

Weatherization Deferral Repair Program Program Guidelines 2023 - 2024

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I. INTRODUCTION

The Department of Housing and Community Development (DHCD) administers the federally-funded Weatherization Assistance Program (WAP) for low-income persons in Virginia, in partnership with a network of local weatherization agencies ("agencies"). DHCD makes Housing Innovations of Energy Efficiency (HIEE) funding available to the agencies through the **Weatherization Deferral Repair (WDR) program** to assist households in Virginia who have been deferred from receiving WAP services due to needed repairs to ensure they are eligible to receive WAP services. HIEE funds are derived from the auction proceeds DHCD receives from Virginia's participation in the <u>Regional Greenhouse Gas Initiative</u> (RGGI).

WDR funds are provided to weatherization agencies by DHCD via separate agreements from WAP, however these repairs are intended specifically to address WAP deferrals and enable making homes or multifamily buildings "weatherization ready," and for income-eligible households to receive weatherization services. WDR funds are to be utilized only for repairs identified by the agency as causing the deferral of the home or multifamily building from WAP.

- For more information on HIEE, access the DHCD HIEE webpage.
- For more information on WAP and household eligibility requirements, access the <u>WAP</u> webpage.

II. WDR PROGRAM OVERVIEW

WDR funds are allocated to weatherization agencies specifically for repairs of the most common issues causing WAP deferrals in Virginia: leaking roofs, minor structural issues, biological contaminants (e.g. mold), non-operational or unsafe HVAC units, moisture issues or water damage, electrical, and plumbing. Other measures needed to bring the home out of deferred status and enable the home to be weatherized may be considered on a case-by-case basis. DHCD will cap WDR repair costs at reasonable and region-specific limits, as shown in Table 1. If estimated repair costs exceed the caps, the agency must contact DHCD so that the request may be evaluated for approval. \$15.0 million in HIEE funds have made available to weatherization agencies for the 2022-2023 program year and \$15.0 million for the 2023-2024 program year. Additional allocations of HIEE funds will be determined based on need and funding availability. Allocations are subject to final approvals by the Offices of the Governor and the Secretary of Commerce and Trade.

WDR funds are to be used solely to make repairs on income-eligible occupied homes and address the specific issue(s) that caused, or are causing, the home to be deferred so that the homeowner/tenant may regain eligibility for WAP. WDR is not intended for full housing rehabilitation projects. Gut rehabilitations, typically projects requiring full plumbing, electrical and HVAC replacements, and major structural repairs are beyond the scope of WDR and WAP. Derelict, abandoned, and/or condemned homes are not eligible. If, in consultation with DHCD, agencies determine repairs needed to address the issue(s) causing the deferral are beyond the scope of the WDR program, DHCD may work with agencies to refer these homes to local or

other state housing rehabilitation programs. For more detailed information see the section on eligible repairs.

III. FUNDING ALLOCATION AND ADMINISTRATIVE COSTS

A. AGENCY AGREEMENTS AND REPAIR COSTS

The WDR Program requires agencies to adhere to a WDR Program Agreement, separate from the WAP agreement, beginning July 1, 2023, and concluded June 30, 2024. Allocation of WDR funds through these agreements is based on the agency's identification of eligible existing deferrals in its service area and estimated cost of the associated repair(s).

DHCD intends to ensure that all agencies have a sufficient allocation of funds to initiate the necessary work to address their current and projected deferral lists. WDR funds will also be allocated to ensure that the weatherization network overall is able to address the maximum number of deferrals that currently exist.

B. ADMINISTRATIVE COSTS

For agencies requesting less than \$1.0 million in HIEE funds, DHCD will include an additional twenty (20) percent of the identified WDR allocation amount for agencies' administrative overhead and equipment costs with each agreement; those agencies requesting over \$1.0 million will receive an additional fifteen (15) percent for administrative costs. Administrative costs may include staff time associated with the use of WDR funds, preparing reports and remittances for submission to DHCD, project management (e.g., obtaining evaluations/estimates on needed repairs, inspections of completed work), similar costs related to administering the funding, or vehicle purchases or leases. As with all billed expenditures, billing for administrative costs must be based on actual costs incurred during a particular billing period.

