

# New York State Weatherization Assistance Program

Program Year 2022 State Plan

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## Executive Summary

The New York State Weatherization Assistance Program Plan for Program Year 2022-23 serves as New York's application to the US Department of Energy for Weatherization funds, and as the guide for the allocation of an estimated \$65.4 million in Federal residential energy conservation funding. These funds will assist more than 6,800 households across the State in 2022-23. The program is administered by New York State Homes and Community Renewal (HCR), which has primary responsibility for the State's housing and community renewal programs. HCR is uniquely positioned to deliver Weatherization services, in coordination with other State agencies and our local partners.

The purpose of the Program is to reduce energy and utility costs by installing energy efficiency measures in the homes of income-eligible persons, especially homes occupied by the elderly, persons with disabilities, and families with children. Program funds are targeted to the most efficient and cost-effective efficiency measures, determined from a comprehensive on-site energy audit of the building. The Weatherization program reduces the State's overall energy consumption, as well as carbon emissions that contribute to climate change. It also lessens the impact of higher energy costs on low-income families and improves the health and safety of assisted households.

New York implements the program through a network of local providers with expertise in energy efficiency. These program **subgrantees** provide energy efficiency services using their own trained staff and by subcontracting work to qualified weatherization contractors. Energy efficiency measures funded by the program range from air sealing and insulating single-family homes to replacement of building-wide mechanical systems in large apartment buildings. The program assists all types of housing, including detached single-family homes, multifamily apartment buildings, manufactured housing and group homes. Program services are provided in each of the State's 62 counties.

Weatherization assistance can be invaluable for low-income households in New York. The State's climate, with cold, snowy winters and hot, humid summers, generates a high demand for heating fuels and electricity. Many eligible households live in inefficient, often unsafe housing that was built when energy was cheap and plentiful and cannot afford the cost of weatherization work that will lower their utility bills. In its May 2016 Order Adopting Low Income Program Modifications and Directing Utility Filings, the New York State Public Service Commission adopted a policy that low-income households in the State should not have an energy burden greater than 6% of household income and called for State agencies to provide energy efficiency and bill-payer assistance programs. The NYS Climate Leadership and Community Protection Act (CLCPA) enacted in 2019 established aggressive targets to transition NY's economy away from fossil fuels, with goals to reduce carbon emissions, or greenhouse gases, across the state by at least 85% by 2050. The CLCPA mandates that the state invest resources to ensure that at least 35% of the benefits of spending, with a goal of 40%, are directed to disadvantaged communities. HCR and the Weatherization Assistance Program are key resources to implement these policies.

The American Rescue Plan and Recovery Act (ARPA) of 2021 will provide additional funds with which the State will directly pursue CLCPA goals through a pilot program that will be delineated in separate contracts with the subgrantees. The State also anticipates additional funds, the amount yet to be determined, through the Infrastructure Investment and Jobs Act, with which it will continue to prioritize CLCPA goals.

HCR will distribute Program funding in 2022 in accordance with this Plan. The Plan follows DOE's recommended format:

1. Section One provides an overview of the Program;
2. Section Two discusses the source of funds for Program Year 2022-23;
3. Section Three provides details on the funding allocation formula, the program budget, and subgrantee information.

## 2022 Weatherization State Plan

4. Section Four describes program implementation, including expected production levels, estimated energy savings, other funds and public participation in the development of the plan.
5. Section Five includes Program eligibility requirements, priorities for assistance, the types of work that will be done and details on training, technical assistance and monitoring.

The Weatherization Assistance Program provides significant contributions to the State's economy and to the well-being of low-income residents. Each dollar invested in program activities will result in a savings of about three dollars in energy costs over the life of the installed measures – money that is returned to local economies across the State. The health and safety work the Program funds prevents illness and injury and helps preserve housing affordability.

The COVID-19 pandemic had impacts on the delivery of services for the WAP Program Year 2021. WAP has adjusted operations accordingly to continue to bring the benefits of the Program to the public while adhering to the legal requirements and Program rules.

## **Section I - Introduction**

The Weatherization Assistance Program (the “Program”) is administered in New York State by New York State Homes and Community Renewal (HCR), through the Office of Housing Preservation. The Program provides energy services to income-eligible individuals and families to improve the energy efficiency of their homes and to reduce their household expenditures for fuel. Since the inception of the Program in 1977, more than 725,000 housing units in New York State have been made more energy efficient due to investment of Weatherization Program funds.

Priority for weatherization activities is given to households with children, the elderly, and persons with disabilities. Priority is also given to dwelling units occupied by households that receive Low-Income Home Energy Assistance (HEAP), those with high fuel costs in relation to their household income, and to properties where other state and Federal housing resources will be leveraged.

Program services are delivered through a statewide network of local service providers, referred to as “subgrantees.” Subgrantees include community action agencies, other community-based not-for-profit organizations, and local governmental agencies. Under contract with HCR, subgrantees conduct outreach and intake, evaluate buildings to be weatherized, install energy-saving measures, reduce on-site carbon emissions, identify and mitigate related health and safety concerns, supervise weatherization work performed by staff and subcontractors, maintain client and program files and report on production and expenditures. HCR has the responsibility for overall monitoring and oversight and provides an ongoing training program to maintain a high level of quality. HCR requires that subgrantees follow sound internal management policies and provide skilled workmanship, high quality materials, and timely production of units.

Federal rules require states to submit an annual plan for administration of the program. This plan was prepared in accordance with the Final Rule for the Program (10 CFR Part 440), and with available grant guidance issued by the US Department of Energy (DOE). It includes information required by DOE to access funding for the program.

## **Section II - Funding**

### **II.1 Funding Sources**

HCR expects to receive funds for the program from the US Departments of Energy (DOE) and Health and Human Services, which provides HEAP funds to the State Office of Temporary and Disability Assistance (OTDA). A portion of the State’s allocation of HEAP funds is passed through to HCR for the WAP Program, with additional separately contracted HEAP funds received through ARPA in 2022.

HCR allocates Program funding to each county based on a formula which includes factors related to income-eligible population and climate and sets aside funds to provide a minimum level of funding for each county where the allocation formula did not generate significant program funding.

### **II.2 Funding for the 2021-22 Program Year**

For the 2021-2022 program year, HCR had \$67.1 million allocated to administer the Weatherization Program. This included \$26.9 million in DOE funds and \$40.2 million in HEAP funds.

### II.3 Funding for the 2022-23 Program Year

HCR anticipates availability of \$65.4 million in WAP funds for Program Year 2022. This amount includes \$25.2 million in DOE funds and \$40.2 million of new HEAP funds. ARPA pilot funds are an additional one-time allocation of HEAP of up to \$57 million, with an expend date of September 30, 2022. The State reserves the right to extend the term.

This Plan is based on DOE guidance for the Weatherization Program that was released after the issuance of federal appropriations. Federal appropriations may be adjusted during the fiscal year and at that time HCR will adjust subgrantee allocations based on the final WAP and HEAP funding levels using the method described below. HCR will allow an administration spending percentage of DOE funds to 15% overall for the grantee and subgrantee combined.

HCR will provide funds to eligible subgrantees based on a formula that measures relative geographic needs, provided the subgrantee is in compliance with applicable State and Federal program requirements and has successfully completed work associated with their Program Year 2021-22 allocation. The Program Year will begin April 1, 2022 and end March 31, 2023. See Section IV.1 for information on contract and budget periods and a detailed explanation of allocation formulas.

## Section III – Budget

### III.1 Program Budget

HCR expects to receive \$95.4 million in Federal funds to be available to support Program activities in Program Year 2022. *(Final WAP allocations will include adjustments from the planning numbers reflected in WPN 22-2 final DOE appropriations for WAP.)* The DOE Program allocation for Federal Fiscal Year 2022-23 will be \$25.2 million. HCR also expects to receive \$40.2 million in PY22 HEAP funds, or at least 10% of the allocation received by New York State. In addition, \$30 million in prior year funds will be available in Program Year 2021.

The anticipated funding sources are summarized below:

PY22 DOE Funds	\$25,229,032
PY22 HEAP funds	\$40,221,336
Prior year funds, PY21 HEAP Funds	<u>\$30,000,000</u>
Total Available	\$95,450,368

Up to \$10.3 million in DOE and HEAP funding will be retained for administrative, leveraging and training and technical assistance costs.

The balance of approximately \$55.1 million will be allocated to subgrantees for program operations, as described below. Subgrantee allocations are listed in Appendix C.

ARPA funds are an additional allocation of HEAP of up to \$57 million not included in the WAP budget summary above. ARPA has an expend date of September 30, 2022. The State reserves the right to extend the term. \$3.75 million is reserved for State admin, and \$3 million for training and technical assistance. These funds will be distributed based on subgrantee proposals and capacity. Subgrantees are not required to participate in ARPA, as not every subgrantee has the capacity to operate an ARPA contract in addition to its annual WAP contract.

### **III.2 Funding Allocation Formula**

Program funding is allocated by a formula which factors in climate (heating and cooling degree days) and the share of low-income households in each county (see Appendix B). This allocation methodology is based on the method used by DOE to allocate Program funding to the states.

The first factor in the allocation formula (degree days) is determined by calculating the relative heating degree days and cooling degree days for each county, compared to the State average, with cooling degree days given 1/10<sup>th</sup> the weight of heating degree days. An average degree day total has been established for each county using 30-year averages (1971-2000) for weather reporting stations in those counties. In counties where there were two or more reporting stations, degree days were averaged. In counties where reporting stations did not have 30-year averages, the next closest stations were used. The average of the degree days for each county was then divided by the average of the degree days for the State as a whole to yield a percentage. This ratio of each county's degree days to the State average (7020) is the first factor in the allocation formula.

The second factor in the allocation formula is determined by calculating each service area's number of low-income households as a percentage of all such households in the State. This number of income-eligible households was determined by using 2019 American Community Survey 5-Year data from the US Census Bureau for households with estimated incomes below \$35,000. This figure was then divided by the total number of such households in the State to yield a percentage of the total low-income households for each county.

These two factors (the percentage of low-income households in each county and the ratio of the county's degree days to the New York average) were multiplied to determine the final percentage for each county. Since the degree day factor represents the relative extent to which each county is above or below the State average, the total of formula factors does not total one hundred. As a result, the final percentages were adjusted to total 100 percent overall using an adjustment factor applied uniformly to all counties.

This resulting percentage represents the portion of the total State allocation each county is to receive. This percentage is then multiplied by the amount available for allocation by formula after setting aside funds for technical support subgrantees and minimum funding allocations to determine each county's allocation. HCR has identified distinct service areas that have boundaries consistent with census tracts. Each subgrantee within these counties has signed an agreement to provide services to their designated service area. Where a subgrantee service area includes less than one county, proportionate allocations to subgrantees are further determined using census tract data calculating the number of low-income households in each subgrantee's service area.



In some counties, application of this allocation formula does not result in enough funding to operate the program effectively. Most of these counties are in the colder regions of the State and have fewer income-eligible households than other counties. Thirty-three counties receive a formula allocation of less than \$400,000. For Program Year 2022, subgrantees serving a single county with a formula allocation of less than \$400,000 will receive an allocation of \$400,000.

HCR finds that it is generally more efficient for a single subgrantee to administer the program in multiple counties when one of the counties has a small population. Subgrantees serving all of two counties, where one of the counties is below the minimum funding level, will receive an allocation equal to the greater of \$775,000, or the sum of the largest county allocation in the multiple-county area and \$375,000 for the additional county. Subgrantees serving three or more counties where the additional counties are below the minimum funding level will receive an additional \$250,000 for each additional county beyond the second, or the sum of the county allocations if that amount is larger. Subgrantees taking over an additional county will be given a one-time additional \$50,000 (\$25,000 for a half county) to compensate for start-up costs.

Accordingly, subgrantees that serve a single county will be funded at the minimum allocation level, and subgrantees that serve multiple counties will receive adjusted allocations.

The formula factors that are used to determine allocations have been calculated using 2010 US Census Bureau data from the American Communities Survey. HCR received assistance in updating this data from the Cornell University Institute for Social and Economic Research.

Allocations to individual subgrantees will be subject to a review of each subgrantee's production and expenditures during the Program Year and adjusted downward or incrementally funded where HCR determines that the initial allocation may exceed subgrantee capacity. Subgrantees that do not show adequate monthly progress in expenditures and unit production will not be eligible to access any additional funds that become available during the program year and may be subject to reduced allocations in future years.

### **III.3 Subgrantee Selection**

Existing subgrantees generally receive funding each year during a grant period unless the subgrantee withdraws, or HCR monitoring of the subgrantee indicates serious, irresolvable problems. HCR program and fiscal monitoring examines the overall compliance of subgrantees with rules on expenditure of grant funds, production, work quality, and compliance with Federal and State laws, regulations, policies, and procedures. When serious concerns arise, a determination is made regarding the subgrantee's ability to continue providing weatherization services.

When HCR determines that additional subgrantees are needed, selection of a new subgrantee is based on a proposal submitted to HCR, which is evaluated by program and fiscal staffs, as well as testimony offered at a public hearing in accordance with 10 CFR Part 440.15(d). In accordance with these minimum guidelines, a potential new subgrantee must:

- be a not-for-profit, legally incorporated organization, or a unit of local government, or the designated representative of an Indian tribal organization;
- if a not-for-profit organization, meet the charities registration requirements of the State of New York;

- be in legal and financial compliance with requirements and regulations established under State and Federal law;
- provide a list of the current board of directors or governing body, bylaws and other documents concerning the structure and operation of the organization;
- provide proof that the organization has been responsive to the needs of the community by citing the programs and services in the energy or human services area that it has implemented; or, be able to demonstrate that the organization has the potential to provide such services in an efficient and responsible manner;
- demonstrate special expertise for providing energy conservation programs including management capability, technical skills, outreach capabilities, etc.;
- show experience in housing and construction management-oriented programs;
- submit a detailed budget and narrative work plan showing how the project will be carried out. The budget should list all personnel, including volunteer and paid staff, who will be associated with the program. The work plan will detail how the project will be implemented. Potential weatherization subgrantees must also show a production and expenditure plan, specifying whether subgrantee crews, subcontractors or a combination of the two will be used. New subgrantees will be expected to meet or exceed the work plan goals they propose.

In accordance with 10 CFR Part 440.15, when selecting new subgrantees the State is required to give preference to existing subgrantees that are currently administering an effective program. Additional consideration is given to subgrantees located in an adjacent service area. This helps maintain existing experienced subgrantees and provides for economies of scale in allocating administrative costs.

### **III.4 Subgrantee Labor**

New York contracts with subgrantees to deliver program services at the local level. These subgrantees have various systems in place to provide weatherization in their service areas. All subgrantees use in-house staff for some components of the program, such as outreach, energy auditing, air sealing, or inspections. Many subgrantees use subcontractors to perform some of the basic weatherization work, such as attic and sidewall insulation and window installation. Most subgrantees use subcontractors for heating system work, however, several use in-house staff for heating system work. HCR has encouraged subgrantees to develop the capacity to perform heating system repairs with subgrantee staff, to assure quality heating system work and to reduce costs. HCR provides training on heating system work as part of the Program's technical assistance program. HCR also encourages subgrantees that assist substantial numbers of multi-family buildings to develop in-house capacity to perform multi-family audits.

Subgrantees may use volunteers to supplement weatherization activities. However, due to the technical nature of the program, the use of volunteers is generally restricted to non-technical areas.

Article 15-A of New York State Executive Law was enacted to promote equal opportunity in contracting for all persons, without discrimination for minority group members, service-disabled veterans and women and business enterprises owned by them, and to eradicate the barriers that have impaired access by minority and women-owned business enterprises to State contracting opportunities. State agencies must take affirmative actions to provide opportunities for minority- and woman-owned business enterprises and firms owned by

service-disabled veterans. Participation goals have been adopted to ensure the opportunity for meaningful participation of such business enterprises in the work to be undertaken by each subgrantee. These goals are expressed as a percentage of the total value of all work under each contract. HCR staff continues to monitor the progress of each subgrantee in meeting these goals, and provides technical assistance, as necessary, to maximize compliance with the law.

## Section IV - Program Implementation

### IV.1 Subgrantee Contracts

HCR will enter into new three-year contracts with each subgrantee in 2022 to provide weatherization services. These contracts are divided into defined budget periods, referred to in the contract as “program years,” and will include all current requirements for annual production, expenditure, closeout, and reporting. These contracts include both DOE and HEAP funds (excluding ARPA which is under separate contract); payments made during the year are based on funds encumbered at the start of the budget year. HCR maintains copies of executed contracts and amendments to confirm subgrantee acknowledgement of current-year terms and conditions.

The minimum number of units to be weatherized will be specified in the contract with each subgrantee. The individual cost per unit for each subgrantee will be determined prior to the start of the program year, and is based on local conditions, such as labor costs, travel requirements and the predominate building type in the subgrantee’s service area (single family, multifamily or mobile home). Statewide, HCR expects the average cost for WAP services per unit to be approximately \$7, 600, with average costs for single-family buildings somewhat higher, and average costs for multifamily and mobile home units lower. The minimum number of units to be completed by each subgrantee will be determined using the following formula:

$$\frac{\text{total allocation} \times .82}{\text{average cost per unit}} = \text{contract production requirement (materials, labor and program support)}$$

An average of 18 percent of each subgrantee's allocation is reserved for administrative and capital expenses, health and safety work, financial audits, liability insurance, and technical assistance, leaving 82 percent available for energy efficiency measures. For example, if a subgrantee is allocated \$500,000 and the subgrantee’s average cost per unit is \$7,600, the minimum number of units the subgrantee is required to complete in the program year is 54:

$$\frac{\$500,000 \times .82}{\$7,600\text{per unit}} = 54 \text{ units}$$

Each subgrantee will be allowed to use up to 7.5% of their total WAP allocation for administrative costs.

HCR will provide training and technical assistance funds directly to subgrantees and, through separate agreements, to providers that meet the DOE and National Renewable Energy Lab’s (NREL) accreditation requirements for NYS WAP. Appendix C shows each subgrantee’s estimated allocation.

