

# VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

## CHAPTER 676

*An Act to amend the Code of Virginia by adding in Title 63.1 a chapter numbered 22, consisting of sections numbered 63.1-336 through 63.1-343, relating to home energy assistance; establishment of the Home Energy Assistance Fund.*

[H 2473]

Approved March 25, 2001

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 63.1 a chapter numbered 22, consisting of sections numbered 63.1-336 through 63.1-343, as follows:**

### CHAPTER 22.

#### HOME ENERGY ASSISTANCE PROGRAM.

§ 63.1-336. *Definitions.*

*As used in this chapter, unless the context requires otherwise:*

*"Department" means the Department of Social Services.*

*"Energy assistance program" includes fuel, crisis, cooling, or weatherization assistance.*

*"Fund" means the Home Energy Assistance Fund established pursuant to this chapter.*

*"Program" means the Home Energy Assistance Program established pursuant to this chapter.*

§ 63.1-337. *Policy of Commonwealth; Department of Social Services designated agency to coordinate state efforts.*

*The General Assembly declares that it is the policy of this Commonwealth to support the efforts of public agencies, private utility service providers, and charitable and community groups seeking to assist low-income Virginians in meeting their residential energy needs. To this end the Department of Social Services is designated as the state agency responsible for coordinating state efforts in this regard.*

§ 63.1-338. *Home Energy Assistance Fund.*

*A. There is hereby created in the state treasury a special nonreverting fund to be known as the Home Energy Assistance Fund. Moneys in the Fund shall be used to:*

*1. Supplement the assistance provided through the Department's administration of the federal Low Income Home Energy Assistance Program Block Grant; and*

*2. Assist the Commonwealth in maximizing the amount of federal funds available under the Low Income Home Energy Assistance Program and the Weatherization Assistance Program by providing funds to comply with fund matching requirements, and by means of leveraging in accordance with the rules set by the Virginia Home Energy Assistance Program.*

*B. The Fund shall be established on the books of the Comptroller. The Fund shall consist of:*

*1. Donations and contributions to the Fund; and*

*2. Such moneys as shall be appropriated by the General Assembly.*

*C. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in this chapter. The State Treasurer shall make expenditures and disbursements from the Fund on warrants issued by the Comptroller upon written request signed by the Commissioner of Social Services. Up to twelve percent of the Fund may be used to pay the Department's administrative expenses.*

§ 63.1-339. *Home Energy Assistance Program established.*

*A. The Department shall establish and operate the Home Energy Assistance Program. In administering the Program, it shall be the responsibility of the Department to:*

*1. Administer distributions from the Fund; and*

*2. Report annually to the Governor and General Assembly on or before October 1 of each year on the effectiveness of low-income energy assistance programs in meeting the needs of low-income Virginians.*

*B. The Department is authorized to assume responsibility for administering all or any portion of any private, voluntary low-income energy assistance program upon the application of the administrator thereof, on such terms as the Department and such administrator shall agree and in accordance with applicable law and regulations. If the Department assumes administrative responsibility for administering such a voluntary program, it is authorized to receive funds collected through such voluntary program and distribute them through the Fund.*

§ 63.1-340. *Responsibilities of local departments.*

*Local departments of welfare or social services may, to the extent that funds are available, promote interagency cooperation at the local level by providing technical assistance, data collection and service*

delivery.

*§ 63.1-341. Authority to receive and grant funds.*

*Subject to rules and regulations of the Board of Social Services and to the availability of state or private funds for low-income households in need of energy assistance, the Department of Social Services is authorized to:*

- 1. Receive state and private funds for such services; and*
- 2. Disburse funds to state agencies, and vendors of energy services, to provide energy assistance programs for low-income households.*

*§ 63.1-342. Application of Administrative Process Act.*

*Actions of the Department relating to the review, allocation and awarding of benefits and grants shall be exempt from the provisions of Article 3 (§ 9-6.14:10 et seq.) and Article 4 (§ 9-6.14:15 et seq.) of the Administrative Process Act (§ 9-6.14:1 et seq.).*

*§ 63.1-343. Confidentiality of information.*

*No employee or former employee of the Department shall divulge any information acquired by him in the performance of his duties with respect to the income or assistance eligibility of any individual or household obtained in the course of administering the Program, except in accordance with proper judicial order. The provisions of this section shall not apply to (i) acts performed or words spoken or published in the line of duty under law; (ii) inquiries and investigations to obtain information as to the implementation of this chapter by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information shall be privileged; or (iii) the publication of statistics so classified as to prevent the identification of any individual or household.*

**2. That the State Board of Social Services shall promulgate regulations to implement the provisions of this act within 280 days of its enactment.**

**3. That an emergency exists and this act is in force from its passage.**