C. DEFERRAL TRACKING

Participation in the WDR program will require that all WDR recipient agencies participate in deferral tracking procedures established by DHCD. DHCD will work with the agencies to establish a consistent tracking procedure for deferrals that protects client confidential information. DHCD will distribute specific guidance on identifying and tracking deferral-related issues and repairs. As WDR projects are completed, the agency must accurately track the addresses of the projects to ensure that they are now eligible for WAP services. Agencies may establish their own systems and processes for re-engaging with clients and prioritizing WDR projects, but participation in the deferral tracking system will be mandatory. Agencies must adhere to US Department of Energy (DOE) regulations for addressing completed WDR projects through WAP: the client should be integrated into the established weatherization queue based on the original intake date and should not go to the bottom of the priority list.

D. SERVICE PROVIDER/CONTRACTOR ELIGIBILITY

For WDR work that agencies do not perform with their own staff, agencies must utilize subcontractors appropriately licensed and insured to perform the work needed to repair the

issue(s) causing the deferral. Staff or subcontractor performing the WDR and WDR/WAP "Crossover Projects" are not required to have WAP-specific training and credentials, however, subcontractors and agency staff must be appropriately trained and licensed in accordance with all relevant state, federal regulations, local authority having jurisdiction (AHJ), guidelines and agreements.

E. SERVICE AREAS

WDR funds may only be used to assist households in the municipalities of the Commonwealth of Virginia. WDR service areas are established for each funded agency based on the WAP service area. DHCD expects that the WDR program is to be available and delivered statewide in coordination with WAP. With explicit permission from DHCD, agencies may serve households in municipalities outside of the established service areas. Allowances to serve outside the service area are based on the need, capacity, and available funding.

F. REALLOCATION OF UNSPENT FUNDS AND PERFORMANCE POOL

DHCD will actively review the expenditures of WDR funds by agencies regularly to ensure that the agency is progressing satisfactorily towards addressing needed repairs of deferred homes in its service area. Agencies are not required to spend 100 percent of funds allocated per the WDR Program Agreement in an agreement year but must demonstrate reasonable and substantial progress toward addressing the projected number of deferrals. Unspent funds may continue to be spent into the subsequent program year with approval from DHCD. However, DHCD reserves the right to adjust WDR funding allocations or recapture/reallocate funding as needed to ensure ongoing production and statewide coverage.

If an agency has been identified by DHCD to have production issues that may compromise the success of the WDR Program, DHCD will confer with the agency to understand barriers and identify a production improvement plan and process. The agency must agree in writing to implement steps identified for production improvement. If issues relating to lack of production are unable to be resolved, DHCD reserves the right to de-obligate and reallocate part or all remaining funds subject to this agreement. DHCD may also choose to terminate the agreement.

In addition, DHCD may set aside HIEE funds in a performance pool, which may be quickly allocated by addendum to existing agreements to agencies that spend all allocated HIEE funds for WDRs before the end of the agreement period and need additional funding to maintain activity on their WDR project pipeline.

G. MATCHING FUNDS AND COST CAPS

Matching funds are not required for WDR, and the agency cannot require a client contribution. If a repair estimate exceeds the regional cost caps (see <u>Table 1</u>), the agency may request an exception to exceed the limit. However, the agency must receive DHCD approval before proceeding. Agencies may combine WDR funds with other sources (e.g., local government repair funds, utility incentives) on projects.

H. VEHICLE PURCHASES AND LEASES

Prior written approval from DHCD is required for agency purchase of any vehicle with WDR funds. The cost of vehicles or equipment to support the program must be charged to the administrative budget category. Agencies must use approved bidding and purchasing procedures to acquire vehicles, or through a fleet contract. Vehicles will be titled in the name of the agency and a first lien in the name of DHCD must be placed on the title. Agencies must submit the title to DHCD upon receipt. Insurance coverage is required for vehicles purchased with DHCD funds.