ARPA contracts will be issued based on subgrantee participation and capacity. Participating subgrantees will submit proposed projects to determine funding levels, subject to HCR approval. Since these contracts and projects will be funded with only HEAP funds

designated as ARPA monies, projects will not need to follow DOE rules specific to the WAP, but will follow procedures issued by HCR which have similar full weatherization goals. Restrictions on fuel-switching and average cost per unit will be relaxed to align with New York States CLCPA goals for carbon reduction. Subgrantees may opt to not participate in ARPA.

**IV.2 Dwelling Unit Production**

During Program Year 2022, HCR WAP expects to weatherize approximately 7,000 dwelling units with HEAP and DOE and leveraged funds. This production level is based on the estimate of units to be completed by each subgrantee at a statewide historical average cost per unit. The average cost per unit (CPU) for each individual subgrantee will be determined based on a review of prior year costs. The statewide average CPU will be approximately \$7600, but individual subgrantee average CPU may be higher or lower than this figure. On average, units assisted by the Program will receive \$2,602 in DOE funds and \$4,998 in HEAP funds. This approach will ensure that New York complies with 10 CFR Part 440.18 for the expenditure of DOE funds, and that average investment of DOE funds in assisted units will not exceed the 2022 expenditure limit of \$8,009. Subgrantees will generally be allowed to use up to 15% of contract funds to address health and safety deficiencies in assisted units, but in higher-cost areas a higher percentage may be allowed on a case-by-case basis.

The following table summarizes the expected unit production by tenure:

<b>Projected Unit Distribution, Program Year 2022</b>		
<b>Unit Tenure</b>	<b>Units</b>	<b>Percent of all units to be assisted</b>
<b>Owner-occupied</b>	<b>2,800</b>	<b>40%</b>
<b>Renter-occupied</b>	<b>4,200</b>	<b>60%</b>
<b>Single-family (1-4 unit) rental</b>	<b>798</b>	
<b>Multi-family rental</b>	<b>3,402</b>	

**IV.3 Energy Savings**

With its cold winters and high energy costs, New York State exceeds the national average in both energy consumption per household and energy expenditures per household. In 2015, State residents expended, on average, \$2,143 per household on energy costs, compared to a national average of \$1,836.<sup>1</sup> Low-income households spend more than 10 percent of household income, on average, for heating and other energy expenditures, compared with just 3.3 percent for all households<sup>2</sup>. These data mean both that needs within the State are greater than in other states, and that there are more opportunities for low-income households to benefit from installation of weatherization measures. In an order issued in June 2016, the NYS Public Service Commission described the energy burden that low-income households in the State currently face and established a policy that no household should have to pay more than 6% of their income for energy costs.

1. New York State Energy Research and Development Authority, “Patterns and Trends. New York State Energy Profiles: 2001-2015”

2. US Energy Information Administration, “Weatherization Assistance Program Technical Memorandum Background Data and Statistics,” March 2010

DOE requires states to provide an estimate of the energy savings that can be expected from the program, based on an algorithm that DOE provides; this is summarized in the following chart.<sup>3</sup>

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3. “All funds” includes estimated owner investment and leveraged funds. “Savings after 15 years” is in 2017 dollars, and assumes 3% drop-off in savings per year.

<b>2020 Energy Savings</b>		
<b>Source of Funds</b>	<b>DOE Funds</b>	<b>All Funds<sup>4</sup></b>
<b>Amount available</b>	<b>\$23,321,618</b>	<b>\$82,621,539</b>
<b>Average savings per unit</b>	<b>29.3 mmBtu</b>	<b>29.3 mmBtu</b>
<b>Value of savings per unit</b>	<b>\$657</b>	<b>\$657</b>
<b>Units to be weatherized</b>	<b>7,000</b>	<b>7,000</b>
<b>First-year savings, mmBtu</b>	<b>217,410</b>	<b>217,410</b>
<b>First-year savings, 2020 dollars</b>	<b>\$4,874,940</b>	<b>\$4,874,940</b>
<b>Savings after 15 years, mmBtu</b>	<b>2,657,780</b>	<b>2,657,780</b>
<b>Savings after 15 years, 2020 dollars</b>	<b>\$59,595,948</b>	<b>\$59,595,948</b>
<b>Average cost per unit</b>	<b>\$2,397</b>	<b>\$7,000</b>
<b>Benefit/cost ratio</b>	<b>2.70</b>	<b>2.70</b>

The Oak Ridge National Laboratory (ORNL) sponsored an evaluation of the Weatherization program to determine energy savings and other impacts in assisted units. Data collection for that study was completed in 2011, and the results were released in 2015. The evaluation showed that the program is most effective in cold climates like New York's, and that providing weatherization assistance to large multifamily buildings in New York City also provides substantial savings. The study found that "whole-house" weatherization of gas-heated buildings in cold climate states reduced gas usage by 24% when heating system work is not included and 38% when heating systems are replaced. The multifamily study found savings of more than \$263 per unit annually in gas-heated buildings, and more than twice that amount in oil-heated buildings.

Other studies, including a 2010 study of assisted multifamily buildings in New York City sponsored by Deutsche Bank<sup>5</sup> (which was primarily comprised of buildings assisted by the Program), have found savings in excess of 20%, compared to pre-weatherization energy use. Since multifamily buildings account for more than half of the units our program assists each year, these data are encouraging. Together, these findings suggest that in New York State, the DOE algorithm (and so, the data included in the above table) significantly underestimate the actual savings that accrue from New York's program.

#### **IV.4 Leveraging and Coordination with Other Programs**

Subgrantees provide a variety of services for low-income clients as a part of their overall mission, and they are adept at leveraging other resources to coordinate with weatherization services. Most put together a package of services to assist low-income clients with other housing and social service needs as part of providing Program services. HCR actively supports leveraging and coordination with other programs to supplement funding for the Program.

4. Includes all Federal funds plus an estimated \$15,800,000 in owner contributions and other leveraged funds.

5. "The Benefits of Energy Efficiency in Multifamily Affordable Housing," Deutsche Bank Americas Foundation web site, January 10, 2011 [http://www.db.com/usa/content/en/ee\\_in\\_multifamily\\_underwriting.html](http://www.db.com/usa/content/en/ee_in_multifamily_underwriting.html)

DOE guidance permits grantees to use a portion of the grant to undertake leveraging activities, to generate additional non-Federal resources for Weatherization. HCR intends to use Program funds for this purpose in 2022. HCR estimates that subgrantees will leverage approximately \$10.1 million in other funds in 2022, including \$5.7 million in owner contributions, which DOE excludes from its definition of leveraged funds.

The New York State Public Service Commission will continue to implement the energy initiative known as Reforming the Energy Vision, or REV, to address challenges to the energy industry brought about by aging infrastructure, increasing use of distributed energy resources, climate change and other factors. REV is intended to reform the regulatory environment and transform markets for efficiency and renewables. The Commission recognizes that low-income residents are particularly vulnerable to these challenges and has ordered that REV and related proceedings address low-income needs. In response, New York State Energy Research and Development Authority (NYSERDA) has instituted a Clean Energy Fund that will address these issues, including initiatives that target low-income residents. Subgrantees may use up to \$3,929 of their per unit cap on renewable energy systems with an SIR of greater than 1, per DOE Notice 22-1.

HCR is working with the Commission, NYSERDA and other agencies to help ensure that needs of low-income clients are addressed through coordination of the Program with other funds and programs where possible, and to streamline delivery of all low-income programs available in the State. The following are examples of leveraging efforts HCR currently supports:

- New York supplements weatherization with a transfer of a portion of its allocation of HEAP funding. In program year 2022, HEAP funds (not including ARPA) are expected to provide around 60 percent of the funding for the Weatherization Assistance Program in New York.
- Additional HEAP dollars from the American Rescue Plan Act of 2021 (ARPA) will provide additional funding to the Subgrantees to perform air sealing, envelope improvements, and electrification/electrification ready work scopes. The ARPA program will provide a pilot and training opportunity for the network to advance carbon reducing measures while ensuring housing utility affordability.
- NYSERDA administers several efficiency programs that assist low-income households and provides additional opportunities for subgrantees to leverage Program funding. The additional services provided through these programs include electric reduction measures such as energy-efficient appliance replacement, lighting replacement and retrofits, electric domestic water heater measures, cooling usage reduction, energy-efficient motor replacement and retrofit, and energy education activities. New York is committed to providing additional support to mitigate the impact of changing energy markets on low-income households.
- WAP will continue to partner with the New York State Housing Trust Fund, which is continuing to allocate up to \$7 million to target certain types of housing portfolios that are considered a priority for HTFC, specifically its Section 8 Performance Based Contract Administration portfolio, and hope to expand to other portfolios. This

initiative, called Weatherization Preservation Plus (P+), will combine designated state funds for physical building improvements with WAP energy efficiency upgrades in buildings identified as needing deep, comprehensive retrofits.

- Although mandatory owner contributions are not considered leveraged funds by DOE, New York's owner investment policy is expected to generate more than \$10 million in owner investments during Program Year 2022.
- An interagency referral program has been established in conjunction with the New York State Office of Temporary and Disability Assistance (OTDA), the State Office for the Aging, and local departments of social services and area aging agencies. These agencies will be encouraged to continue to refer clients to subgrantees for priority service. This program reduces subgrantee overhead since some of the referred clients are considered categorically income eligible, since they have already been determined eligible for other programs such as HEAP and provides access to other programs administered by the two agencies.
- OTDA operates an emergency heating repair/replacement program for HEAP clients, and HCR encourages subgrantees to coordinate with that program, when possible. This work can expand the scope of services to low-income households, to provide additional opportunities to reduce heating expenditures and address health and safety concerns for this population.
- HCR has initiated an enhanced health and safety effort to promote coordination between Program subgrantees, state and local health departments and administrators of housing rehabilitation and lead hazard control programs. This initiative, aligned with the national Healthy Homes initiative, is expected to provide additional benefits to assisted households and may provide additional funding opportunities for subgrantees.
- HCR has implemented a program that targets smaller buildings owned by New York City Housing Authority in Brooklyn and Queens. This initiative will continue in PY 2022. The work is being done in conjunction with a demand-management program offered by Consolidated Edison, intended to reduce peak load in vulnerable parts of those boroughs.
- HCR's Office of Housing Preservation is also increasing coordination of Program resources with the HCR Office of Community Renewal to provide comprehensive weatherization services and additional repair and rehabilitation work through the HOME Program. Local HOME Program Administrators are now required to coordinate with subgrantees when funding rehabilitation of income-eligible buildings. In turn, those subgrantees will be asked to work with local HOME administrators to target properties where an expanded work scope is necessary to avoid deferral of a unit due to health and safety conditions that cannot be addressed with Weatherization funds.
- The State has convened an Interagency Task Force on energy needs composed of HCR, the Department of Public Service, OTDA, NYSEERDA and the Governor's Office for Energy Finance. The Task Force is developing strategies to address energy affordability within the State and to utilize disparate funding streams in a coordinated, targeted fashion to more holistically address the energy needs of low-income communities and improve outcomes for low-income households.



- HCR will continue to operate the RePower Mitchell-Lama program to identify buildings within its housing portfolio that are high energy users and target them for WAP.

#### **IV.5 Public Hearings on the State Plan**

Pursuant to 10 CFR Part 440.14 (1), HCR is following a public process to receive input on the proposed State Plan. A public hearing on the 2022 State Plan was held on February 1, 2022, with public notice provided 10 days prior to the hearing date. Due to the pandemic, the hearing was conducted by WebEx video conference to enable speakers to present testimony. Information on accessing the meeting is available on the WAP website at <https://hcr.ny.gov/weatherization-providers>. Copies of the hearing notice were widely distributed and made available on the HCR web site at <https://hcr.ny.gov/weatherization-providers>.

Copies of the proposed State Plan will be emailed to all current subgrantees and to other interested parties. Copies may be obtained directly by writing to: Homes and Community Renewal, Weatherization Assistance Program, 38-40 State Street, Albany, New York 12207. The Plan will be available on the HCR web site at <https://hcr.ny.gov/weatherization-providers>. Due to the pandemic, there will be no availability to pick up copies at our offices. Comments on the plan will be accepted through the date of the public hearing.

#### **IV.6 Miscellaneous**

##### **Policy Advisory Council**

Pursuant to 10 CFR Part 440.17, HCR has established a Policy Advisory Council (PAC) to assist in the development and operation of the Program and provide advice in the development of the State Plan. The PAC is broadly representative of subgrantees, energy advocates, State agencies, and other organizations that represent low-income persons in New York. PAC members are well-versed in energy and housing issues. A list of current PAC members and their affiliation is included in the Annual File. During the program year, the PAC will meet quarterly, with agendas covering a range of issues of concern to subgrantees, low-income clients, and program partners. HCR typically provides updates on funding, program rules, coordination with other programs, and related issues at PAC meetings. When needed, additional meetings will be scheduled.

##### **Subgrantee Task Force**

A Subgrantee Task Force, comprised of subgrantee weatherization directors and staff, has been established to provide opportunities for subgrantees to meet with their peers and HCR staff to discuss program implementation and identify and resolve any program concerns. Typically, three Subgrantee Task Force meetings are held in each region each year. In 2022 HCR will continue to provide subgrantees opportunities for input on program operations, including review of any proposed changes to the State Plan and the Policy and Procedures Manual, and to propose actions in response to the results of the American Customer Satisfaction Index (ACSI) survey of subgrantees that was conducted on DOE's behalf in 2019.

The State has pledged to continue to focus on better communication strategies to inform the subgrantee network and PAC of proposed changes in policies and to seek their input in redrawing them. In developing policies, the State seeks to include the subgrantees in a more active role: The State has also sends policy directives that it receives from the DOE directly to the subgrantees. The State will more promptly provide its subgrantees critical information on

funding, policy changes, and technical developments that they need for planning and budgeting.

A Steering Committee has also been established to target specific issues within the program and to make recommendations for improvements. The Committee is made up of representatives from the subgrantees state-wide and the training and technical assistance partners. It meets and addresses topics on an as-needed basis.

## **Section V - Program Management**

### **V.1.1 Client Eligibility**

#### **Income definition**

HCR has developed a rigorous process to ensure that assisted units meet the eligibility requirements of 10 CFR 440.22(a), with respect to income eligibility. These procedures are described in detail in Sections 3.05.01-06 of the NYS Weatherization Assistance Program Policy and Procedures Manual (PPM). Briefly, subgrantees are required to collect third-party documentation from each assisted household to confirm income and must keep documentation on file to support eligibility determinations. Some households are deemed categorically eligible based on documentation that they receive TANF, HEAP, or certain other forms of government assistance.

Income eligibility is verified using one of three methods, depending upon the type of building or whether the household is claiming categorical eligibility: 1) households that reside in buildings that have received assistance from certain HUD programs are considered eligible for Program assistance without additional documentation (pursuant to DOE Notice WPN 22-5); 2) households residing in any other building that claim categorical eligibility by participation in another assistance program that has eligibility requirements that are as restrictive as those of the Program must provide documentation from the administrator of the other program establishing participation; or, 3) all other households must provide third-party documentation of income (i.e., pay stubs, statements from income providers) to support income claimed.

#### **Eligibility basis**

HCR has adopted the income eligibility guidelines used in the State's HEAP Program as the standard for the Program for households with six or fewer persons. This limit – 60% of State median income – is higher in New York than the 200% of poverty option for households with fewer than seven persons, provides opportunity for participation by more households in the State and facilitates coordination with HEAP. For families of 7 or more persons, the 200% of poverty level is higher than 60% of State median income, and HCR sets the eligibility threshold for those households at the higher (200% of poverty) level. This threshold has been selected in accordance with Federal HEAP rules (Public Law 9735, Sec. 2605(b)(2)(B) and with 10 CFR 440.22(3)). Under these criteria, more than 3.5 million persons in New York State who reside in 2.1 million households are eligible for program services.

#### **Qualified aliens**

HCR's weatherization application form requires applicants to affirm that all members of the household are citizens or qualified aliens entitled to receive federal government assistance.

### **V.1.2 Building Eligibility**

#### **Eligibility documentation**

HCR requires that both household income eligibility and building eligibility are established before any work is done on a building. Building eligibility is confirmed prior to the start of an energy audit. Building owners must provide documentation to confirm ownership of the building to be assisted (such as tax payment receipts, copies of deed, or certain other forms). Procedures for confirming eligibility in buildings with rental units and in certain other types of

buildings are described below. More detail on building eligibility can be found in Section 3 of the PPM.

### **Historic Preservation**

HCR has entered into a programmatic agreement with NYSERDA and the New York State Office of Parks, Recreation and Historic Preservation to facilitate historic reviews of projects assisted with Program funds. The agreement covers the 2022 Program Year and will remain in effect until December 31, 2030.

### **Re-weatherization**

WAP Memorandum 075, issued January 8, 2021, provided the authority for reweatherization of homes once 15 years have passed since the completion of prior federally financed weatherization. Homes designated for reweatherization must still meet eligibility requirements and be subject to energy auditing to determine the appropriateness of weatherization work. Subgrantees and HCR will track homes previously weatherized.

In cases where a previously assisted unit weatherized less than 15 years ago has been damaged by fire, flood or other natural disaster, assistance can be provided with prior approval from HCR. Generally, assistance will only be provided to pay for damage not covered by insurance. HCR rules for re-weatherization can be found in Section 6.05 of the PPM.

### **Eligible structures**

Program assistance is provided to all types of residential structures, including eligible single- and multi-family buildings, manufactured housing (mobile homes), group homes, homeless shelters, temporary housing facilities designed to transition persons with special needs into permanent housing, and mixed-use buildings that contain eligible residential units. Building eligibility requirements are detailed in sections three and four of the PPM. Only those structures that can be legally occupied as housing under New York State law, meet all other eligibility requirements and are in such condition that weatherization measures can be installed in a safe and effective manner are eligible for assistance.

