. Program Description. The Weatherization Assistance Program is designed to assist low-income households in reducing their fuel costs while contributing to national energy conservation through increased energy efficiency and consumer education. Households that include young children, elderly or disabled members are given priority for service. Weatherization measures provided will reduce heat loss and energy costs by improving the thermal efficiency of dwelling units occupied by low-income households. Examples of common weatherization measures that may be provided are weather stripping, caulking, and adding of insulation to attics, walls and floors.

1.1 DOE/THDA. The City of Memphis Division of Housing and Community Development's Weatherization Assistance Program (WAP) guidance comes directly from the U.S. Department of Energy and the Tennessee Housing Development Agency (THDA). The Memphis WAP program follows the guidelines and policies set forth in the most recent THDA WAP Manual.

1.2 Applicants. The Real Estate Development Department administers the Weatherization Assistance Program and are responsible for providing applications to the public. Applicants must be eligible low-income households residing in the City of Memphis or Shelby County. Applicants can elect to complete a paper application or an on-line application and provide all necessary documents to prove eligibility. Acceptable forms of income verification includes but is not limited to:

- Check Stubs
- Employment Statements
- Award Letters
- Tax Statements
- Other documents that verify the gross amount income from the source

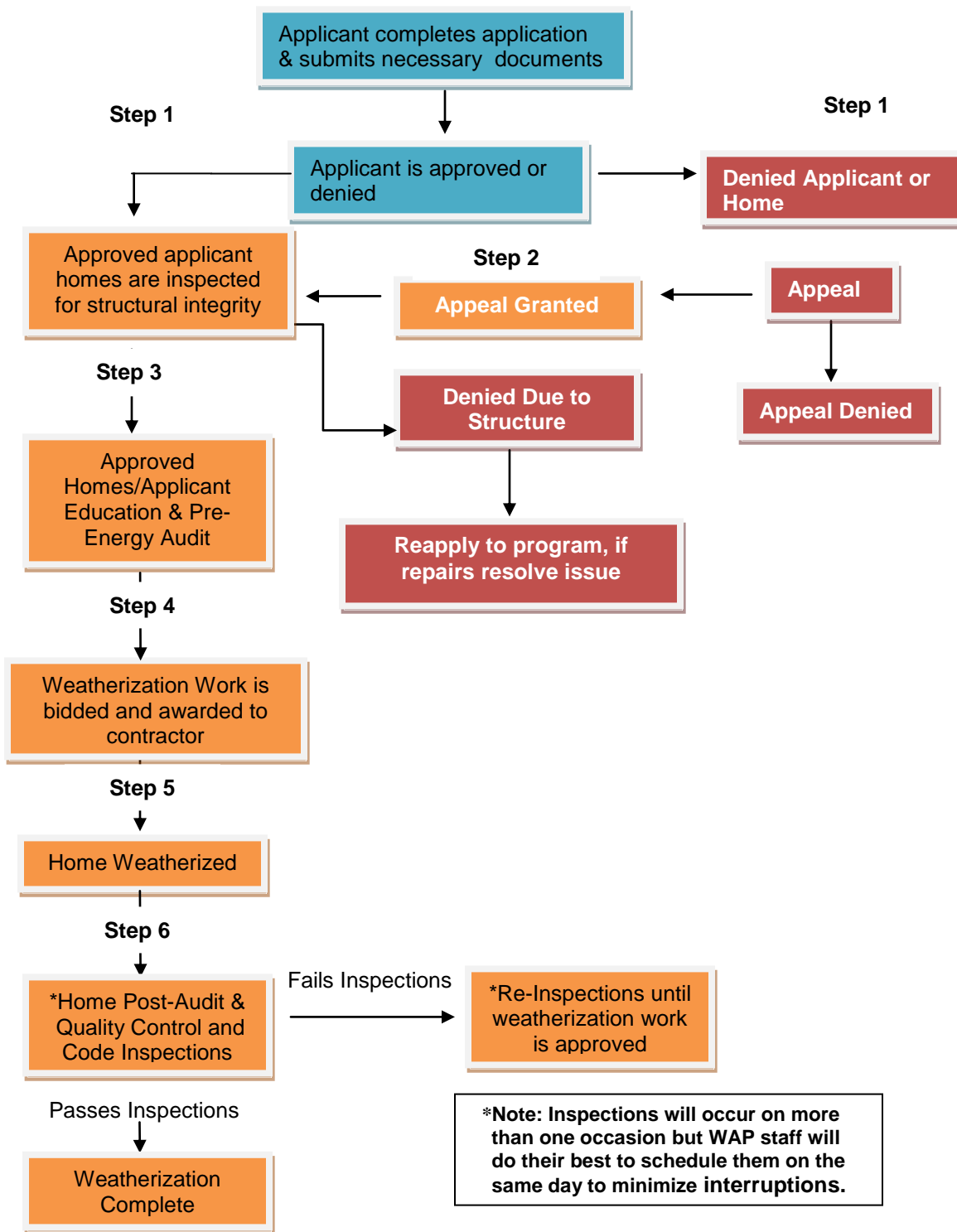
Applicants who have or are currently receiving SNAP, Temporary Assistance for Needy Families (TANF), or TennCare may have income verification documented in ACCENT, Tennessee's eligibility system for the Family Assistance programs.