Agencies must request written permission from DHCD to sell or dispose of vehicles with a value greater than \$5,000.00 purchased with WDR funds. DHCD must approve all vehicle leases prior to lease execution if lease will be paid using WDR funds.

IV. PROGRAM GUIDELINES

A. CLIENT ELIGIBILITY AND INCOME VERIFICATION

All clients (homeowners and tenants) must be determined as WAP-eligible (meet income guidelines) consistent with the procedures in the <u>WAP Operations Manual</u>. Agencies must receive property owner approval in writing for rental properties. Homeowners or renters must sign a service agreement with the local weatherization agency committing to the needed deferral repairs and the subsequent weatherization work. All WAP and WDR clients participate on a voluntary basis. If it is determined up front that a client intends to forgo WAP services and/or will not sign the WDR application, they are ineligible for the WDR program.

If it has been more than a year since the initial client intake, income eligibility must be reverified. Agencies must prioritize serving income eligible clients first, along with immediate health and safety issues (such as unsafe combustion appliances or no heat/no A/C). Consistent with WAP guidelines, agencies have no obligation to serve potential clients who are unresponsive or hostile, or to offer services where suspected dangerous or illegal activity is taking place.

If a client's income exceeds WAP eligibility requirements, weatherization agencies may refer the client to utility weatherization programs, which typically serve clients up to 80 percent of area median income (AMI). WDR funds may be used for deferral repairs for households with up to 80 percent of AMI, subject to availability of funds and the customer's agreement to participate in a utility-sponsored (investor-owned utilities and electric cooperatives/municipal utilities) weatherization program where those income limits are applicable.

B. ELIGIBLE REPAIRS AND PROGRAM AND BUILDING CODE COMPLIANCE

WDR funds are to be used solely for addressing needed repair(s) causing the home or unit to be deferred from WAP. The repairs listed below are the most commonly identified as causing weatherization providers to defer weatherizing the home and are eligible for WDR funding. The list is non-exhaustive and is subject to change. DHCD reserves the right to determine the eligibility of repairs, or any costs not listed.

All repairs completed through the WDR program must comply with all applicable building codes and permitted where required by the Authority Having Jurisdiction (AHJ). Subgrantees and their subcontractors are responsible for obtaining any necessary permits needed for all work associated with the WDR program and ensuring inspections, if required, are satisfactorily completed by the AHJ.

Repairs not listed here must be reviewed for eligibility and pre-approved by DHCD on a caseby-case basis:

Roofs and minor structural

- Roof repair or replacement (attic ventilation strategy and measures must be addressed with all re-roof scopes of work submitted)
- Chimney repair or removal
- Wall repair- interior or exterior
- Ceiling repair interior
- Floor repair (framing and/or subflooring)
- Repair or replacement of windows or doors where units are damaged beyond repair and/or are leaking and are causing/will cause structural damage

Electrical and plumbing

- Plumbing repair (e.g. water leaks that would compromise insulation, cause structural damage, or unsafe/unsanitary conditions)
- Repair or replace domestic hot water (DHW) unit
- Electrical component replacements or repairs (e.g., safety hazard or exposed wiring; cannot insulate due to presence of knob and tube wiring; upgrade service panel)

Heating, Ventilating and Air-Conditioning (HVAC)

- Non-working or unsafe HVAC unit (repair or replacement)
- Non-working or unsafe gas/propane range/oven repair or replacement
- Repair, sealing, or replacement of ducts
- Replace or install ventilation fans

Hazardous materials

- Mold identification and removal/remediation
- Suspected Asbestos Containing Materials identification and removal/remediation ("SACM" e.g., attic, walls, pipes etc.)
- Lead-based paint removal/remediation

Energy Conservation/Savings and Health & Safety Measures ("Crossover Projects")

 Any Energy Conservation/Savings and Health and Safety measures installed through WDR using WDR funds must be completed in full compliance with the Virginia WAP Field Guide and NREL's Standard Work Specifications. If a new duct system is installed, the system must be tested using Duct Blaster
Testing or a pressure pan to meet SWS and VA WAP Field Guide specifications.
Also, please submit clear and high-quality photos of sealed duct connections which
must also be provided with remittances.