HCR permits subgrantees to assist shelters and group homes; in those buildings, the cost per unit is calculated on a square-footage or per-story basis. In the case of eligible dwelling units which meet the definition of "shelter," dwelling units will be calculated based upon either (a) each 800 square feet of floor space; or, (b) each story of the building which is used as a living area.

### **Rental units and multifamily buildings**

Most low-income people in New York State live in rental housing. While much of the rental housing stock is sound, and HCR has made considerable investment in decent, affordable housing, a large percentage of the units occupied by eligible households have significant need for energy efficiency investment. Rental housing provides significant opportunity to save energy, but assisting rental housing presents unique challenges.

HCR has extensive experience in providing weatherization assistance to rental buildings, including older masonry-construction, centrally heated multifamily buildings of the type common in much of New York City. Procedures that New York State developed for the Weatherization Program have helped form current DOE policy on assisting multifamily and other rental properties.

HCR requires subgrantees to obtain applications from each tenant in a rental project that has applied for Program assistance before investing any funds in the project (except for certain federally assisted projects that are determined eligible following the procedures outlined in DOE Notice WPN 22-5). Subgrantees may only invest Program funds in rental buildings containing five or more units after they have established that 66% or more of the dwelling units in the building are occupied by eligible households. In rental projects where the energy audit indicates that significant energy savings can be expected to result from Program assistance, and in buildings containing two, three or four units, at least 50% of the dwelling units must be occupied by eligible households.

For buildings that are determined eligible pursuant to WPN 22-5, housing owned and operated by HUD Public Housing Agencies are to be considered 100% categorically income eligible. For any multifamily building, the subgrantee may only count vacant units towards the 50% or 66% threshold when the building has been assisted by a Federal, State or local government program for rehabilitating the building or making similar improvements to the building and the units will become eligible dwelling units within 180 days following completion of the project.

HCR procedures also require that:

- Written permission of the building owner is received before any work commences;
- Benefits of Program assistance primarily accrue to the low-income tenants residing in the rental units;
- Qualified households in assisted buildings are not subjected to rent increases (unless those increases are demonstrable related to matters other than the weatherization work that was installed);
- Tenants and owners are notified in writing of their rights and the procedures tenants may follow to complain or appeal should improper rent increases occur;
- No undue or excessive enhancement of the value of the assisted building results from installation of weatherization materials with Program funds;
- Owners of assisted rental buildings agree in writing to restrictions on their use of the building after Program funds are invested; and,
- Owners of assisted rental buildings participate in the financing of weatherization activities, with certain exceptions, as described below.

In accordance with Federal rules and guidance intended to limit undue or excessive enhancement of the value of multifamily rental units resulting from investment of Program funds, HCR requires most owners of multifamily rental property to contribute to the cost of the weatherization work scope as a condition of receiving assistance. Generally, multifamily building owners must provide 25% of the total cost of the work to be done to meet Program standards, as follows:

- For multifamily buildings that do **not** meet the requirements for reductions in assessed valuation pursuant to Section 581-a of the New York State Real Property Law (typically, projects that are regulated as affordable housing) and which have fewer than five units, the owner must make an investment of no less than 25% of the estimated cost of completing the work scope, unless the building is occupied by the owner as his or her primary residence and the owner qualifies for WAP assistance as a low-income household.

- For multifamily buildings that do **not** meet the requirements for reductions in assessed valuation pursuant to Section 581-a of the New York State Real Property Law and which have five or more units, the owner must make an investment of no less than 25% of the estimated cost of completing the work scope. In cases where providing this level of investment will provide a hardship, or where a rental property is known to be in financial distress, HCR may permit the subgrantee to reduce or waive the owner investment requirement, with prior approval by the HCR regional supervisor.
- For multifamily buildings that **meet** the requirements for reductions in assessed valuation pursuant to Section 581-a of the New York State Real Property Law, a reduced owner investment of 15% of the estimated cost of completing the work scope will be allowed to help maintain the supply of affordable housing in the State. HCR provides training, technical assistance and other support to maximize inclusion of assisted rental housing in the Program.

Owners of rental property who are eligible for the Program and occupy one of the units in the building to be assisted are not required to provide a financial or in-kind contribution towards the work scope.

HCR requires that subgrantees enter into a written agreement with owners of rental buildings that will receive Program assistance, using a form provided by HCR, before any funds are invested in a project. The agreement names tenants as third-party beneficiaries of the agreement, to establish certain rights. Tenants are provided with a synopsis (Form HCR-9) that explains these rights and the enforcement procedures. Naming the tenant as a third-party beneficiary provides the tenant with recourse in the legal system if a building owner violates the terms of the agreement. In practice, a letter reminding the owner of the terms of the agreement with the subgrantee is generally sufficient to resolve an adverse situation in favor of the tenant. This process reduces the need for monitoring by the State without placing undue burden on subgrantees or owners.

Subgrantees are monitored to ensure that low-income renters – particularly those living in smaller, privately-owned buildings – are provided with the same opportunity to access Program services as all other households. Additional information on subgrantee monitoring is provided in Section 5.8.3, below. More detail on rental housing procedures is included in Sections 3 and 4 of the PPM.

### **Deferral process**

HCR prohibits subgrantees from investing funds in any building where legal, financial, structural or safety impediments exist that would compromise eligibility or place occupants or workers in an unsafe or unhealthful situation. Section 6.01 of the PPM (“When Not to Weatherize”) lists common situations that may warrant deferral and provides subgrantees with guidance on how to handle those situations. Issues related to health concerns caused by the pandemic are also considerations for deferral. When a subgrantee determines that assistance must be deferred for health or safety reasons, they must issue the HCR Health and Safety Notice (Form HCR-15) and obtain signatures of the owner and occupant on the form, if possible. The subgrantee is also expected to inform occupants and owners of any resources that may be available to resolve the problem.

In cases where assistance to a unit is deferred for other reasons (such as a pending sale) subgrantees are required to notify the owner and any affected tenants in writing and inform

them that the application will be kept active for a specified period or until the issue is resolved, whichever comes first.

### **V.1.3 Children, Definition of**

The Federal Weatherization Program rule provides flexibility in the definition of “children” for purposes of determining household eligibility and requires states to specify the age at which dependents are considered “children” for this purpose. Consistent with this guidance and past practice, New York will define children as dependents not exceeding 17 years of age. This definition will help more households in need of assistance to qualify.

### **V.1.4 Tribal Organizations**

Assistance is made available to all low-income residents of the State without regard to tribal organization status, to the extent that funding is available. Additional funds are allocated to counties with large Native American reservations.

## **V.2 Areas to be Served**

All areas of the State will be served. HCR allocates WAP funding for each county in the State using a formula that considers climate and share of low-income households. Funding is also reserved to provide a minimum allocation to ensure service to each county where the formula does not otherwise generate sufficient funding to feasibly operate a program.

HCR designates a subgrantee to provide weatherization services in each county in the State. In urban areas, subgrantee service areas are typically a portion of a county, while in rural areas subgrantee service areas often cover one or more entire counties. Each community in the State is served by one, and only one subgrantee.

Housing in New York is generally older than elsewhere in the nation. According to the US Census, more than 5.6 million housing units in New York were built before 1970. That’s nearly 70% of the State’s total housing stock. Nationally, just 41% of the housing stock was built before 1970. This means that most housing in the state was built at a time when energy costs were low and modern energy-efficiency construction methods were not used.

New York’s households are also more likely to live in rental housing than in any other state. Census data shows that 45.5% of the occupied housing units in the State are rental. Most households in New York that are eligible for weatherization assistance live in rental housing. While 20% of the State’s owner households have annual incomes less than \$35,000, more than 50% of the State’s renter households have annual incomes less than \$35,000.

Households with incomes below the poverty level are especially likely to live in rental housing and to live in older units. While just five percent of owner households have incomes below the federally established poverty level, fully 24% of renter households have incomes at this level, and 77% of those households live in housing built before 1970.

Census data also show that utility-supplied gas is the most commonly used fuel. About 57% of owner households and 54% of renter households heat with utility gas. About 28% of households in the state heat their homes with oil, but households in rental units are far more likely to heat with expensive electricity than owner households. More than 70% of all units that heat with electric are rental units; these units are home to more than 510,000 households. Our experience suggests that electrically heated rental units are often located in multifamily housing built in the 1960s and 1970s. Given the high costs of electricity in New York, and the likelihood that many of those units were built using inferior energy conservation techniques,

this is a significant concern. However, recent improvements in electric heating technology coupled with utility and government incentives are making electric heating more feasible within WAP.

There are regional differences in utility usage. Generally, Western and Central New York are more reliant on utility gas, and the Eastern parts of the State are more likely to use oil. For example, in the Buffalo Metropolitan Statistical Area (MSA), 89% of all housing units heat with utility-supplied gas, but in the Albany MSA just 60% heat with gas. In New York City, which has a predominance of large multi-family buildings, about 39% of all units are heated with oil.

These regional differences are not consistent by tenure. While owners in Albany and Buffalo are about as likely to heat with gas as renters, in New York and Syracuse renters are much less likely to use gas, which means higher heating costs. In New York, more heat with oil, but in Syracuse more than 29% of all rental units are heated with electricity. In non-metropolitan areas, where more than 70% of all housing units are owner-occupied, oil and gas both account for about one-third of the fuel used in all units, and electrically heated units are more common, especially among renter households.

These data, when considered together with New York State's harsh climate and high energy costs, show that the needs for energy efficiency are different for rental and owner housing, and vary according to location. Because of this diversity, New York has developed procedures to target assistance to those most in need, using methodologies that are best suited to conditions within the State.

ARPA is being operated as a pilot specifically to address CLCPA goals including electrification, electrification-readiness, renewables, and heat-pump technologies. By choosing the appropriate projects and following a priority list in determining work scopes, these goals can be pursued without the restrictions of DOE rules that discourage fuel-switching (to electric from fossil fuels) and limit average cost per unit. ARPA HEAP funds will not be used in homes that are receiving WAP HEAP funds, nor in any unit that receives DOE funds so as not to trigger DOE rules.

### **V.3 Priorities for Assistance**

Priority for weatherization assistance is given to households with children, elderly persons and persons with disabilities. Priority is also given to applicants for assistance that pay more than 6% of their income for utilities and to households that receive assistance through the State's Home Energy Assistance Program (HEAP). For the purposes of the Program, these applicants are considered High Energy Burden households.

HCR has established a referral process to facilitate assistance to households that are clients of local offices for the aging and county HEAP providers (typically departments of social services). HCR will continue to encourage subgrantees to prioritize assistance to properties where other State or Federal housing resources can be leveraged, where occupants of those properties also meet one or more of the other priorities listed above.

### **V.4 Climactic Conditions**

The climate of New York varies from temperate coastal to cold mountainous conditions. Climate is a key element in the formula used for allocation of program funds. Climate severity is measured in degree days, which are an indicator of how much fuel will be necessary on any given day to maintain comfortable conditions in a home. Data on degree days is compiled on



an annual basis by the National Climate Data Center. The allocation formula (see Section 2.1) uses 30-year averages for annual degree days to indicate the relative severity of climate in New York locations and its impact on low-income housing affordability.

<b>Average Heating and Cooling Degree Days 1971-2000</b>		
<b>Location</b>	<b>Heating Degree Days</b>	<b>Cooling Degree Days</b>
<b>Albany</b>	<b>6860</b>	<b>206</b>
<b>Buffalo</b>	<b>6692</b>	<b>202</b>
<b>New York City</b>	<b>4754</b>	<b>604</b>
<b>Plattsburg</b>	<b>7817</b>	<b>132</b>
<b>Syracuse</b>	<b>6803</b>	<b>195</b>
<b>Long Island</b>	<b>5357</b>	<b>371</b>

Source: National Oceanic and Atmospheric Administration

Each DOE-approved energy audit that HCR uses considers climactic variances within the State to determine cost-effectiveness of measures proposed for individual buildings. Subgrantees analyze buildings using approved energy auditing software that includes region-specific data on climate. These data files are then considered in calculation of the savings-to-investment ratio for each measure.

### **V.5 Type of Weatherization Work to be Done**

HCR permits subgrantees to conduct activities that are authorized by Program rules and guidance. Any material listed in Appendix A of 10 CFR Part 440 may be installed, provided the measure has been determined to be cost-effective pursuant to the protocols set forth by DOE, is based on an analysis of the building (see Section V.5.2, below) and can be installed in a safe manner without compromising the health or well-being of occupants of the dwelling unit. Generally, work conducted in assisted buildings includes air sealing, insulation, heating system repairs, window or furnace replacement, electric base load reduction measures, and work items that mitigate energy-related health and safety hazards. Other than health and safety work, only those measures with a savings-to-investment ratio of 1.0 or greater can be installed by subgrantees. In other words, the cost of installing an energy conservation measure in a building must not exceed the savings that can be expected during the expected life of the installed work.

HCR permits replacement of incandescent lighting with LED bulbs or fixtures as electric base load reduction measures, pursuant to approval received from DOE in 2015. Their use and implementation will follow established program protocols for lighting, including the requirement of meeting a savings-to-investment ratio (SIR) of 1.0 based upon an established minimum run time.

HCR encourages use of renewable energy systems, alternative energy sources, and other “green” practices in its housing and energy programs. HCR WAP will consider installation of renewable energy systems and green building materials on a case-by-case basis, or as part of a pilot program when proposed by subgrantees. Installation of renewables will only be permitted when consistent with DOE guidance and justified by an SIR of 1.0 or greater, or by other allowable considerations. Any materials used must meet the specifications listed in 10 CFR 440, Appendix A, or otherwise be approved by DOE for use in the program.

Subgrantees proposing installation of renewable energy systems will be required to obtain prior approval from the appropriate HCR regional supervisor. HCR will then obtain prior approval from DOE before authorizing any sub-grantee to use WAP funds for such measures.

All weatherization activities not included in the list of Categorical Exclusion activities in Section 2.6 of WPN 17-1 will require an Environmental Questionnaire (EQ-1) submission for review.

The ARPA pilot will have greater flexibility in work to be performed, with the goals of electrification, electrification readiness, renewables, and heat-pump technology being combined with traditional weatherization and health and safety improvements. ARPA proposals will be considered on a case-by-case basis.

## **V.5.1 Technical Guides and Materials**

### **Policy and Procedures Manual**

The PPM sets forth specific guidelines that subgrantees must follow in administering the program. The PPM is an attachment to the written agreement between HCR and the subgrantee and subgrantees are bound by signing the agreement to comply with the PPM. Subgrantees that don't comply can be found to be in default of the agreement, and risk losing funding. The PPM covers administrative procedures; building and household eligibility; building analysis (energy audit) procedures, including health and safety protocols; deferral guidelines; reporting and payment procedures; and, procurement and fiscal requirements. Section 5 of the PPM also provides specific technical guidance to subgrantees on work standards and related protocols, including guidance on multifamily work scope development, building assessment and health and safety issues. The PPM is available on the HCR web site through the following link: <https://hcr.ny.gov/weatherization-providers#provider-information>. The PPM is being revised and updated for the 2022 Program Year.

### **Weatherization Field Guide**

HCR has also issued the New York State Weatherization Field Guide for use by subgrantee crews and auditors. This field guide, which incorporates information from several different standards including the Standard Work Specifications for Home Energy Upgrades (SWS), provides on-site guidance to subgrantees in the installation of measures and other technical aspects of the program.

HCR updated the New York State Weatherization Field Guide in 2021 to meet requirements included in DOE guidance on maintaining work quality (WPN 15-4). The Field Guide is published through an agreement with Saturn Resource Management. A copyright protected version of the New York State Weatherization Field Guide is available to all NYS WAP subgrantees through the HCR Weatherization website: <https://hcr.ny.gov/weatherization>.

All subgrantees have been provided access to the Field Guide and are familiar with the specifications, objectives and desired outcomes outlined in the SWS for single family, multifamily and manufactured housing.

The Weatherization Field Guide was re-approved by DOE in 2021. HCR will continue to provide subgrantees comprehensive field standards and training (see Section V.8.4, below) outlining requirements for work scope development and work quality that will meet or exceed the minimum standards found in the SWS. Subgrantees will also be provided with any revised technical requirements for building assessment (energy audits), installation of energy efficiency and health and safety measures and procedures for conducting final inspections in support of

the quality work plan. These requirements will be referenced as a part of the agreement with each subgrantee to provide a mechanism for compliance.

### **Subcontractor Agreements**

Subgrantee agreements and vendor contracts contain language which requires them to comply with the SWS specifications for work quality outlined in WPN 15-4, Section 2. Section 4 of the PPM requires Subgrantees that use subcontractors to complete work on assisted buildings to follow the procurement procedures contained in Section 8 of this manual and to execute an agreement with each subcontractor for the specific work to be completed. Subgrantees that subcontract for work performed with WAP funds must use the Subcontractor Agreement (Form #33). This form binds the parties to follow HCR rules in completing WAP-funded work and provides for certain rights and remedies in the event of default or non-performance by a subcontractor. Subgrantees are responsible for ensuring that the provisions of the Subcontractor Agreement are enforced. Subgrantees may not enter into side agreements with subcontractors for work on a project where WAP funds are invested. Contractors acknowledge the expectations for work quality by signing Form #33.

Separate ARPA contracts are being offered to the subgrantees with an expend-by date of September 30,2022. Subgrantees can decide if they want to participate, and can request funding based on a budget they prepare reflecting the amount of work they intend to perform. HCR will determine the appropriateness of the proposals and the funding amounts.

### **V.5.2 Energy Audit Procedures**

Weatherization subgrantees in New York can use the **Targeted Investment Protocol System** (TIPS) energy audit to analyze building energy usage and set priorities for weatherization work in all one- to four-unit buildings, including manufactured or mobile homes, as well as for auditing individually heated units in multi-family buildings not exceeding 25 units in size. The **Energy Audit Using the Queens Information Package** (EA-QUIP) may be used for analysis of multi-family buildings. Both audit platforms were reauthorized by DOE in 2017 for continued use in the NYS WAP.

