



WAP Notice 06-11-07

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When *Not* To Weatherize – Deferral Policy

The decision to defer work in a dwelling or, in extreme cases, provide no weatherization services at all, can difficult to make, however necessary. A Deferral does not mean that assistance will never be available, but that the Weatherization Assistance Program must postpone work until the issues are resolved.

Deferral conditions may include:

1. **Condemned** - The house has been condemned or is scheduled for demolition. Electrical, heating, plumbing, or other equipment has been 'red tagged' by local or state building officials, utility companies or other authority.
2. **Building Structure Disrepair** - The building structure or its mechanical systems, including electrical and plumbing, are in such a state of disrepair that failure is imminent and the conditions cannot be resolved cost-effectively. The energy auditor should report these findings to his/her supervisor. If corrective action cannot be arranged, the sub-grantee should consult with the DHCD field representative before either proceeding with or denying weatherization.
3. **Extensive Work-Scope** - the building is in need of extensive rehabilitation, and there are no existing provisions for such rehabilitation.
4. **Health or Safety hazard** - When, in the judgment of the energy auditor, any condition exists which may endanger the health and/or safety of the work crew or subcontractor, the work should not proceed until the condition is corrected.
5. **Biologicals and Unsanitary conditions** - The house has sewage or other sanitary problems that could further endanger the client or weatherization installers if weatherization work were performed.
6. **Mold and Moisture** - Moisture problems are so severe that they cannot be resolved under existing health and safety measures and with allowable, minor repairs. Or, there is concern that mold and existing moisture conditions would be made worse as a result of providing weatherization services.
7. **Excessive Clutter or Hoarding Conditions** – If the house has excessive clutter that would impede the installation or performance of the weatherization work.

8. **Unsafe or Inoperable Heating Appliance** - Dangerous conditions exist, including high carbon monoxide levels, in combustion appliances, and the conditions cannot be resolved under existing health and safety measures.
9. **Uncooperative Client** - The client or any other occupant is directly or indirectly uncooperative, abusive, or threatening to the crew, subcontractors, auditors, inspectors, or others who must work on or visit the house. This can include demanding that certain work be done, or, refusing higher priority work which is required by the energy audit (e.g., demanding only windows). Or, there could be resistance in allowing complete access to the unit. The crew chief should attempt to explain the program and the benefits of the work. If this fails, work must be suspended and the DHCD field representative consulted.
10. **Lead Based Paint Hazard** - Health and safety hazards, due to the presence of lead-based paint in the house, could potentially be worsened by weatherization work. Weatherization services could disturb loose, peeling, flaking, and chipping paint, and could spread paint dust and related debris, possibly causing harm to occupants. In such cases, a notice must be provided to occupants of the agency's reason for deferring assistance.
11. **Illegal Activities** - Illegal activities are suspected at the dwelling unit.
12. **Asbestos** - Unsafe conditions of asbestos are suspected which would further endanger occupants and weatherization installers if work were performed.
13. **Pests** -An infestation of pests that cannot be reasonably removed, or which otherwise poses health and safety concerns for workers.
14. **Client Health** - The client has known or suspected health conditions that would worsen by the installation of insulation and other weatherization materials.
15. **Structure For Sale** – The building or dwelling unit is for sale, or subject to bankruptcy or foreclosure proceedings.
16. **Legal Dispute** – A building or dwelling unit where ownership cannot be confirmed due to legal dispute. Clear title must be established before services can be provided.
17. **Conflict of Interest or appearance of conflict** - Whenever the structure is owned, managed or occupied by an employee, board member, officer or relative of a sub-grantee employee, prior approval must be obtained from the regional supervisor before any work is started. If the client is a board member or senior staff member of the sub-grantee, prior approval will not be granted.
18. **Threatening Pets or Animals** – When any worker feels threatened by a pet or other animal while at, near, or accessing the area where work must be performed.

When a home has been deferred, the client must be notified in writing of the deferral and what corrective actions are necessary in order for weatherization efforts to continue. Additionally the client should be informed of the process by which they may appeal to the next higher level in the organization.

In unusual situations not covered above or where other problems of a unique nature exist, the DHCD field representative should be consulted.

If obvious discrepancies are noted between the information supplied by the client on the application, and the conditions observed at the time of weatherization, the sub-grantee must resolve these issues prior to weatherization. Some examples of discrepancies are an increase in the client's income, e.g., an unemployed client who is now back to work, a difference in the number of persons living in the dwelling unit, (fewer dependent persons than listed, additional person or persons with income), evidence of business being conducted in the unit, etc.

If at any time prior to the beginning of the actual weatherization work, the sub-grantee determines that the client is no longer eligible, the unit may not be weatherized. When a sub-grantee has first-hand knowledge, or reason to believe that circumstances may have changed, the sub-grantee should request an updated application from the client.

Procedures for Deferral

1. The auditor or local agency representative must provide client with a completed deferral form. If the property is a rental, property owners must also receive a copy. The client is requested to sign the form and be provided with a copy of the signed form.
2. If the client refuses to sign the form, the auditor should contact the local agency. The local agency should attempt to contact the client to clearly explain the reason for the deferral and what corrective actions are necessary for weatherization to continue. If the client still refuses to sign, the local agency representative should provide information of the process of appeal to the next higher level in the organization. The local agency representative should write 'refused to sign' in the client signature line and provide them with a copy of the form. Client files must include a copy of deferral documentation. Deferral documentation must include all of the information found in the *Weatherization Deferral Form*. Local agencies may use this form or equivalent documentation.
3. The client should have been entered into Hancock by this point. To close it out, enter the reason for the deferral in the 'Denied Client' Measure. Note that not all deferral methods have been listed as separate measures, so use one that is close and provide additional information in the comments line.