This includes, but is not limited to, the following:

- HVAC equipment
- Duct installation or sealing
- Ventilation fans (Kitchen and Bath)
- Vapor Barriers
- Smoke Detectors
- Dryer venting
- Electrical work
- Low-flow plumbing fixtures
- Water management and drainage

Other

The following are other issues that may cause WAP deferrals and may be remedied with repairs (requires DHCD pre-approval):

- Removal of vegetation (e.g., tree, bush, shrub trimming) needed to provide safe access to make eligible repairs and ensure long-term durability of repairs made through WDR
- Pest or wildlife infestation
- Personal belongings or furniture restricting access to work areas (moving and/or temporary storage of personal belongings, if needed, is an eligible expense)

The WDR program has repair requirements which exceed typical WAP and SWS requirements (or address repairs, such as roofing, that are not covered in the SWS) as follows:

Roof drainage and water management:

- Gutters Where damaged gutters are present with cracks, holes, filled or covered with debris, have incorrect pitch or missing pieces, the existing gutters shall be cleaned/repaired if possible, or replaced. The repairs or replacement of gutters will ensure the gutters work properly to direct bulk water away from dwelling as well as protect the new roof or roofing repairs.
- Fascia boards Where fascia boards are damaged, missing and/or rotten, the existing
 fascia boards shall be replaced or repaired. The new fascia boards must be structurally
 sound, and properly connected to the roof rafters and gutters to ensure repairs will not
 be compromised.
- Downspouts/ drain pipes Where downspouts and/or roof drain pipes are missing or damaged, the existing downspouts and /or roof drain pipes shall be repaired or replaced with proper connections to direct bulk water away from the building.

Interior repairs and DHW units:

- Drywall repairs Where damaged drywall is removed and replaced, the newly repaired area(s) must be appropriately primed/sealed. Finish painting is not required.
- Floor repairs Where repairs to floors (framing and/or subflooring) are made, particularly in wet locations such as bathrooms, and if existing flooring is damaged and must be replaced, a floor covering selected to match existing flooring as closely as possible shall be installed to protect the newly repaired area.
- DHW unit drain pans Where space allows, drain pans shall be placed under newly-installed DHW units, including those installed on a basement (concrete) floor.

C. INELIGIBLE REPAIRS

The following repairs are not eligible uses of WDR funds. DHCD reserves the right to determine the eligibility of repairs not listed. The list is not exhaustive and is subject to change:

- Gut rehabilitation or major structural repairs (e.g. unsafe foundation, collapsed floor/roof)
- Replacement of entire plumbing, electrical, or HVAC systems
- Replacement of windows or doors where existing units are not broken, missing, damaged beyond repair, or leaking and causing structural damage
- Repairs covered by homeowner's or flood insurance
- Repairs needed due to willful damage or negligence on the part of the owner/occupant
- Cosmetic improvements (e.g. interior or exterior painting)
- Repairs to detached garages, barns, sheds, or storage buildings
- Any work not related to addressing cause(s) of the deferral from WAP

D. WDR PROGRAM UPDATES AND EFFECTIVE DATES

As this Program Guidelines has been updated to reflect updates and additional program requirements previously established. If DHCD issues program updates, these will be distributed to the agency network in a timely manner.

Any additional WDR program updates will be effective on the date the updates are issued to the agency network. They will not be retroactive and will not apply to project set-up reports already submitted and approved in CAMS.