New York also has DOE approval for use of the **Targeted Residential Energy Analysis Tools** (TREAT) Energy Audit for multi-family buildings. The TREAT software can be used in coordination with NYSERDA energy efficiency projects. Subgrantees doing weatherization work in multi-family buildings participating in NYSERDA programs, or that have had TREAT audits conducted for other programs, can rely on TREAT for Weatherization to avoid the need for duplicate audits. TREAT was also reauthorized by DOE in 2017 for continued use in the NYS WAP.

HCR subgrantees are expected to maintain in-house capacity to conduct building analysis for one- to four-unit buildings and are encouraged to develop capacity to conduct multifamily audits on certain types of buildings with fewer than 75 units. HCR has implemented a quality control and review process for subgrantees that are designated to conduct their own multifamily audits.

HCR's approved audits are due for reapproval in 2022 and HCR will be submitting a request to DOE for reapproval of its audit processes before their expiration.

HCR encourages the use of renewable energy systems in weatherization projects where permitted by DOE rules. Particularly in multifamily projects, there are significant opportunities for energy savings and cost reduction that result from installation of systems such as solar

thermal technology. The TREAT and EA-QUIP energy audit platforms provide the ability to determine cost-effectiveness of renewable energy systems that may be considered in a weatherization project. HCR will comply with the provisions of DOE notices WPN 20-1 and WPN 16-8 and with sections 10 CFR 440.18 and 440.21c concerning use of renewables in weatherization projects.

The ARPA pilot will utilize its own priority list for work scopes that will combine the goals of the pilot with sound weatherization science. Work scopes will be reviewed by HCR for appropriateness.

### **V.5.3 Final Inspections**

All weatherization projects completed by subgrantees in New York must pass a quality control (QC) inspection performed by the subgrantee's designated QC inspector before being reported to HCR as completed. Payment for a completed unit will only be made for units that meet all program requirements (see sections 2.17, 7.02 and 7.06 of the PPM). HCR field staff periodically visit subgrantees and inspect a sample of dwelling units to ensure that the units reported have been completed in accordance with all State and federal program requirements. HCR QC inspection of subgrantees will be at least 5% of completed units, and at least 10 % for subgrantees where the Energy Auditor and QC inspector are the same person. HCR uses its database to track the percentage of completed units at each subgrantee requiring QC inspection, distinguishing where the requirement is 5% and 10%. More detail on the monitoring process can be found in Section V8.3. Each completed unit is inspected per DOE Quality Work Plan requirements by the subgrantee before HCR reports the unit as complete to DOE. The following procedures will support HCR compliance with DOE Quality Work Plan requirements.

During Program Year 2022 every DOE WAP unit reported as a completed unit will receive and pass a QC inspection, performed by a certified QC inspector, ensuring that all work meets the minimum specifications outlined in the SWS in accordance with 10 CFR 440 and NYS WAP requirements. Each client file will have a form(s), signed by the QC inspector, certifying that the unit passed a QC inspection, meeting the required standards for NYS WAP. HCR will confirm subgrantee compliance with the QC requirement during routine monitoring visits and final quality assurance inspections of a sample of completed projects.

The final quality assurance project inspection includes the following:

- verification of program eligibility and required project file documentation
- review of the audit and work scope to determine that the work specified was eligible, effective, installed per SIR priority and that any changes to work orders were approved in advance and properly documented;
- photographs of initial conditions and completed work;
- verification of the quantity of materials installed;
- verification that installation standards and work quality is acceptable and meets the QC inspection standard;
- a blower door test to verify final air flow, in units where the test can be conducted;
- verification that required health and safety tests were conducted accurately and that appropriate mitigation measures were performed as necessary;
- review for client signatures accepting completion of work;

- review for program documentation notifying owners and occupants of any unsafe or potentially unsafe conditions and proof of occupants having received written material on lead and radon concerns; and,
- review of any additional documentation necessary to support the outcome of the weatherization project.

Each subgrantee has certified quality control inspectors on staff, but turnover has been high, with several instances of staff leaving a subgrantee after obtaining QC certification. In cases where a subgrantee temporarily does not have a certified QC inspector in place, the subgrantee must demonstrate to HCR that it has arranged to obtain the services of a certified inspector on a temporary basis, typically by contracting with a nearby subgrantee, and must provide HCR with a plan to fill the vacancy. In any case, HCR does not allow a subgrantee to report a unit as complete without a QC inspection and will ultimately disallow costs for any expenditures on units that do not meet the QC requirement. Failure by the subgrantees to correct deficiencies found in QC monitoring may warrant increased training and technical assistance, increased levels of monitoring, or in the most severe cases a formal warning notice that may lead to termination.

HCR permits smaller subgrantees that do not have the resources to hire a separate QC inspector to assign this function to an auditor or other staff person that obtains the required certifications. HCR increases monitoring frequency where needed, but for all subgrantees HCR inspects a minimum of 5% of completed units. See section V.8.3 for more detail on monitoring policies, including actions taken when a QC fails to adequately inspect completed work.

## **V.6 Analysis of Effectiveness**

HCR conducts an analysis of the effectiveness of each subgrantee's program each year, per 10 CFR 440.14(c)(6)(1) and maintains documentation on this analysis on file for review. This analysis is based on frequent on-site monitoring, regular desk audits and management reviews as well as other available information. Subgrantee productivity is measured by reviewing subgrantee production (as reported in the Weatherization Payment and Reporting Database) against contract production schedules each month when subgrantees request payment. HCR's Field Operations unit also conducts comparative analyses to ensure that all subgrantees are administering the Program in an optimal manner and to set priorities for training and technical assistance. Subgrantees with deficiencies are required to submit corrective action plans to resolve impediments to effectiveness.

Subgrantees are also monitored several times during the program year, and their progress in resolving deficiencies and in implementing new procedures and recent training is assessed as part of the monitoring process. The field monitoring instruments themselves allow the reviewer to identify reoccurring problems and problem areas measured in the aggregate. Progress in resolving management findings and unresolved issues from prior annual evaluations is also assessed.

In addition to regular monitoring, HCR conducts a comprehensive annual evaluation of each subgrantee. The evaluation covers both the Program and Fiscal components of the agencies' programs and includes the following:

Program Administration  
Outreach and Intake

Energy Auditing and Work Scope Development  
Crew Operations/Subcontractor Management  
Post Inspection  
Database and Reporting  
Leveraging and Coordination  
Production and Quality  
Fiscal Record Keeping  
Financial Stability  
Program Compliance  
Procurement

The evaluation analyzes the program and fiscal monitoring reports documented during the year and various production metrics. The completed evaluation is shared with each subgrantee, and each area rated as "non-compliance" or "does not meet NYS WAP program standard" requires the subgrantee to submit a written corrective action plan, the implementation and progress of which is reviewed and monitored during the following year for effectiveness. Each evaluation area is also reviewed by the regional supervisors, program monitors and fiscal monitors for the identification of problem areas and potential solutions. The evaluations are reviewed by the program management staff to determine the strength of subgrantee performance and any service territories whose needs are not being adequately met.

## **V.7 Health and Safety**

The primary goal of the Weatherization Assistance Program is energy conservation. However, installing energy conservation measures sometimes requires subgrantees to address health and safety problems that may exist in client's homes. If not done correctly, installing certain measures can also create or worsen other health and safety conditions.

Many of the buildings that are weatherized in New York have serious deficiencies that can affect the health and safety of both occupants of assisted units and staff performing weatherization work. Health and safety work is only done in units where energy efficiency measures are also being installed. Section 5 of the PPM includes guidance on health and safety protocols. Specific information on HCR health and safety protocols is included in the HCR Weatherization Health and Safety Plan, which is attached as Appendix D that addresses the below sections under Health and Safety.

### **V.7.1 Health and Safety Budgeting**

See Appendix D.

### **V.7.2 Health and Safety Measures and Incidental Repairs**

See Appendix D.

### **V.7.3 Health and Safety Expenditure Limits**

See Appendix D.

### **V.7.4 Deferral Policy**

See Appendix D.

### **V.7.5 Occupant Health and Safety**

2022 Weatherization State Plan

See Appendix D.

**V.7.6 Documentation of Health and Safety Issues**

See Appendix D.

**V.7.7 Health and Safety Hazards Addressed by HCR Subgrantees**

See Appendix D.

**Air Conditioning and Heating Systems**

See Appendix D.

**Appliances and Water Heaters**

See Appendix D.

**Asbestos**

See Appendix D.

**Biological Hazards and Unsanitary Conditions**

See Appendix D.

**Building Structure and Roofing**

See Appendix D.

**Code Compliance**

See Appendix D.

**Combustion Gases and Fuel Leaks**

See Appendix D.

**Drainage**

See Appendix D.

**Electrical Issues**

See Appendix D.

**Fire Hazards**

See Appendix D.

**Formaldehyde, Volatile Organic Compounds and other Indoor Air Pollutants**

See Appendix D.

**Gas Ovens/Stovetops/Ranges**

See Appendix D.

**Injury Prevention and Worker Safety**

See Appendix D.

**Lead-Based Paint**

See Appendix D.



**Mold and Moisture**

See Appendix D.

**Occupant Health Conditions**

See Appendix D.

**Occupational Safety and Health Administration Compliance**

See Appendix D.

**Pest Infestation**

See Appendix D.

**Radon**

See Appendix D.

**Refrigerants and Other Hazardous Materials**

See Appendix D.

**Smoke and Carbon Monoxide Detectors and Fire Extinguishers**

See Appendix D.

**Solid Fuel Heating**

See Appendix D.

**Space Heaters**

See Appendix D.

**Ventilation and Indoor Air Quality**

See Appendix D.

**Window and Door Replacement and Window Guards**

See Appendix D.

**V.8 Program Management**

**V.8.1 Overview and Organization**

The Program is managed in New York by NYS Homes and Community Renewal (HCR). The Commissioner of Housing and Community Renewal also serves as Chief Executive Officer of HCR and is appointed by the Governor. Within HCR, the Program is in the Office of Housing Preservation (OHP). OHP is headed by a Senior Vice President who reports to the Commissioner. In addition to the Weatherization program, OHP administers the Federal Housing Choice Voucher program and provides supervision of the State's portfolios of public housing and privately-owned assisted housing. Other offices within HCR include Finance and Development, which primarily administers multifamily housing finance programs such as the Housing Trust Fund, Low-income Housing (tax) Credit and Mortgage Revenue Bond programs, and the Office of Community Renewal, which administers the Community Development Block Grant Program, NYS HOME Program, NY Main Street program and other locally-administered housing and community development programs.

The Director of Energy and Rehabilitation Programs, who reports to the Director of Sustainability, has day-to-day responsibility for the Weatherization Assistance Program. Three component units within the Energy and Rehabilitation Services Bureau provide Program staffing: Program Management, which includes central office operations such as contract and payment processing, reporting, budgeting and coordination with other State offices and other units within HCR; Fiscal Compliance, which includes staff that monitors the fiscal operations of subgrantees; and Field Operations, which includes both the field (program) monitoring staff and the Training and Technical Assistance unit.

HCR coordinates closely with other State agencies that administer energy assistance programs. These include the New York State Energy Research and Development Authority, which administers the State Energy Program and several energy efficiency programs, the Office for Temporary and Disability Assistance, which administers the Low-Income Home Energy Assistance Program, the Department of State, which administers the Community Services Block Grant program, the Public Service Commission, the Department of Labor, the State Office for the Aging and others.

A full description of roles and responsibilities of HCR staff involved in administration of the Program, including information on coordination with other State agencies, can be found in the Weatherization Assistance Program Policy and Procedures Manual.

### **V.8.2 Administrative Expenditure Limits**

HCR will retain a portion of available funds to cover staff and non-personal service costs, not to exceed 7.5% of the allocation. Each subgrantee will be allowed to use up to 7.5% percent of their total WAP allocation for administrative costs.

Program costs for ARPA will be included in the amounts budgeted by subgrantees and reviewed by HCR.

### **V.8.3 Monitoring Activities**

HCR combines rigorous field monitoring with an extensive training and technical assistance program to identify areas to improve work quality and the delivery of program services as well as to correct subgrantee administrative and management problems. Field monitoring also provides an opportunity for on-site training and technical assistance and the identification of areas where more extensive training is needed.

A minimum of 5% of units completed by each subgrantee are inspected by HCR QA monitors. For subgrantees that use energy auditors to perform QCI inspections on buildings they have audited, HCR will comply with DOE minimum monitoring requirements and inspect at least 10% of completed units. When deficiencies are found at a subgrantee, a higher percentage of units may be inspected.

Staff closely monitors compliance with Program policies and procedures and in accordance with WPN 20-4. Fiscal Compliance unit staff (senior accountants) performs periodic on-site monitoring and desk audits, including reviews of financial statements, to assure compliance with all financial rules. Field Operations unit staff reviews subgrantee production status throughout the year, conducts visits to subgrantee offices to review files and visits assisted units to inspect in-progress and completed work. This information aids in early identification of subgrantee problems and ensures quality work and compliance with Program standards.

The field monitoring process consists of monthly reporting by subgrantees, on-site visits by program and fiscal staff to subgrantee offices and to assisted units, and desk audits, where subgrantee performance reports and other information is reviewed. At the end of the program year an annual evaluation of each subgrantee is conducted that reviews compliance with all program rules, energy audit procedures, crew operations, client interaction, data collection and reporting and fiscal compliance.

Subgrantees found to have deficiencies in program operations are required to prepare a corrective action plan for areas needing improvement. HCR has developed an automated monitoring process to more carefully track monitoring results. This process has improved HCR's annual monitoring function, and will provide data on subgrantee performance, work quality and compliance that HCR can use in future funding decisions, and to improve program effectiveness in general. For more information on HCR subgrantee monitoring processes, see Sections 2.17 – 2.20 of the PPM.

When HCR monitoring finds that a unit reported as complete was not properly inspected, current standards were not followed, or the unit otherwise contains deficiencies, the unit is not certified, which means that the subgrantee will not receive payment for the unit until the deficiency has been addressed. When a unit is not certified the HCR field representative notifies the subgrantee in a field visit report, documents the conditions that caused the unit to fail, and typically supports that finding with photographs that are included in the field visit report.

Since individual inspectors are employees or sub-contractors of the subgrantee, and HCR contracts with the subgrantee, not the individual, our written correspondence on these matters is directed to the responsible party at the subgrantee. It is the subgrantee's organizational responsibility to ensure that individuals perform in a manner that will result in compliance with HCR rules by the subgrantee. This is addressed in sections 2.17, 7.02 and 7.06 of the Policy and Procedures Manual; payment is only made for units that comply with all requirements.

Due to the hazards caused by the pandemic, WAP will seek means to minimize direct personal contact as much as possible while meeting the monitoring standards required by the Program. HCR will continue to implement changes in 2022 that will address social distancing protocols and may request permission from DOE to alter some of its monitoring practices if the need arises.

### **Fiscal Field Monitoring**

Fiscal monitors (HCR staff accountants) review subgrantee A-133 audits submitted on an annual basis. A management review letter is issued to the subgrantee following review of the audit.

Fiscal monitors complete their monitoring summaries based in part on the summary of their last visit/report. If there were findings on that last report, the follow-up will be part of their monitoring for the current report. If the prior findings remain uncorrected, that will be reported again on the current report. If the condition is sufficient to warrant further action, the agency may be placed on Fiscal Special Conditions, whereby monitoring becomes more frequent and where special Fiscal signoff may be needed for payments.

For deficiencies reported on an agency's annual evaluation, monitors review the corrective action plan and follow-up during the year as to how successfully it has been implemented. Failure to correct deficiencies may warrant increased training and technical

assistance, increased levels of monitoring, or in the most severe cases a formal warning notice which may lead to termination.

### **Program Field Monitoring**

HCR Program Field Monitors typically perform on-site field visits to each subgrantee to assess subgrantee performance and inspect completed units between four and six times each year. A written report is generally issued to the subgrantee at the end of each visit, but in any case, no later than 30 days following the end of the visit. Where serious or repeated deficiencies are found, the frequency of monitoring may be increased. Each monitor possesses current EPA Renovate, Repair and Paint (RRP) lead paint certifications and NREL Quality Control Inspector certifications. Due to hazards caused by the pandemic, WAP will seek means to minimize direct personal contact as much as possible while continuing to meet the monitoring standards required by the Program.

Grantee staff assigned to monitoring are paid with both LIHEAP and DOE funding. Field staff, both Program and Fiscal, spend the majority of their time performing subgrantee monitoring (between 50 – 100%), with the balance of their time spent performing subgrantee-related training and technical assistance (0 – 50%), with administrative duties making up 25% or less of their duties. Field monitoring positions are paid with 50% DOE funds and 50% HEAP funds. Duties described as “admin” fall outside of traditional subgrantee monitoring, or providing training and technical assistance, and have their salaries divided equally between DOE and HEAP administrative funds. Three staff persons assigned to the Training and Technical Assistance unit are paid 100% with DOE Admin and T&TA funds.

### **V.8.4 Training and Technical Assistance**

HCR provides training and technical assistance to maintain and improve subgrantee performance and the quality of work installed with program funds. HCR is under contract with two training and technical assistance providers to help administer its program requirements: The Association for Energy Affordability and the NYS Weatherization Directors’ Association. Comprehensive training will be provided by IREC-accredited organizations that have extensive state-of-the-art training facilities that feature pressure diagnostic houses, heating labs, classroom space, and other resources.

Individual grantee staff independently track their continuing education units required for recertification via the BPI portal. HCR program field representatives review the status of subgrantee staff certification compliance during monitoring visits and will issue written findings to subgrantees that are not in compliance with certification requirements. See Sub Section 2.17 of the PPM for more information on HCR monitoring and field visits.

Required certifications and mandatory training are listed in Sub Section 2.14 of the PPM and communicated via program memo when necessary. Ongoing training is available through NYS WAP contracted technical service providers, who post training calendars on their websites and send out email notices to the WAP network regarding upcoming training.