(Please also see THDA WAP MANUAL-CHAPTER 1-General Program Requirements)



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1.3 Weatherization Assistance Program Applicant Process





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2.0 Appeals Process

All weatherization applicants who receive a notice of intent to disqualify or deny participation in the City of Memphis Weatherization Assistance Program for a cause have the right to appeal that termination and disqualification and request an administrative review appeal. An appeal is a process by which an impartial hearing official reviews information provided by the HCD WAP Staff and departmental leadership and the provider to determine if procedures were followed and were within the federal and state regulations, policies, and procedures governing the Department of Energy's and THDA's Weatherization Assistance Program.

2.1 Purpose

The HCD WAP appeal procedure allows providers participating in the program an avenue for appealing the action of the local WAP Staff.

A provider may appeal (request an administrative review) when the HCD WAP Staff:

1. Proposes termination or disqualification of the applicant's program participation
2. Proposes to defer the applicant from future WAP participation
3. Rejects or defers the applicant's agreement from program participation

2.2 Examples for Grounds to Appeal

- Administrative shortcomings - for example, inaccuracy in recording your progress or unreasonable delays
- Shortcomings in the conduct of assessment - for example, non-availability of alternative assessment methods or the use of extraneous criteria by your assessor
- Barriers to access - for example, the imposition of unreasonable requirements as a precondition to assessment
- Lack of equal opportunities - for example, discrimination against your age, gender, race or creed, or other contraventions of equal opportunity
- Other - If you feel that your assessor has made an unfair judgment or decision about your competence or evidence, you must give clear information about this and relate it to the published standards or the assessment process.

2.3 Procedure

Notification, request, and procedure for hearing:

1. Whenever the WAP staff takes action that will affect the participation of a provider in the WAP Program, HCD WAP staff will inform the provider in writing of the action and the grounds upon which its decision is based. WAP staff will advise the provider of their right to appeal.
2. Upon receipt of the letter of proposed termination, the provider must submit to the WAP staff a written request for appeal postmarked no later than 15 calendar days from the date the notice of proposed termination was received by the provider. The original and one copy of the appeal request must be sent to the WAP staff via certified mail to the address below.



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3. WAP staff may refute the charges (show they are false) by providing written documentation to the Real Estate Department Administrator. In order for the provider's request for an appeal to be considered, written documentation must be filed with the hearing official within ten calendar days of the request for appeal. The staff will forward the information to the administrator no later than five calendar days after the additional written documentation after receipt of the appeal. The administrator will review only the written documentation/record unless there are extenuating circumstances. The appellant may select to have a written review, written review with oral argument, or an oral hearing.
4. In the case of an oral hearing, failure of the appellant to appear at a scheduled hearing will forfeit the provider's right to appeal.
5. The administrator will make a decision based solely on information provided by the staff, appellant, DOE/THDA Weatherization program regulations, and federal and state laws.
6. The appellant, HCD director, and the WAP staff, must be notified in writing of the administrator's final decision within 30 days from the date of receipt of the request for appeal.
7. If the appellant chooses to pursue further action, the appellant must submit a letter requesting for a 2nd appeal to be considered by the HCD Director within 10 days of receipt of the administrator's decision.
8. The HCD Director will render the final decision within 14 days of receipt of the 2nd appeal. The HCD Director will make the final administrative decision. There is no further opportunity to appeal to the Division of Housing and Community Development.

3.0 Waste Management Policy

The City of Memphis WAP Program will adhere to the Mercury Product Control Act, which requires proper recycling of mercury-added consumer products rather than disposing of such products in the solid waste stream.

The City of Memphis WAP Program supports the efforts of manufacturers and retailers to offer take back programs, whereby used mercury-containing products are accepted from their customers and then the products are properly recycled, disposed or reused.

All contractors are mandated to discard and recycle all compact fluorescent lamp (CFL) bulbs at one of the recycling kiosks in one of the local hardware stores or other participating facilities (e.g. Home Depot, Lowes, etc.). If bulbs contractors do not adhere to this requirement, contractors can be suspended from working in the City of Memphis WAP program for one month or longer.

All contractors must return the mercury switch thermostats that have been replaced back to the City of Memphis WAP staff to be disposed of properly with a local hazardous waste company. If the thermostat is not returned to WAP staff, this infraction may also result in suspension from working in the City of Memphis WAP program for one month or longer.



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4.0 Disaster Recovery Plan

*The City of Memphis will follow the Disaster Recovery Plan set forth in the **THDA TN WAP Manual guidance in Chapter 12, pages 95-98.** There are no local policies that will serve as ancillary to the policy published in the THDA TN WAP Manual.*

5.0 Additional Policy for Auditors

Pre-energy auditors and post-energy auditors should be different individuals. The auditors can be from the same firm or company, but must be different persons.