

**PUBLIC ASSISTANCE HOME REPAIR, WEATHERIZATION, AND SHUTOFF PROTECTION ACT
(EXCERPT)
Act 35 of 1984**

400.1161 Shutoff protection; duration; report; review and investigation of excess energy consumption; reduction of excess consumption; vacating dwelling; emergency needs recipient as resident.

Sec. 11.

(1) Program utilities shall provide shutoff protection to all dwellings occupied by assisted households which receive weatherization measures in accordance with this act. The shutoff protection shall begin with the department of social services' authorization, pursuant to section 7, of weatherization measures, and will continue in accordance with this section unless the department of social services notifies the program utility that it will not authorize the necessary work because the weatherization would not be cost effective. Shutoff protection for dwellings which receive weatherization measures in accordance with this act shall continue at least until the end of the first full fiscal year following the fiscal year during which the weatherization measures were completed. If an assisted household whose annual consumption exceeds 130% of the annual consumption caps specified in section 8 of the Michigan low income heating assistance and shut-off protection act, or the dollar equivalent in other heating fuels, has not been weatherized within the period required by section 5, the department of social services and the department of labor shall report to the legislative oversight committee created in section 13 on the reasons for such failure.

(2) If the dwelling is weatherized in accordance with this act and the consumption of the dwelling remains at the level projected in the home energy analysis, the dwelling will continue to receive shutoff protection for as long as an assisted household resides in the dwelling provided an assisted household continues to pay to the program utility the amount available for heat through the appropriate public assistance program, and the department of social services guarantees payment to the program utility for the difference between the level projected in the home energy analysis and the amounts available in the appropriate public assistance program.

(3) The department of social services shall, after the first full fiscal year following the completion of the authorized services, or sooner, if, in the department's estimation, the consumption of a dwelling remains at unexpectedly high levels, review and investigate the case of any assisted household consumption which exceeds the calculated consumption level. The department of social services shall determine the cause of the excess energy consumption.

(4) If, after review and investigation conducted pursuant to subsection (3), the department of social services concludes that reasonable and prudent action by the assisted household will eliminate the excess energy consumption, the department of social services shall advise the assisted household of measures to be taken to reduce excess consumption. If the assisted household does not comply with the department of social services' suggested corrections, and the household's actual consumption exceeds the calculated consumption level, the household shall not be entitled to shutoff protection for the remainder of the state fiscal year and for any subsequent state fiscal year until the assisted household complies with the suggested corrections.

(5) If, after a review and investigation conducted pursuant to subsection (3), the department of social services concludes that the excess consumption cannot be remedied by the assisted household, the department of social services shall use available resources and means to reduce the excess consumption.

(6) If an assisted household which is receiving shutoff protection vacates the dwelling which was weatherized in accordance with this act, the shutoff protection shall cease for that dwelling unless the new occupants are general assistance or aid to families with dependent children recipients who qualify for payments in accordance with subsection (2).

(7) If an emergency needs program recipient, other than a recipient of general assistance or aid to families with dependent children administered under the social welfare act, Act No. 280 of the Public Acts of 1939, being sections 400.1 to 400.121 of the Michigan Compiled Laws, takes up residence in a dwelling that has been weatherized under this program and the occupancy was within 2 years of the date of weatherization, and was immediately after an aid to dependent children or general assistance recipient moved out, the emergency needs recipient will, for purposes of this act, be treated in the same manner as an aid to dependent children or general assistance recipient in all respects by both the department of social services and the program utility.

History: 1984, Act 35, Eff. Apr. 12, 1984