When topics involve a change to existing WAP policy and procedures (e.g., air sealing standards, changes to audit protocols, etc.) or emphasize an important program area, (ASHRAE 62.2) subgrantee attendance may be mandatory. In this case, the subgrantee is required to assign the most appropriate person to attend.

If a sponsored training is regional in nature or is otherwise limited to a certain group of subgrantees, HCR will inform subgrantees if their attendance is required. If a subgrantee has any doubt regarding attendance, their HCR program field representative should be consulted.

The mandatory training sessions and the personnel required to take them are listed in the PPM, SS2.14. If a subgrantee hires a new employee into any of these positions or a current employee transfers into any of these positions, it is required that they receive the mandatory training within 12 months of their start date.

Training must be repeated every 3 years by subgrantee personnel who occupy these positions, or for the length of time determined by the certification provider. Compliance with this program requirement will be monitored by field staff in their field visit reports. Any agencies that are not in compliance will be referred to the WAP T&TA unit (Form #47) to arrange for mandatory training for appropriate staff members.

Ramifications for non-compliance include: (a) critical program field visit report that would result in an agency having to provide a written action plan for compliance; (b) negative end of year agency evaluation; or (c) disallowing payment for units that were not inspected by a certified QCI. Any subgrantee or sub-contracted staff paid with weatherization funds must be supervised for any work activities until all training and certification requirements are met.

HCR also requires that subgrantee personnel in certain professional positions be certified by the Building Performance Institute (BPI). Subgrantees must ensure that any individual holding a staff position that requires certification must meet certification requirements no later than 18 months from the time they are assigned to the position. HCR does not require Subgrantees to make their hiring decisions based on program training or certification requirements.

HCR provides on-going training programs to keep subgrantees current in program requirements, including any that subgrantees need to comply with HCR's Health and Safety Plan. HCR requires subgrantees to comply with ASHRAE 62.2-2016 indoor air quality requirements and will ensure that staff and subgrantees receive training and other support throughout 2022 as requested or deemed needed, particularly in light of current conditions, including training on any changes to the ASHRAE 62.2 standard that may impact the program. HCR will continue to attempt to balance these requirements with the need to maximize energy savings in assisted units and provide recipients with sustainable installations that they will be able to maintain in future years.

HCR distributes a portion of its T&TA funds directly to the subgrantees for their use in the following activities: conference attendance, staff training, memberships and subscriptions, computer/electronic media training resources, data gathering and client education materials. Also, since 2014 HCR has provided customer education and training documents for subgrantees to utilize for the purposes of customer education. These are available on the HCR web site.

Training consists of the following activities:

**Activity 1:** All subgrantee crews, supervisors, energy auditors and other key staff are provided with classroom, web-based and individual training covering all aspects of the program. Areas such as rules, regulations, policies, procedures, reports, data entry, and forms will be covered. This activity will be aimed at meeting and maintaining State and Federal program, fiscal, and technical standards. HCR will provide this training and technical assistance through assigned staff.

**Activity 2:** This activity corresponds to DOE Comprehensive (formerly Tier 1) training. Training of a distinct nature that includes comprehensive, job-specific training which follows a curriculum aligned with the NREL Job Task Analyses (JTAs) for the major energy upgrade job classifications, including the required Quality Control Inspector title. This training will be provided by IREC-accredited training providers under a technical services contract, in accordance with all program requirements for Comprehensive (Tier 1) training. HCR will provide Comprehensive (Tier 1) training opportunities on an ongoing basis, becoming more varied as needs are assessed, curriculums are approved, and accreditations acquired. Training providers will be required to hold IREC accreditations in the following NREL worker certification tracks:

- Crew Leader
- Quality Control Inspector,
- Retrofit Installer
- Energy Auditor

**Activity 3:** HCR will also fund other training and technical support services, including peer-to-peer training activities, air monitoring of lead safe practices, energy savings analysis, and specialized training activities to address deficiencies found in field monitoring. This activity corresponds to DOE Specific (formerly Tier 2) training.

Other required or approved training will cover topics such as Health & Safety, using the TIPS, TREAT, or EA-QUIP software, creating-cost effective job work scopes, infrared thermography, heating system diagnostics, performing post inspections, managing crews and subcontractors, materials installation, air sealing, and pressure diagnostics. The goal of this training is also to introduce or significantly improve the knowledge and expertise needed to successfully operate local programs and provide quality weatherization services. These training sessions will be provided throughout the year.

**Activity 4:** HCR will distribute a portion of its T&TA funds directly to the subgrantees for their use in the following activities: conference attendance, staff training, memberships and subscriptions, computer/electronic media training resources, data gathering and client education materials.

### **Coordination of Monitoring and Technical Assistance**

HCR utilizes field staff and technical service subgrantees as a quality assurance strategy. Field staff conducts an annual evaluation of each subgrantee's training needs that is used to develop the training curricula for the following year. HCR also has staff specifically assigned to provide specialized training in various administrative and support functions to both staff and subgrantees.

HCR has added the capability to capture per building type proposed energy savings data from each subgrantee in its database. This can now be utilized as an additional factor when developing a subgrantee training curricula.

Field staff visit subgrantees on a regular basis to monitor the progress of subgrantees on work required as part of their Program contract. During these monitoring visits, when staff observes areas where subgrantees need assistance, the individual staff member will provide the assistance needed or will arrange for other training as described in Activity 1 and Activity 3, above.

HCR has developed comprehensive written training curricula in several areas that have been used for the training of subgrantee staff on a regular basis. As the need arises for training in additional areas, curricula will be developed to insure a comprehensive and uniform approach to the subject matter. This includes required Lead Safe Worker Training, which is conducted by EPA-certified training contractors, and recurring H&S training, which now includes details on job site safety relative to COVID and other concerns. HCR has also funded a Clean Boilers Program which qualifies heating system contractors as eligible bidders and establishes a Master Bidders List for multi-family heating systems installed within the weatherization program.

The annual evaluation process described in Section V.6, above, is used to evaluate subgrantee effectiveness in several technical areas, and then HCR technical assistance and program operations staff reviews the results of the evaluations to identify underperforming subgrantees and recommend them for specific training or technical assistance to address the deficiencies.

Client education is primarily the responsibility of the subgrantee. HCR has developed a set of client educational materials to aid subgrantees in this effort. Those materials are on the HCR web site.

#### **V.9 Energy Crisis and Disaster Relief**

In the event of a natural disaster during the program year, subgrantees that serve areas that have been designated as federal disaster areas will be required to prioritize service to buildings occupied by disaster victims. In some cases, subgrantees covering adjacent areas will be allowed to perform work in disaster areas, with the consent of the subgrantee that primarily serves that area. Work will be limited to allowable Program measures.

## **APPENDIX A - Policy Advisory Council**

Brennan, Charles  
Attorney at Law

Ward, Sally  
PEACE, Inc.

Bryk, Andrew  
NYS Office of Temporary and Disability  
Assistance

Zerbian, Tina  
Cattaraugus Community Action

Coll, Christopher  
NYS Energy Research & Development  
Authority

Hepinstall, David (Vice Chairperson)  
Association for Energy Affordability, Inc.

Kamman, Avi  
Crown Heights Jewish Community Council

Maggiore, Joseph  
Delaware Opportunities, Inc.

Orr, Jacqueline  
NYS Community Action Association

Padian, Andrew  
Energy Efficiency Consultant

Quinn, Charles  
RECAP, Inc.

Rieber, Dan (Secretary)  
Northern Manhattan Improvement Corp.

Rice, Wendell  
Bedford Stuyvesant Restoration Corp.

Spira, Elizabeth  
Community Action Partnership for  
Dutchess County

Stone, Andrew  
NYS Weatherization Directors'  
Association



## Appendix B

### Weatherization Assistance Program Allocation Formula

County	Income-Eligible Households		Degree Days *		Allocation Percentage
	County Total	Share of State Total	County Total	Index	
Albany	33,859	1.66%	7,148	1.0182	2.025%
Allegany	6,286	0.31%	7,871	1.1212	0.414%
Bronx	229,231	11.25%	4,901	0.6981	9.400%
Broome	27,417	1.35%	7,134	1.0162	1.637%
Cattaraugus	11,766	0.58%	7,419	1.0568	0.730%
Cayuga	8,835	0.43%	7,041	1.003	0.521%
Chautauqua	20,582	1.01%	6,539	0.9315	1.126%
Chemung	11,049	0.54%	7,134	1.0162	0.660%
Chenango	7,022	0.34%	7,326	1.0436	0.430%
Clinton	9,516	0.47%	7,831	1.1155	0.624%
Columbia	6,475	0.32%	6,748	0.9613	0.366%
Cortland	5,304	0.26%	7,637	1.0879	0.339%
Delaware	6,895	0.34%	7,327	1.0437	0.423%
Dutchess	23,610	1.16%	6,647	0.9469	1.313%
Erie	122,894	6.03%	7,137	1.0167	7.339%
Essex	4,590	0.23%	8,426	1.2003	0.324%
Franklin	6,635	0.33%	8,818	1.2561	0.490%
Fulton	7,920	0.39%	7,831	1.1155	0.519%
Genesee	6,932	0.34%	6,648	0.947	0.386%
Greene	5,958	0.29%	7,646	1.0892	0.381%
Hamilton	347	0.02%	9,206	1.3114	0.027%
Herkimer	7,791	0.38%	7,926	1.1291	0.517%
Jefferson	13,720	0.67%	7,635	1.0876	0.876%
Kings	317,484	15.59%	4,902	0.6983	13.022%
Lewis	2,932	0.14%	8,522	1.214	0.209%
Livingston	6,961	0.34%	6,939	0.9885	0.404%
Madison	7,051	0.35%	8,121	1.1568	0.479%
Monroe	90,608	4.45%	6,743	0.9605	5.112%
Montgomery	7,295	0.36%	7,527	1.0722	0.459%
Nassau	62,767	3.08%	5,488	0.7818	2.882%
New York	200,781	9.86%	4,900	0.698	8.232%
Niagara	28,015	1.38%	6,748	0.9613	1.582%
Oneida	28,506	1.40%	7,634	1.0875	1.821%
Onondaga	53,620	2.63%	7,544	1.0746	3.384%
Ontario	10,880	0.53%	6,945	0.9893	0.632%

Orange	28,712	1.41%	6,079	0.866	1.460%
Orleans	5,233	0.26%	6,546	0.9325	0.287%
Oswego	13,655	0.67%	6,745	0.9608	0.771%
Otsego	7,482	0.37%	7,723	1.1001	0.483%
Putnam	4,831	0.24%	6,081	0.8662	0.246%
Queens	201,978	9.92%	4,902	0.6983	8.284%
Rensselaer	16,534	0.81%	7,045	1.0036	0.975%
Richmond	38,792	1.90%	4,908	0.6991	1.593%
Rockland	20,100	0.99%	5,579	0.7947	0.938%
St. Lawrence	14,962	0.73%	8,429	1.2007	1.055%
Saratoga	16,933	0.83%	7,336	1.045	1.039%
Schenectady	14,656	0.72%	7,151	1.0187	0.877%
Schoharie	3,791	0.19%	7,428	1.0581	0.236%
Schuyler	2,413	0.12%	7,226	1.0293	0.146%
Seneca	4,251	0.21%	7,038	1.0026	0.250%
Steuben	13,220	0.65%	7,426	1.0578	0.821%
Suffolk	78,730	3.87%	5,265	0.75	3.468%
Sullivan	8,987	0.44%	7,522	1.0715	0.566%
Tioga	5,833	0.29%	7,236	1.0308	0.353%
Tompkins	12,448	0.61%	7,136	1.0165	0.743%
Ulster	19,058	0.94%	6,447	0.9184	1.028%
Warren	7,655	0.38%	8,034	1.1444	0.515%
Washington	6,839	0.34%	7,138	1.0168	0.408%
Wayne	9,933	0.49%	6,647	0.9469	0.552%
Westchester	71,183	3.49%	5,690	0.8105	3.389%
Wyoming	4,292	0.21%	7,528	1.0724	0.270%
Yates	2,779	0.14%	6,942	0.9889	0.161%
Entire State	2,036,814	100.00%	7,020	61.9966	100%

Income Eligible Population based on 2019 American Community Survey data on distribution of households with incomes below \$35,000/year

\* Degree days = 100% of heating degree days and 10% of cooling degree days.

<b><u>APPENDIX C: DRAFT</u></b>		
<b><u>Weatherization Assistance Program</u></b>		
<b><u>Subgrantee Allocations</u></b>		
<b>County</b>	<b>Subgrantee</b>	<b>PY 2022 County Allocation</b>
Albany	Albany Community Action Partnership	\$1,041,021
Allegany (Cattaraugus County)	<i>Cattaraugus Community Action Inc. (2) (3)</i>	
Bronx		
	Association for Energy Affordability, Inc. (2)	\$2,308,156
	Northwest Bronx Community and Clergy Coalition	\$2,386,644
Broome (Tioga County)	<i>Tioga Opportunities Program Inc. (2)</i>	
Cattaraugus (Alleghany, Livingston, Wyoming)	(+Alleghany, Livingston and Wyoming Counties)	
	Cattaraugus Community Action Inc. (2) (3)	\$1,124,804
Chautauqua	Chautauqua Opportunities Inc.	\$667,844
Chemung (Schuyler)	Economic Opportunity Program of Chemung and Schuyler (2)	\$775,000
Chenango (Otsego)	<i>Opportunities for Otsego Inc.</i>	
Clinton (Franklin)	(+Franklin County)	
	JCEO of Clinton and Franklin Counties (2)	\$775,000
Columbia	Columbia Opportunities Inc.	\$400,000
Cortland	Cortland County Community Action Program Inc.	\$780,103
Delaware (Sullivan)	Delaware Opportunities Inc. (2)	\$775,000
Dutchess	Community Action Partnership for Dutchess County	\$675,695
Erie		
	Lt. Col. Matt Urban Human Services Center/PCCB	\$512,367
	Neighborhood Housing Services of South Buffalo, Inc.	\$1,313,914
	Supportive Services Corporation	\$2,173,458
Essex	Adirondack Community Action Programs, Inc.	\$400,000
Franklin (Clinton County)	<i>JCEO of Clinton and Franklin Counties (2)</i>	
Fulton (Montgomery)	(+Montgomery County)	
	Fulton/Montgomery Community Action (2)	\$775,000
Genesee (Orleans County)	<i>Orleans Community Action Committee, Inc. (2)</i>	
Greene	Community Action of Greene County Inc.	\$400,000

Hamilton (Warren County)	<i>Warren/Hamilton Counties ACEO Inc. (2)</i>	
Herkimer (Oneida County)	<i>Mohawk Valley Community Action Agency (2)</i>	
Jefferson	Community Action Planning Council of Jefferson County	\$468,433
Kings		
	Bedford Stuyvesant Restoration Corporation, Inc.	\$1,417,819
	Crown Heights Jewish Community Council	\$1,000,736
	Opportunity Development Association	\$2,085,417
	Sunset Park Redevelopment Committee	\$2,105,908
Lewis	Lewis County Opportunities Inc.	\$400,000
Livingston (Cattaraugus County)	<i>Cattaraugus Community Action Inc. (2) (3)</i>	
Madison	Stoneleigh Housing Inc.	\$400,000
Monroe		
	Action for a Better Community, Inc.	\$1,260,910
	Pathstone Corporation	\$1,409,944
Montgomery (Fulton County)	<i>Fulton/Montgomery Community Action (2)</i>	
Nassau (Suffolk County)	<i>Community Development Corp of Long Island Inc. (2)</i>	
New York		
	Housing Conservation Coordinators	\$729,742
	Northern Manhattan Improvement Corporation	\$2,301,243
	Harlem Community Development Corporation	\$1,057,206
Niagara	Niagara Community Action Program, Inc.	\$833,235
Oneida (Herkimer)	Mohawk Valley Community Action Agency (2)	\$1,360,018
Onondaga (Oswego)	People's Equal Action and Community Effort, Inc. (2)	\$2,127,053
Ontario (Wayne County)	<i>Wayne County Action Program Inc. (3)</i>	
Orange (Rockland)	(+Rockland County)	
	Regional Economic Community Action Program, Inc. (2)	\$1,286,490
Orleans (Genesee)	(+Genesee County)	
	Orleans Community Action Committee, Inc. (2)	\$775,000
Oswego (Onondaga County)	<i>People's Equal Action and Community Effort, Inc. (2)</i>	
Otsego (Chenango)	(+Chenango County)	

	Opportunities for Otsego Inc.	\$775,000
Putnam (Westchester County)	<i>Westchester Community Opportunity Program Inc. (2)</i>	
Queens		
	Hellenic American Neighborhood Action Council, Inc.	\$1,956,515
	Margert Community Corporation	\$1,219,966
	Association for Energy Affordability, Inc. (2)	\$1,180,947
Rensselaer	CEO for the Greater Capital Region, Inc.	\$503,500
Richmond	Northfield Community LDC of Staten Island	\$809,683
Rockland (Orange County)	<i>Regional Economic Community Action Program, Inc. (2)</i>	
St. Lawrence	St. Lawrence County CDP, Inc. (3)	\$500,237
Saratoga (Schenectady)	(+Schenectady County)	
	Saratoga County Economic Opportunity Council, Inc. (2)	\$1,049,395
Schenectady (Saratoga County)	<i>Saratoga County Economic Opportunity Council, Inc. (2)</i>	
Schoharie	Schoharie County Community Action Program	\$400,000
Schuyler (Chemung County)	<i>Economic Opportunity Program of Chemung and Schuyler (2)</i>	
Seneca	Seneca County Office for the Aging	\$400,000
Steuben (Yates)	(+Yates County)	
	Pro Action of Steuben and Yates Inc. (2)	\$808,890
Suffolk (Nassau)	Community Development Corp of Long Island Inc. (2)	\$3,324,044
Sullivan (Delaware County)	<i>Delaware Opportunities Inc. (2)</i>	
Tioga (Broome)	(+Broome County)	
	Tioga Opportunities Program Inc. (2)	\$1,232,311
Ulster	Ulster Community Action Committee Inc.	\$620,739
Warren (Hamilton, Washington)	(+Hamilton and Washington Counties)	
	Warren/Hamilton Counties ACEO Inc. (2)	\$728,378
Washington (Warren)	<i>Warren/Hamilton Counties ACEO Inc. (2)</i>	
Wayne (Ontario) (Cayuga)	(+Ontario and Cayuga Counties)	
	Wayne County Action Program Inc. (3)	\$986,466
Westchester (Putnam)	(+Putnam County)	
	Westchester Community Opportunity Program Inc. (2)	\$2,236,695

Wyoming (Cattaraugus County)	<i>Cattaraugus Community Action Inc. (2) (3)</i>	
Yates (Steuben County)	<i>Pro Action of Steuben and Yates Inc. (2)</i>	
	<i>TOTAL</i>	<b>\$ 57,035,932</b>



# New York State Weatherization Assistance Program

## Program Year 2022 State Plan - Appendix D

### New York State Homes and Community Renewal

Ruthanne Visnauskas, Commissioner

Kathy Hochul, Governor

#### NYS Weatherization Assistance Program Health and Safety Plan

Policy Submitted with Plan

#### 1.0 – General Information: Infectious Disease Preparedness and Response to COVID-19, and WPN 22-7 Reporting and Cost Principle updates

*Grantees are encouraged to enter additional information here that does not fit neatly in one of the other sections of this document.*

New York State and local governments, including municipalities and authorities, and their employees may be subject to certain provisions that restrict non-essential, in-person workforce and other operations under Executive Order 11.2. NYS WAP subgrantees, like all workers in construction related fields in New York State, will continue to be required to follow the procedures published by the NYS Department of Health (DOH), contained within the document "Interim Guidance for Construction Activities During the COVID-19 Public Health Emergency" (<https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/ConstructionMasterGuidance.pdf>), including the creation and filing of a Safety Plan. Subgrantee completed safety plans for reopening during the pandemic must be kept on site, and made available for review at any time to any NYS DOH official. NYS has made available a business reopening safety plan template to guide business owners and operators in developing plans to protect against the spread of COVID-19. At every WAP office and jobsite, it will continue to be required that the personnel working on the site maintain appropriate social distance, all personnel be provided and properly utilize all required PPE, including but not limited to masks, face shields or goggles, sanitizers, etc., following the NYS DOH and construction industry protocols for containing viral spread. NYS WAP subgrantees will be expected to follow the best practices as outlined in HCR's mandatory 'How to Work CoVid Safe' training courses, provided for the entire subgrantee network by NYS WAP's Training and Technical Assistance providers, NYSWDA and AEA. Materials and documents for best practices will continue to be made available for staff to reference and be reinforced by program. Subgrantees will continue to be encouraged to remain up to date on any CDC or NYS DOH released guidelines re. Covid as new information becomes available. Project sites that cannot maintain appropriate social distancing, the use of required PPE, or follow cleaning/disinfecting protocols for any reason, must be deferred. Deferred projects (or clients that refuse service due to Covid concerns) will be noted and given priority once the Covid crisis has passed. DOE's Weatherization Program Notice 22-7 Clarifies, reinforces, and introduces new reporting and allowability strictures relating to Health and Safety expenses and activities. The notice is effective immediately and Subgrantees must review it and ensure compliance in all aspects of the Program Notice.

#### 2.0 – Budgeting

*Grantees are encouraged to budget Health & Safety (H&S) costs as a separate category and, thereby, exclude such costs from the average cost per unit cost (ACPU) limitation. This separate category also allows these costs to be isolated from energy efficiency costs in program evaluations. Grantees are reminded that, if H&S costs are budgeted and reported under the program operations category rather than the H&S category, the related H&S costs must be included in the calculation of the ACPU and cost-justified through the approved energy audit.*

Select which option is used below.

Separate Health and Safety Budget

Contained in Program Operations

#### 3.0 – Health and Safety Expenditure Limits

*Pursuant to 10 CFR 440.16(h), Grantees must set H&S expenditure limits for their Program, providing justification by explaining the basis for setting these limits and providing related historical experience.*

*Low percentages should include a statement of what other funding is being used to support H&S costs, while larger percentages will require greater justification and relevant historical support. It is possible that these limits may vary depending upon conditions found in different geographical areas. These limits must be expressed as a percentage of the ACPU. For example, if the ACPU is \$5,000, then an average expenditure of \$750 per dwelling would equal 15 percent expenditures for H&S.*

*15 percent is not a limit on H&S expenditures but exceeding this amount will require ample justification. These funds are to be expended by the Program in direct weatherization activities. While required as a percentage of the ACPU, if budgeted separately, the H&S costs are not calculated into the per-house limitation. DOE strongly encourages using the table below in developing justification for the requested H&S budget amount. Each H&S measure the Grantee anticipates addressing with H&S funds should be listed along with an associated cost for each measure, and by using historical data the estimated frequency that each measure is installed over the total production for the year.*



*It is also recommend reviewing recent previous budget requests, and compare versus expenditures to see if previous budget estimates have been accurate. The resulting "Total Average H&S Cost per Unit" multiplied by the Grantee's production estimate in the Annual File should correlate to the H&S budget amount listed in the Grantee's state plan.*

*Should a Grantee request to have more than 15 percent of Program Operations used for health and safety purposes, DOE will conduct a secondary level of review. DOE strongly encourages use of this H&S template and matrix to help expedite this process.*

Subgrantees are required to budget health and safety costs in a separate budget category that is not included in the cost per unit calculation. Subgrantees will be allowed to budget up to 10% of their total allocation for health and safety, but in higher-cost areas a higher percentage may be allowed to be budgeted on a case-by-case basis, not to exceed 15% of their total allocation. Historically, less than 10% of program funding is used for health and safety costs.

In accordance with Federal rules and guidance intended to limit undue or excessive enhancement of the value of multifamily rental units resulting from investment of Program funds, HCR requests most owners of multifamily rental property to contribute to the cost of the weatherization work scope as a condition of receiving assistance. Generally, multifamily building owners provide a minimum of 25% of the total cost of the WAP energy-related work to be done to Program standards.

HCR has initiated an enhanced health and safety effort to promote coordination between Program subgrantees, state and local health departments, and administrators of housing rehabilitation and lead hazard control programs. This initiative, aligned with the national Healthy Homes initiative, is expected to provide additional benefits to assisted households and hopefully, may provide additional funding opportunities for subgrantees.

HCR's Office of Housing Preservation is also increasing coordination of Program resources with the HCR Office of Community Renewal to provide comprehensive weatherization-type services and additional repair and rehabilitation work through the ARPA Program. The American Rescue Plan and Recovery Act (ARPA) of 2021 will also provide additional funds with which the State will directly pursue CLCPA goals through a pilot program that will be delineated in separate contracts with the subgrantees. The State also anticipates additional funds, the amount as yet to be undetermined, through the Infrastructure Investment and Jobs Act, with which it will continue to prioritize CLCPA goals, including but not limited to, addressing H&S issues in low income housing.

#### **4.0 – Incidental Repair Measures**

If Grantees choose to identify any H&S measures as incidental repair measures (IRMs), they must be implemented as such under the Grantee's weatherization program in all cases – meaning, they can never be applied to the H&S budget category. In order to be considered IRMs, the measure must fit the following definition and be cost justified along with the associated efficiency measure;

Incidental Repairs means those repairs necessary for the effective performance or preservation of weatherization materials. Such repairs include, but are not limited to, framing or repairing windows and doors which could not otherwise be caulked or weather-stripped and providing protective materials, such as paint, used to seal materials installed under this program. (10 CFR 440 "Definitions")

The incidental repair measure (IRM) category is intended for a measure that is not typically part of the installation of an ECM, or group of ECMs, and / or is outside the manufacturer's or industry standard for installation.

Incidental repairs that are done to enable installation of energy efficiency work will not be billed as health and safety work. Incidental repairs that are not health and safety measures are only allowed when the repair is necessary to install an energy efficiency measure(s).

More extensive conditions, such as serious structural problems or roof replacement, are beyond the scope of the Program and are not considered incidental repair work. WAP work will be deferred on buildings that need more extensive repairs until funding is identified to complete the needed repairs.

Subgrantees are expected to be familiar with housing rehabilitation programs available in their service area to refer owners to programs that can provide assistance that is beyond the scope of weatherization.

#### **5.0 – Deferral/Referral Policy**

*Deferral of services may be necessary if H&S issues cannot be adequately addressed according to WPN 22-07 guidance. The decision to defer work in a dwelling is difficult but necessary in some cases. This does not mean that assistance will never be available, but that work must be postponed until the problems can be resolved and/or alternative sources of help are found. If, in the judgment of the auditor, any conditions exist which may endanger the health and/or safety of the workers or occupants, the unit should be deferred until the conditions are corrected. Deferral may also be necessary where occupants are uncooperative, abusive, or threatening. Grantees must be specific in their approach and provide the process for clients to be notified in writing of the deferral and what conditions must be met for weatherization to continue. Grantees must also provide a process for the client to appeal the deferral decision to a higher level in the organization.*

Grantee has developed a comprehensive written deferral/referral policy that covers both H&S, and other deferral reasons?

Yes  No

Where can this deferral/referral policy be accessed?

New York State Weatherization Assistance Program Policy and Procedures Manual, Section 6.01

#### **6.0 – Hazard Identification and Notification Form(s)**

Documentation forms must be developed that include at a minimum: the client's name and address, dates of the audit/assessment and when the client was informed of a potential H&S issue, a clear description of the problem, a statement indicating if, or when weatherization could continue, and the client(s) signature(s) indicating that they understand and have been informed of their rights and options.

Documentation Form(s) have been developed and comply with guidance?

Yes  No

### 7.0 – Health and Safety Categories

For each of the following H&S categories identified by DOE:

- Explain whether you concur with existing guidance from WPN 22-07 and how that guidance will be implemented in your Program, if you are proposing an alternative action/allowability, or if the identified category will not be addressed and will always result in deferral. Alternatives must be comprehensively explained and meet the intent of DOE guidance.
  - Where an Action/Allowability or Testing is “required” or “not allowed” through WPN 22-07, Grantees must concur, or choose to defer all units where the specific category is encountered.
  - “Allowable” items under WPN 22-07 leave room for Grantees to determine if the category, or testing, will be addressed and in what circumstances.
  - Declare whether DOE funds or alternate funding source(s) will be used to address the particular category.
  - Describe the explicit methods to remedy the specific category.
  - Describe what testing protocols (if any) will be used.
  - Define minimum thresholds that determine minor and major repairs.
  - Identify minimum documentation requirements for at-risk occupants.
  - Discuss what explicit steps will be taken to educate the client, if any, on the specific category if this is not explained elsewhere in the Plan. Some categories, like mold and moisture, require client education.
  - Discuss how training and certification requirements will be provided for the specific category. Some categories, like Lead Based Paint, require training.
  - Describe how occupant health and safety concerns and conditions will be solicited and documented.
- Grantees may include additional H&S categories for their particular Programs. Additional categories must include, at a minimum, all of the same data fields as the DOE-provided categories. Two additional tables have been created to utilize.

### 7.1 – Air Conditioning and Heating Systems

#### Concurrence, Alternative, or Deferral

Concurrence with Guidance  Alternative Guidance  Results in Deferral

Air Conditioning Unallowable Measure  Heating Unallowable Measure

#### Funding

DOE  LIHEAP  State  Utility  Other

#### How do you address unsafe or non-functioning primary heating/cooling systems?

In cases where an unsafe heating appliance in a single-family, owner-occupied dwelling is encountered during the heating season, these steps are followed:

- Complete a Health and Safety Notification (Form #15) describing the situation.
- Obtain the owner's signature on the completed Health and Safety Notification.
- Advise the owner to contact the local LIHEAP administrator (HEAP) for emergency heating appliance funding.
- Advise the county HEAP liaison of the situation.
- Transmit a copy of the completed and signed Health and Safety Notification to HEAP and, if the household includes a person over 60, the local office for the aging agency.
- Stop all weatherization work until notification is received that the heating appliance hazard has been corrected.

Applicants in a rental building who request services due to a no-heat or unsafe heating situation are referred to the LDSS or local buildings department for assistance.

When the heating problem has been corrected, the applicant may then be considered eligible for services under WAP.

In all rental buildings, provision of a heating system in good working order **is the responsibility of the building owner**. Income-eligible landlords with an unsafe heating system may be assisted by WAP.

Subgrantees may use weatherization funds to replace unsafe heating systems and domestic hot water tanks that are encountered while providing weatherization services; however, these funds may not be used to provide emergency services except for emergency heating appliance replacement in areas declared federal or state disaster areas, and replacement must always be conducted in compliance with the requirements of the NYS WAP.

Chimneys may be re-lined or repaired when the existing chimney condition creates an unsafe or inefficient condition during the operation of combustion appliances. In situations where an existing chimney is inadequate for the proper venting of combustion appliances, alternative cost-effective methods of venting those appliances are explored and the most cost-effective measure utilized.

#### How do you address unsafe or non-functioning secondary heating systems, including unvented secondary space heaters?

Unvented space heaters are removed as a H&S measure before weatherization measures can be installed, except those used as secondary heat sources that conform to ANSI Z21.11.2.

Subgrantees must explain to owners and tenants, and record on Form #15, that significant amounts of combustion by-products, including water vapor, CO, NO2, and particulates are produced by these systems.

Subgrantees must complete Form #15 and require the applicant to sign the form before proceeding with work. WAP funds cannot be used to purchase or install any type of unvented or vent-less combustion appliance.

**Indicate Documentation Required for At-Risk Occupants**

Form #15 Health and Safety Notification

**Testing Protocols**

All vented combustion appliances are tested for CO in undiluted flue gas and the results documented. Exceptions to this may include wood or coal stoves and any gas-fired appliances that are designed to operate with a positive pressure in the vent pipe (AGA category III or IV gas appliances). Gas leak detection tests are conducted along accessible gas lines throughout the interior and exterior of the building, and the findings recorded on Indoor Air Quality Test forms (currently Form #12 or Form #14 depending on building type). All accessible gas lines and piping are tested for gas leaks. For significant leaks, combustion appliances are disabled, the area evacuated and ventilated, and the fuel supplier notified for shut-off until repairs are completed. Minor leaks may be addressed at the time of inspection or specified for repair. Testing is performed at audit, after any work on the gas piping is complete, and at post inspection.

An SSE test is required on every heating system, where appropriate, except for wood or coal stoves and those positive pressure systems that are rated as Category III or IV appliances that are not outfitted with SSE testing ports. Pre- and post-weatherization SSE test results are recorded and affixed to the heating appliance on a Heating Appliance Tag (currently Form #39).

The worst-case CAZ configuration for each appliance zone is established and recorded in the client project file. The worst-case negative pressure is measured in all vented CAZs. Any zone or area of the building that contains a vented combustion appliance, including space heaters and water heaters, is considered a CAZ.

BPI combustion safety test procedures are followed, and action levels and appropriate actions taken based on the test results. Combustion safety testing is done at audit, after any work is done to the building envelope or appliance(s), and at post inspection.

**Client Education**

Subgrantees educate owners and tenants, including using the Health and Safety Notification Form #15, about the importance of smoke and CO detectors working properly, the importance of heating system monitoring and maintenance for efficiency benefits, the dangers of poorly maintained heating systems, such as high CO levels, and fire hazards associated with using unvented space heaters. New York’s [How to Live in Your Weatherized Home](#) handout is provided to each assisted household.

**Training**

Regular mandatory training is required and currently provided for auditors, crew chiefs, crews, and heating technicians; it is renewed every 3 years and includes, but is not limited to, Health & Safety and OSHA 10-hour worksite safety. SF auditors are required to hold BPI certifications in both Heating Professional and Building Analyst titles, training for which is also provided.

**7.2 - Asbestos – All**

**What is the blower door testing policy when suspected Asbestos Containing Material (ACM) is identified?**

Blower-door tests are not to be performed in homes where there is a risk of compromised or friable (so soft and weak in structure that it can be broken with simple finger-crushing pressure) asbestos becoming airborne and being drawn into the dwelling. Subgrantees cannot do a blower-door test in a building where compromised or friable asbestos or vermiculite are present. They can utilize the NYS WAP Estimated Blower Door workbook to obtain a blower door number if a complete weatherization work scope can still be done without disturbing the intact asbestos and/or vermiculite. In all cases, if compromised or friable asbestos or vermiculite is to be mitigated or removed, it must be done by a certified abatement specialist and certified remediated before a blower door test can be performed.

**7.2a – Asbestos - in siding, walls, ceilings, etc.**

**Concurrence, Alternative, or Deferral**

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

**Funding**

DOE  LIHEAP  State  Utility  Other

**How do you address suspected ACM’s in siding, walls, or ceilings that will be disturbed through the course of weatherization work?**

Intact asbestos is not a hazard. It becomes a hazard when damaged or deteriorated and friable asbestos particles are being released into the air. First, subgrantees are to determine and document if asbestos is present, friable, and if it presents a potential problem. The subgrantee is advised to proceed cautiously when preparing to weatherize a dwelling unit where the presence of lead, mold, asbestos, vermiculite, or any other potentially toxic substances may be suspected. Subgrantees are required to inform building owners and occupants on the Health and Safety Notification form of the presence of any toxic or potentially toxic materials and/or conditions and to consider the impact on weatherization work scopes to ensure that weatherization will not exacerbate existing conditions resulting in harm to building occupants or to weatherization staff performing the work. Asbestos removal or abatement is only permitted in very limited circumstances. All subgrantees are required to use certified contractors or crew members in compliance with NYS Department of Labor rules when cleaning up, removing, or mitigating asbestos. Generally, suspected asbestos-containing material (ACM) should never be disturbed. Subgrantees are advised to not cut, drill, scrape, sand or brush ACM surfaces. In limited cases, asbestos encapsulation or removal may be allowed with prior approval by HCR. Subgrantees are to refer to DOE WPN 22-07, the NYS WAP Field Guide and the SWS for additional guidance on how to handle the presence of ACM. Where work cannot be performed safely, the subgrantee is required to defer work until hazardous conditions are resolved and to issue the Health and Safety Notification Form #15 to owners and occupants.

**Testing Protocols**

Asbestos testing may be conducted with prior HCR approval when the subgrantee suspects that ACM may be disturbed by installation of weatherization materials. Asbestos testing may only be conducted by a certified abatement specialist. If the presence of asbestos is confirmed, care is taken to not disturb the asbestos (for example, by drilling through asbestos siding). Removal or encapsulation, when approved by HCR, is conducted prior to blower-door testing and can only be conducted by a certified abatement specialist, per the SWS.

**Client Education**

See H&S Form #15.

**Training and Certification Requirements**

Component of Auditor and H&S training – “How to identify asbestos and vermiculite”

**7.2b – Asbestos - in vermiculite**

**Concurrence, Alternative, or Deferral**

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

**Funding**

DOE  LIHEAP  State  Utility  Other

**How do you address suspected ACM's in vermiculite that will be disturbed through the course of weatherization work?**

Program policy prohibits removing or disturbing vermiculite. Encapsulated vermiculite (for example, vermiculite installed in stud cavities) is not particularly dangerous, if no one opens the wall or engages in demolition. Disturbing vermiculite insulation on an attic floor is always potentially dangerous. Subgrantees are not permitted to blow insulation over the top of vermiculite in open floored attics, or to perform a blower-door test in a building where friable asbestos or vermiculite is present. They utilize the NYS WAP Estimated Blower Door workbook to obtain a blower door number if a complete weatherization work scope can still be done without disturbing the vermiculite. In limited cases, encapsulation or removal may be allowed with prior approval by HCR. Removal or abatement however, is only permitted in very limited circumstances.

**Testing Protocols**

There is no testing protocol employed by NYS WAP for vermiculite. Per the EPA, “Since the Libby mine was estimated to be the source of over 70 percent of all vermiculite sold in the United States from 1919 to 1990 and vermiculite from Libby was contaminated with asbestos, further testing is not necessary to take the appropriate precautions. While you can hire a trained professional to test your attic for asbestos, this may be expensive and, depending on the methods used, might give you erroneous results.” A sample taken in one part of an attic may not be representative of vermiculite installed elsewhere in that attic. Even if the sample taken in one part of the attic was determined to be asbestos-free, other bags of Zonolite used to insulate the rest of the attic might have contained extremely dangerous levels of asbestos. NYS WAP does not test vermiculite for asbestos; it assumes it's present in vermiculite and takes the appropriate precautions.

**Client Education**

See H&S Form #15. Subgrantees provide clients with the following guidance when vermiculite is present:

(List created by <http://www.greenbuildingadvisor.com>)

- Don't touch or disturb the insulation in your attic.
- Don't use your attic for storage.
- If possible, don't enter your attic.
- Don't allow children to play in the attic.
- Don't open your walls to see if there is vermiculite inside.
- Don't attempt to remove the vermiculite yourself. If you want to have the vermiculite removed, hire a certified asbestos abatement contractor for the job.
- Don't let untrained contractors — for example, electricians or cable installers — into your attic, since contractors may cause a new hazard where none existed.
- Install a warning sign near your attic access hatch reading, "Cancer Hazard: Insulation contains asbestos. Do not disturb or create dust."
- Remember, common dust masks are not effective against asbestos fibers.
- It's probably a good idea to seal any cracks in walls and/or the ceiling that may appear later (for example, cracks around ceiling-mounted electrical boxes) to reduce the chance that vermiculite dust will enter your home. This work should only be performed from below — never from the attic.

### Training and Certification Requirements

Component of Auditor and H&S training

### 7.2c – Asbestos - on pipes, furnaces, other small covered surfaces

#### Concurrence, Alternative, or Deferral

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

#### Funding

DOE  LIHEAP  State  Utility  Other

**How do you address suspected ACM's (e.g., pipes, furnaces, other small surfaces) that will be disturbed through the course of weatherization work?**

See section 7.2a

#### Testing Protocols

See section 7.2a

#### Client Education

Form #15; See section 7.2a

#### Training and Certification Requirements

See section 7.2a

### 7.3 – Biologicals and Unsanitary Conditions (odors, mustiness, bacteria, viruses, raw sewage, rotting wood, etc.)

#### Concurrence, Alternative, or Deferral

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

Unallowable Measure

#### Funding

DOE  LIHEAP  State  Utility  Other

**What guidance do you provide Subgrantees for dealing with biological and/or unsanitary conditions in homes slated for weatherization?**

When biologicals and unsanitary hazards are identified, applicants are notified on the Health and Safety Notification form. When hazards are present and cannot be mitigated in the course of routine weatherization, the subgrantee must defer work until funding from other sources is available to address the hazard.

#### Testing Protocols

N/A; Information on biological and unsanitary conditions is obtained through the client questionnaire and by means of the visual inspection.

#### Client Education

Applicants are advised of these possible hazards on the Health and Safety Notification form, so they can make informed decisions regarding their well-being. Where necessary, applicants are advised to relocate from the unit during installation of energy conservation materials, to ensure the household's safety.

#### Training

Component of auditor training – "How to identify biologicals and unsanitary conditions"

<b>7.4 – Building Structure and Roofing</b>
<b>Concurrence, Alternative, or Deferral</b>
Concurrence w/ Guidance <input checked="" type="checkbox"/> Alternative Guidance <input type="checkbox"/> Results in Deferral <input type="checkbox"/>
<b>Funding</b>
DOE <input checked="" type="checkbox"/> LIHEAP <input checked="" type="checkbox"/> State <input type="checkbox"/> Utility <input type="checkbox"/> Other <input checked="" type="checkbox"/>
<b>What guidance do you provide Subgrantees for dealing with structural issues (e.g., roofing, wall, foundation) in homes slated for weatherization?</b>
Certain structural repairs may be completed in the course of providing WAP assistance. Repairs provided as part of WAP are incidental and designed to protect or supplement WAP measures or address a H&S issue. If a building or dwelling unit is found to have serious structural problems which make weatherization impractical or impossible, the energy auditor or crew leader reports these findings to his/her supervisor. If corrective action cannot be arranged, the subgrantee consults with the HCR program field representative before proceeding with deferring weatherization due to structural problems.
<b>How do you define “minor” or allowable structure and roofing repairs, and at what point are repairs considered beyond the scope of weatherization?</b>
WAP funds can only be used to make incidental energy related repairs to the structure / roof. These WAP incidental repair measure costs are to be less than or equal to 15% of the estimated total energy conservation measure (ECM) cost to the WAP for the project.
<b>If priority lists are used, and these repairs are designated as Incidental Repairs, at what point is a site-specific audit required?</b>
Priority lists are not used for any 1-4 unit buildings or Manufactured homes in NYS. New York State generally utilizes site-specific audits for multifamily buildings, except under the limited conditions approved in our 2016 energy audit renewal submission. Incidental repairs must still meet approved program criteria for IRMs. However, if the project does not meet the criteria for a priority list building, then it cannot be done as a priority list project and would therefore require a site specific audit.
<b>Client Education</b>
Applicants are advised of any building or structural issues on the Health and Safety Notification form
<b>Training</b>
Component of Auditor training – “How to identify structural issues”
<b>7.5 – Code Compliance</b>
<b>Concurrence, Alternative, or Deferral</b>
Concurrence w/ Guidance <input checked="" type="checkbox"/> Alternative Guidance <input type="checkbox"/> Results in Deferral <input type="checkbox"/>
<b>Funding</b>
DOE <input checked="" type="checkbox"/> LIHEAP <input checked="" type="checkbox"/> State <input type="checkbox"/> Utility <input type="checkbox"/> Other <input checked="" type="checkbox"/>
<b>What guidance do you provide Subgrantees for dealing with code compliance issues in homes receiving weatherization measures?</b>
HCR requires subgrantees to ensure that work is performed in accordance with all state and local codes, and monitors compliance with this requirement during on-site inspections; however, the role of State staff and of subgrantees is oversight. Code compliance is the responsibility of local officials. The visual inspection of the project includes an analysis of potential code violations in areas where work is being done, and subgrantees must obtain building permits for work performed when required by state or local codes prior to commencement of WAP work.
<b>What specific situations commonly trigger code compliance work requirements for your network? How are they addressed?</b>
Local codes can vary greatly throughout NYS. HCR requires subgrantees ensure any work is performed in accordance with state and local codes. When, in the judgment of the energy auditor or crew leader, any condition exists, including a code compliance condition, which may endanger the health or safety of the client, work crew or subcontractor, the work is not to proceed until the condition is corrected. If conditions cannot be corrected weatherization will be deferred until the condition is corrected.
<b>Client Education</b>
Applicants are advised of the possible code issues on the Health and Safety Notification form.
<b>Training</b>
Component of Auditor training – “How to identify code compliance issues;” HCR allows local & state code training as eligible T&TA cost.
<b>7.6 – Combustion Gases</b>
<b>Concurrence, Alternative, or Deferral</b>

Concurrence w/ Guidance <input checked="" type="checkbox"/> Alternative Guidance <input type="checkbox"/> Results in Deferral <input type="checkbox"/>
<b>Funding</b>
DOE <input checked="" type="checkbox"/> LIHEAP <input checked="" type="checkbox"/> State <input type="checkbox"/> Utility <input type="checkbox"/> Other <input checked="" type="checkbox"/>
<b>Testing Protocols</b>
Gas leak detection tests are conducted along accessible gas lines throughout the interior and exterior of the building, and the findings recorded on the Indoor Air Quality Tests document (Form #12 or Form #14). Minor leaks may be addressed at the time of inspection or specified for repair. Testing is conducted at audit, after any work on the gas piping is complete, and at post inspection.
<b>How are crews instructed to handle problems discovered during testing, and what are the specific protocols for addressing hazards that require an immediate response?</b>
For significant leaks, combustion appliances are disabled, the area is evacuated and ventilated, and the fuel supplier is notified for shut-off until repairs are completed. The subgrantees are advised to contact the local gas company (companies) in their service area(s) to establish criteria for notifying the company regarding gas leaks.
<b>Client Education</b>
Applicants are advised of these possible hazards on the Health and Safety Notification (Form#15)
<b>Training</b>
Component of Auditor H&S training
<b>7.7 – Electrical</b>
<b>Concurrence, Alternative, or Deferral</b>
Concurrence w/ Guidance <input checked="" type="checkbox"/> Alternative Guidance <input type="checkbox"/> Results in Deferral <input type="checkbox"/>
<b>Funding</b>
DOE <input checked="" type="checkbox"/> LIHEAP <input checked="" type="checkbox"/> State <input type="checkbox"/> Utility <input type="checkbox"/> Other <input checked="" type="checkbox"/>
<b>What guidance do you provide Subgrantees for dealing with electrical hazards, including knob &amp; tube wiring, in homes slated for weatherization?</b>
The visual inspection of the unit includes an analysis of electrical hazards. Subgrantees are to ensure that all electrical hazards that exist in areas where weatherization work is to be done are corrected prior to commencement of work. Subgrantees should avoid insulating any areas of a building where live knob-and-tube wiring is known to exist. Reference T&TA Unit memo dated 5/14/2015 and HCR website for approved variance from SWS. Knob-and-tube wiring can be replaced if the cost of the rewiring and the cost of the insulation added together results in an SIR that is greater than or equal to one. If the hazard exists in areas where weatherization work is to be done, and can't be corrected by WAP prior to commencement of work, the Health and Safety Notification (Form #15) is issued and the project is to be deferred until the hazard is remedied.
<b>How do you define "minor" or allowable electrical repairs, and at what point are repairs considered beyond the scope of weatherization?</b>
When the cost of an ECM and the cost of the electrical repair together results in an SIR equal to or greater than one, the electrical repair is allowable. If the electrical repair is not necessary to complete an ECM, or group of ECMs, or doesn't meet the definition of a H&S measure, or the ECM including the electrical repair does not result in an SIR equal to or greater than one, the "minor" repair is not allowable and is considered beyond the scope of WAP.
<b>If priority lists are used, and these repairs are designated as Incidental Repairs, at what point is a site-specific audit required?</b>
Priority lists are not used for any 1-4 unit buildings or Manufactured homes in NYS. New York State generally utilizes site-specific audits for multifamily buildings, except under the limited conditions approved in our 2016 energy audit renewal submission for one type of MF building. Incidental repairs must still meet approved program criteria for IRMs. However, if the project does not meet the criteria for a priority list building, then it cannot be done as a priority list project and would therefore require a site specific audit.
<b>Client Education</b>
Applicants are advised of these possible hazards on the Health and Safety Notification form, so they can make informed decisions regarding their safety.
<b>Training</b>
Component of Auditor training – "How to identify electrical hazards"
<b>7.8 – Formaldehyde, Volatile Organic Compounds (VOCs), Flammable Liquids, and other Air Pollutants</b>
<b>Concurrence, Alternative, or Deferral</b>
Concurrence w/ Guidance <input checked="" type="checkbox"/> Alternative Guidance <input type="checkbox"/> Results in Deferral <input type="checkbox"/>
<b>Funding</b>

DOE <input checked="" type="checkbox"/> LIHEAP <input checked="" type="checkbox"/> State <input type="checkbox"/> Utility <input type="checkbox"/> Other <input checked="" type="checkbox"/>
<b>What guidance do you provide Subgrantees for dealing with formaldehyde, VOCs, flammable liquids, and other air pollutants identified in homes slated for weatherization?</b>
When these substances are suspected in a unit, subgrantees issue a Health and Safety Notification Form #15 to the homeowner. EPA recommendations on air quality levels may be referenced. In cases where hazards exist that are beyond the scope of the program, work will be deferred and subgrantees will notify owners and occupants pursuant to the procedures described in PPM SS 5.07.01: Health and Safety Considerations.
<b>Testing Protocols</b>
Information on hazards are obtained through the client questionnaire and by means of the visual inspection.
<b>Client Education</b>
Applicants are advised of these possible hazards on the Health and Safety Notification (Form #15) in order to make informed decisions regarding their safety.
<b>Training</b>
Component of Auditor training – visual / sensory inspections
<b>7.9 – Fuel Leaks (please indicate specific fuel type if policy differs by type)</b>
<b>Concurrence, Alternative, or Deferral</b>
Concurrence w/ Guidance <input checked="" type="checkbox"/> Alternative Guidance <input type="checkbox"/> Results in Deferral <input type="checkbox"/>
<b>Funding</b>
DOE <input checked="" type="checkbox"/> LIHEAP <input checked="" type="checkbox"/> State <input type="checkbox"/> Utility <input type="checkbox"/> Other <input checked="" type="checkbox"/>
<b>Remediation Protocols</b>
If fuel leak in line is minor and can be rectified by tightening of fitting, then it is an eligible H&S repair. Otherwise, the Health and Safety Notification Form #15 is issued and BPI safety protocols are followed: <ul style="list-style-type: none"> <li>• Inform homeowner/occupants of unsafe conditions</li> <li>• Advise evacuation</li> <li>• Auditor and all workers must leave building</li> <li>• Emergency service provider notified</li> </ul>
<b>How do you define allowable fuel leak repairs, and at what point are repairs considered beyond the scope of weatherization?</b>
Oil tank, piping and equipment are visually inspected for leaks (see above). If fuel leak in line is minor and can be rectified by tightening of fitting, then it is an eligible H&S repair. If the fuel leak is in large multi-family fuel piping, or is in an oil tank, the leak will be reported in accordance with local codes and jurisdictions, the owner will be notified, and the project will be deferred. BPI protocols will be followed. For gas leaks see section 7.6 of the H&S Plan, Combustion Gases.
<b>Client Education</b>
Applicants and/or owners are advised of leak/spill on the Health and Safety Notification form
<b>Training</b>
Component of Auditor training – visual inspections
<b>7.10 – Gas Ovens / Stovetops / Ranges</b>
<b>Concurrence, Alternative, or Deferral</b>
Concurrence w/ Guidance <input checked="" type="checkbox"/> Alternative Guidance <input type="checkbox"/> Results in Deferral <input type="checkbox"/>
<b>Funding</b>
DOE <input checked="" type="checkbox"/> LIHEAP <input checked="" type="checkbox"/> State <input type="checkbox"/> Utility <input type="checkbox"/> Other <input checked="" type="checkbox"/>
<b>What guidance do you provide Subgrantees for addressing unsafe gas ovens/stoves/ranges in homes slated for weatherization?</b>



Topic is covered in NYS WAP Field Guide and PPM with additional specifics provided to follow BPI Combustion Safety procedures. Subgrantees are to test the oven for combustion safety following these steps and recommended actions. They are to measure CO in the ambient air in the kitchen during these tests. The EPA recommends that the ambient air should never be more than 35 parts per million (ppm) during the test. The basic procedure provided is:

1. Test for gas leaks in the gas piping in and around the range and oven.
2. Turn the oven on and set it to bake on high temperature. Sample the CO level in exhaust gases in the oven vent and in the ambient air nearby after 5 minutes.
3. If the vent CO reading is over 225 ppm as measured, or if the ambient-air reading exceeds 35 ppm as measured during the test, discontinue testing. In the case where both spillage and excessive CO are present, ventilate the area and recommend that the appliance be shut down immediately until it can be serviced.
4. Clean and tune the oven by removing aluminum foil, dirt, and corrosion around the burner. Many range and oven burners are equipped with adjustable needle-and seat valves. Adjust the burner's gas control to reduce CO if necessary.
5. If the vent CO reading remains over 225 ppm as measured, consider replacing the oven and range if **non-DOE funds are available**; if not, issue H&S Form #15 and advise the homeowner/occupant that the appliance should be shut down and serviced immediately by a qualified professional.

**Testing Protocols**

BPI Combustion Safety Test Procedures and Action Levels can be found on BPI's Web site:  
[http://www.bpi.org/Web%20Download/BPI%20Standards/Building%20Analyst%20Professional\\_2-28-05nNC-newCO.pdf](http://www.bpi.org/Web%20Download/BPI%20Standards/Building%20Analyst%20Professional_2-28-05nNC-newCO.pdf).

**Client Education**

How to Live in Your Weatherized Home handout; it is recommended the following topics are discussed:

- Never use a range burner or gas oven as a space heater.
- Open a window, and/or turn on the kitchen exhaust fan when using the range or oven.
- Never install aluminum foil around a gas range burner or gas oven burner because the foil could interfere with the flame.
- Keep range burners and ovens clean to prevent dirt from interfering with combustion.
- Gas burners should display hard blue flames. Call a service company if you notice yellow flames, white flames, wavering flames, or noisy flames.

**Training**

Component of Auditor training – IAQ testing

**7.11 – Hazardous Materials Disposal [Lead, Refrigerant, Asbestos, Mercury (including CFLs/fluorescents), etc.] (please indicate material where policy differs by material)**

**Concurrence, Alternative, or Deferral**

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

**Funding**

DOE  LIHEAP  State  Utility  Other

**Client Education**

Clients are advised of any possible hazards on the Health and Safety Notification (Form #15) in order to make informed decisions regarding their safety.

**Training**

OSHA 10-hour worksite training is a mandatory training per program policy. All technicians performing diagnostic tests or inspections must have access to all necessary personal protective equipment required by OSHA. Required protective equipment includes, but is not limited to, fitted respirators with canister filters, dust masks, gloves, protective clothing, safety glasses, and hard hats. Technicians are trained in proper use and applications for these devices and must adhere to OSHA regulations when on the job site. A copy of the Material Safety Data Sheets (MSDS or SDS) for all materials used on the job and installed in the unit is kept on each crew vehicle and made available to all workers and assisted households upon request.

**Disposal Procedures and Documentation Requirements**

All refrigerators containing hazardous material, as well as other possibly hazardous materials encountered (CFLs/Fluorescents, etc.), that are removed or replaced are de-manufactured or disposed of in accordance with local laws, regulations and/or NYS DOL and EPA requirements, as applicable. See PPM SS 5.07.01: Health and Safety Considerations; SS 5.13: Refrigerator Replacement Criteria. Proper disposal requirements are documented in contract language with responsible parties (subcontractors).

**7.12 – Injury Prevention of Occupants and Weatherization Workers**

**Concurrence, Alternative, or Deferral**

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

**Funding**

DOE  LIHEAP  State  Utility  Other

**What guidance do you provide Subgrantees regarding allowable injury-related repairs (e.g., stairs, handrails, porch deck board)?**

Mandatory training is provided to weatherization crews to avoid falls and other on-the-job injuries. Subgrantees are trained to take all reasonable precautions to reduce the risk of injury to workers or occupants of assisted buildings. In limited cases, minor repairs may be conducted to avoid injury risk. In cases where serious safety conditions exist, work will be deferred and subgrantees will notify owners and occupants pursuant to the procedures described in Section V.7.6, of the State Plan. See PPM SS 5.01: Building Analysis, SS 5.07.02 and SS 6.01.

**How do you define “minor” or allowable injury prevention measures, and at what point are repairs considered beyond the scope of weatherization? Quantify “minor” or allowable injury prevention measures.**

Minor repairs are defined as reasonable, low-cost *precautions* deemed necessary to reduce the risk of injury to workers or occupants of assisted buildings that do not fall into the category of serious structural problems, or are repairs necessary to protect or supplement WAP energy conservation measures over the course of their life, which would otherwise make weatherization impractical or impossible and would lead to deferral. As stated in the NYS PPM, the incidental repair measure (IRM) category is intended for a measure that is not typically part of the installation of an ECM, and / or is outside the manufacturer's or industry standard for installation, but is necessary to rectify an issue(s), thereby making possible the installation of an ECM, or group of ECMs. A low cost H&S repair is for rectifying an existing H&S issue to maintain the physical well being of both the occupants and / or WAP workers. H&S funds have their own designated budget category, typically limited to 10% of a subgrantee's total allocation and IRM costs are not to exceed 15% of the total estimated ECM workscope cost to the WAP for the project.

**Training**

Component of Auditor training - Injury Prevention / Minor repairs

**7.13 – Lead Based Paint**

**Concurrence, Alternative, or Deferral**

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

**Funding**

DOE  LIHEAP  State  Utility  Other

**Safe Work Protocols**

All work performed on homes built before 1978 is completed using LSW practices, pursuant to the EPA RRP and DOE's WPN 22-7 and SWS. The subgrantees are required to document lead-safe work in the job file. Field representatives verify LSW practices are being followed via in progress site visits and QA procedures.

**Testing Protocols**

Lead clearance tests, where required by HCR policy, are performed and the results of the tests maintained by the subgrantee for inspection by HCR.

**Client Education**

Owners and / or occupants of any dwelling built before 1978 that is to receive weatherization assistance will receive the pamphlet, “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools.”

**Training and Certification Requirements**

Per PPM SS 6.02: Lead-safe Weatherization

- HCR and the EPA rule requires that each subgrantee be certified by the EPA as a Certified Lead Renovation Firm.
- HCR requires that subgrantees and their subcontractors have at least one staff person attend a one-day EPA-approved lead renovators' certification course. HCR typically provides for this training and encourages subgrantees to have all WAP staff become certified lead renovators.
- HCR requires that all subgrantee and subcontractor personnel who will come in contact with lead paint attend a one-day LSW Practices training session.

**Documentation Requirements**

Documentation of current EPA Certified Lead Renovation Firm status in program file; documentation of any Lead Clearance Testing, Signature page of the “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools,” and of LSW practices in project files.

**7.14 – Mold and Moisture (Including but not limited to: drainage, gutters, down spouts, extensions, flashing, sump pumps, landscape, vapor retarders, moisture barriers, etc.)**

**Concurrence, Alternative, or Deferral**

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

**Funding**

DOE  LIHEAP  State  Utility  Other

**What guidance do you provide Subgrantees for dealing with moisture related issues (e.g., drainage, gutters, down spouts, moisture barriers, dehumidifiers, vapor barrier on bare earth floors) in homes slated for weatherization?**

Subgrantees inspect the building for signs of mold and moisture damage, locate and eliminate or reduce sources of excessive moisture wherever possible. Limited (incidental) water damage can be addressed. Correction of moisture and mold-creating conditions is allowed only when necessary to weatherize the home and ensure the long-term stability and durability of measures. Ventilation is installed if necessary and determined to rectify the issue; dehumidifiers are not provided. Where severe mold and moisture issues exist, typically these are the responsibility of the owner and cannot be addressed; deferral of WAP is recommended. Reference NYS WAP PPM, variances posted to NYS WAP web page and the NYS WAP Field Guide.

**How do you define “minor” or allowable moisture-related measures, and at what point is work considered beyond the scope of weatherization?**

Allowable moisture related measures are listed in the Field Guide under ‘Inexpensive Moisture Solutions’; ‘More Costly Solutions’ are listed as well but it is made clear these potential solutions are to be considered only on a case-by-case basis and require approval by an HCR program representative prior to proceeding. Typically, such repairs are the responsibility of the building owner. Such solutions would be evaluated in the same manner as incidental repairs – not exceeding 15% of estimated ECM project costs to the WAP.

**Client Education**

If mold or moisture conditions exist within the building, Form #15 is completed by the subgrantee and signed by the applicant. Sources of the problem, and any solutions, are to be discussed.

**Training**

Component of Auditor training – Mold / Moisture

**7.15 – Pests**

**Concurrence, Alternative, or Deferral**

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

**Funding**

DOE  LIHEAP  State  Utility  Other

**What guidance do you provide Subgrantees for dealing with pests and pest intrusion prevention in homes slated for weatherization?**

Air sealing and installation of screens or barriers to prevent pest infestation is permitted when feasible and cost-effective. Pest removal is generally the responsibility of the owner. If a building is infested with rats, roaches, or other vermin, the subgrantee should refuse to weatherize until the condition is corrected. If conditions cannot be corrected weatherization may be denied. Guidance provided in the NYS WAP Field Guide includes, but is not limited to, termination fittings for intake and exhaust ducts that must exclude pests and water.

**Define Pest Infestation Thresholds, Beyond Which Weatherization Is Deferred**

Infestation as identified and confirmed by the subgrantee is the threshold; if the infestation condition cannot be remediated, deferral is recommended until such time as condition is remedied.

**Testing Protocols**

No testing protocol for infestation; visual / sensory inspection at time of audit.

**Client Education**

If an infestation condition is identified to exist within the building, Health and Safety Notification Form #15 is completed by the subgrantee, signed by the client and deferral is explained.

**Training**

Component of Auditor training – Pests / Infestation

**7.16 – Radon**

**Concurrence, Alternative, or Deferral**

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

**Funding**

DOE  LIHEAP  State  Utility  Other

**What guidance do you provide Subgrantees around radon?**

Buildings in areas where high radon levels are believed to exist may be tested, with HCR pre-approval, and mitigation measures followed to ensure that radon hazards are not made worse. Whenever the EPA has identified a location as having a high potential for radon (Zones 1 & 2), precautionary WAP efforts can be undertaken but are limited. As site conditions allow, exposed dirt could be covered with a vapor barrier, carefully sealing seams and edges. Sealing obvious penetrations in walls and floors of basements or crawl spaces is also allowed. Open sump pits **will** be capped, however drainage must be maintained, and crawl space venting inspected and/or improved. Separating the basement from the living space as part of air sealing efforts is another mitigation approach subgrantees may take to address radon. Regardless, in homes where radon has been identified as having a high potential to exist (Zones 1 & 2), precautions should be taken to reduce the possibility of making radon issues worse. However, in projects where elevated radon levels are known to exist, remediation is beyond the scope of the program and work must be deferred; subgrantees will notify owners and occupants pursuant to the procedures described in Section V.7.6, of the NYS Plan.

<b>Testing Protocols</b>
Buildings in areas where high radon levels are believed to exist (Zones 1 or 2) may be tested, but only with HCR pre-approval.
<b>Client Education</b>
Assisted households will be provided with EPA information on radon hazards.
<b>Training and Certification Requirements</b>
Radon is to be included in program's mandatory Health & Safety training.
<b>Documentation Requirements</b>
EPA Radon information will be provided to all households. Owners will be required to sign an informed consent form, that subgrantees have been supplied, stating they have been provided EPA Radon information, are aware there is a small risk of increased radon levels when building tightness is improved, and are providing their consent to proceed with weatherization. Subgrantees will be required to maintain the signed consent forms in the project file.
<b>7.17 – Safety Devices: Smoke and Carbon Monoxide Alarms, Fire Extinguishers</b>
<b>Concurrence, Alternative, or Deferral</b>
Concurrence w/ Guidance <input checked="" type="checkbox"/> Alternative Guidance <input type="checkbox"/> Results in Deferral <input type="checkbox"/>
<b>Funding</b>
DOE <input checked="" type="checkbox"/> LIHEAP <input checked="" type="checkbox"/> State <input type="checkbox"/> Utility <input type="checkbox"/> Other <input checked="" type="checkbox"/>
<b>What is your policy for installation or replacement of the following:</b>
Smoke Alarms: Smoke detectors must be present and operational in all weatherized units. Subgrantees may not replace operable smoke detectors with WAP funds.
Carbon Monoxide Alarms: CO detectors are installed in any dwelling unit that does not have a working CO detector. Subgrantees are to refer to manufacturer specifications for proper installation and educate the household about CO. Subgrantees may not replace operable CO detectors with WAP funds.
Fire Extinguishers: Fire extinguishers are not provided, but owners and occupants are made aware of attendant hazards and that one is advisable in units with solid fuel burning appliances.
<b>Testing Protocols</b>
All alarms will be tested during the audit
<b>Client Education</b>
Subgrantees will refer to manufacturer specifications for proper installation and educate the household about CO and smoke alarms.
<b>Training</b>
Component of Auditor training; mandatory H&S training
<b>7.18 – Occupant Health and Safety Concerns and Conditions</b>
<b>Concurrence, Alternative, or Deferral</b>
Concurrence w/ Guidance <input checked="" type="checkbox"/> Alternative Guidance <input type="checkbox"/> Results in Deferral <input type="checkbox"/>
<b>Funding</b>
DOE <input checked="" type="checkbox"/> LIHEAP <input checked="" type="checkbox"/> State <input type="checkbox"/> Utility <input type="checkbox"/> Other <input checked="" type="checkbox"/>
<b>What guidance do you provide Subgrantees for soliciting the occupants' health and safety concerns related to components of their homes?</b>
Subgrantees are required to take all reasonable precautions against performing work on buildings that will subject workers or clients to health and safety risks. Subgrantees are trained to consider the health concerns of each occupant prior to initiating work on a residence. Form #11 or #11a - Client Questionnaire - is completed before any work is begun to help assist in identifying existing building or household occupant health and safety problems / concerns. The subgrantee representative is required to meet with a building owner, representative or member of the household to discuss and complete the Client Questionnaire.
<b>What guidance do you provide Subgrantees for determining whether occupants suffer from health conditions that may be negatively affected by the act of weatherizing their home?</b>
When performing an energy audit, the energy auditor is trained to be referencing the information on the Client Questionnaire. This questionnaire provides the auditor with information about the building and the lifestyle of its occupants to help the auditor identify, among other things, any potential health and safety concerns. Once identified, these areas can be dealt with through client education or adjustments to the work scope.
<b>What guidance do you provide Subgrantees for dealing with potential health concerns when they are identified?</b>

HCR requires subgrantees to notify owners and occupants of any adverse health or safety conditions discovered in a building where weatherization work will be conducted, or where a decision to defer work has been made. Subgrantees are required to complete the HCR Health and Safety Notification (Form #15) with client sign off to inform and educate occupants and owners of potential health or safety hazards present in the building. Subgrantees are trained to take all reasonable precautions against performing work on buildings that will subject workers or clients to health and safety risks. HCR has also developed procedures to protect occupants while work is being installed. A daily safety check is required at the end of each work day, and any safety issues addressed, to ensure that no conditions exist that would compromise worker's or building occupants' health and safety as a result of the weatherization work that was performed that day. All work and testing is clearly documented in the client file on the appropriate forms.

**Client Education**

The auditor is also trained to complete a visual health and safety inspection and provide documentation of any concerns discovered. Where serious concerns are found, that can or cannot be addressed through weatherization, occupants are advised of these possible hazards in writing (Health and Safety Notification; Form #15) by the subgrantee, and they are discussed with the client/owner in order that they may make informed decisions regarding their safety. Where necessary, occupants will be advised to relocate from the building or unit during installation of energy conservation materials to ensure the household's safety.

Documentation Form(s) have been developed and comply with guidance? Yes  No

**7.19 – Ventilation and Indoor Air Quality**

**Concurrence, Alternative, or Deferral**

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

**Funding**

DOE  LIHEAP  State  Utility  Other

**Identify the Most Recent Version of ASHRAE 62.2 Implemented (optional: identify Addenda used)**

NYS WAP currently is following the ASHRAE 62.2-2016 standard, with approved variances related to multifamily buildings.

**Testing and Final Verification Protocols**

See DOE approved variance and pilot program 2018 – 2020 for Multifamily buildings.

**Client Education**

Subgrantee is to provide the client information on purpose, use and function of any installed ventilation component, along with any manuals and warranty information. Form #15 is issued to any building owner when roof exhaust fans are not operational or are in need of maintenance.

**Training**

Component of ongoing Auditor training & standalone ASHRAE 62.2 presentations

**7.20 – Window and Door Replacement, Window Guards**

**Concurrence, Alternative, or Deferral**

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

**Funding**

DOE  LIHEAP  State  Utility  Other

**What guidance do you provide to Subgrantees regarding window and door replacement and window guards?**

Windows and doors will not be replaced as health and safety measures. Installation of window guards (which is often required by code on buildings in New York City) will be provided by rental property owners, when required.

**Testing Protocols**

N/A

**Client Education**

When applicable, owners and applicants are advised of possible hazards on the Health and Safety Notification (Form #15). Workslope components are reviewed prior to implementation and summarized at post w/ client.

**Training**

Component of Auditor training

**7.21 – Worker Safety (OSHA, etc.)**

**Concurrence, Alternative, or Deferral**

Concurrence w/ Guidance  Alternative Guidance  Results in Deferral

**Funding**

DOE  LIHEAP  State  Utility  Other

**How do you verify safe work practices? What is your policy for in-progress monitoring?**

Specific mandatory training related to worker safety is repeated every 3 years by existing subgrantee personnel, and is required within 12 months of a new hire. This training is updated as needed to stay current with the latest developments that impact worker safety (ex. any changes to OSHA 10, Basic H&S to include new OSHA SDS 16 section format, use of the blower door in SF homes during CoVid, etc.). 1-day Basic H&S training covers things like the requirement to have a copy of SDSs for all materials used on the job in each crew vehicle, available upon request of any customer or worker, the importance of regular safety and toolkit discussions for subgrantees and their staff, reviewing the proper use of PPE, SDSs, etc. Compliance with this program requirement is monitored by field staff and are to be recorded in their field visit reports. Any agencies that are not in compliance will be referred to the WAP T&TA unit for mandatory or additional training. Program created a 'H&S Committee' a few years ago comprised of a representative sample of program, subgrantee and training entities that meets regularly (typically monthly) to review H&S concerns, issues, or any latest information that's become available. Any outcomes of these meetings are shared with the network via Task Force meetings, steering committee meetings, training provided by program's TA providers, or as in the case of Covid impacts on air sealing efforts, additional written guidance. HCR utilizes field staff as part of its quality assurance strategy. Field staff visit subgrantee worksites on a regular basis to monitor the progress of subgrantees on work required as part of their program contract. During these monitoring visits, when staff observes areas where subgrantees are lacking or need assistance, including worker safety, the individual staff member will provide the assistance needed or will arrange for additional training.

#### **Training and Certification Requirements**

- 1-day Basic Health & Safety
- 1-day Lead-safe Weatherization Practices
- 1-day EPA Lead Renovator Certification
- OSHA 10-hour Training / Confined Spaces
- Other targeted training as needed