E. TABLE 1 - WDR REPAIR COST CAPS (BY REG

Repair Needed*	Northern VA	Central and Hampton Roads	Eastern Shore, Southside, and SWVA
Roof repair/replacement** (per project)	\$11,330	\$10,670	\$10,450
Structural (per project)	\$7,260	\$6,820	\$6,710
Hazardous material removal (per project)	\$15,400	\$14,520	\$14,080
Electrical (per project)	\$6,160	\$5,830	\$5,720
HVAC unit replacement (per system)	\$15,400	\$14,520	\$14,080
Plumbing (per project)	\$3,700	\$3,600	\$3,500

^{*}Cost limits are developed by comparison of three data sources including: The National Residential Efficiency Measures Database, RS Means 2020 Assembly estimates (normalized by city, state), and data collected from projects by the Virginia Center for Housing Research (VCHR) at Virginia Tech.

**Roof repair/replacement is based on typical asphalt shingles; low-pitch or flat roofs requiring a membrane system will be more expensive so agencies should contact DHCD for exemption to cost caps.

V. FINANCIAL AND REPORTING REQUIREMENTS

A. CLIENT REPORTING/REQUIRED DOCUMENTATION

For each household served by WDR funds, the agency must retain the following:

- Documentation of incurred costs (staff time, contractor invoices, materials and equipment cut sheets, etc.) to support all remittances, consistent with procedures for WAP jobs.
- A report including number of homes repaired, amount of WDR funds invoiced, and the nature of repairs accomplished.

B. PROJECT MANAGEMENT - CAMS

Agencies shall manage documentation of WDR projects (applications, remittances, and reports) through the DHCD Centralized Application & Management System (CAMS). All agencies must be registered in CAMS and have approved audits in order to manage their projects and receive payment. The CAMS login and profile registration page may be accessed via the following link: CAMS login portal.

Agencies are responsible for managing their own staff access and user roles assignments. The <u>CAMS User Guide</u> contains project management instructions including but not limited to:

Managing staff access and user role assignment

- Submitting the agency audit
- Requesting budget revisions
- Submitting remittances (a.k.a. invoices, drawdowns)
- Fulfilling reporting requirements

C. PROJECT SET-UP REPORTS AND PAYMENT REQUESTS - SUBMITTING REPORTS AND REMITTANCES IN CAMS

Project Set-up Reports

Prior to beginning each job, the weatherization agency or local service provider must submit a set-up report in CAMS. This includes:

- WDR Application Form and Homeowner Agreement This must be signed by an agency representative, homeowner or landlord and tenant; application must include site address, homeowner/tenant name, a description of the repairs needed and/or equipment to be replaced and estimate of repair costs.
- WDR Authorization and Release form
- Clear, good-quality photos of issues to be repaired and/or equipment to be replaced

If the project will address potentially hazardous materials such as asbestos, mold, or lead-based paint, the agency must provide documentation (such as testing report) that the material has been identified with the set-up report. These materials must be handled and disposed of in accordance with all applicable federal and state regulations and WAP best practices to protect client and worker health and safety.

Once DHCD has reviewed and approved the set-up report, the agency may proceed with the project. Agencies may either fund each repair upfront and request reimbursement by DHCD once the project is finished (see Remittance submittals below), or on a drawdown basis as noted below. DHCD will not reimburse for work outside of the approved scope of work.

Payment amount is established based on the agreed-to repair estimate for each project. Agencies must inform DHCD if the final remittance amount will exceed estimates provided at the time the project set-up report was submitted. Depending on the scale of the change, DHCD may require the agency to submit a change order or resubmit the report.

Remittance submittals

Agencies may request payment in CAMS upon full project completion to the extent feasible. However, agencies have the option to request payment on a draw-down basis, based on completing pre-established milestones as follows:

- Homeowner and subcontractor agreement signed (10 percent)
- Materials and equipment delivery (60 percent)
- Installation and project completion (30 percent)

To initiate the payment process, the agency must submit a remittance in CAMS for each project. For each remittance, the agency must submit the required and fully completed documentation, which consists of:

- DHCD-provided signed cover sheet
- Invoice documentation (e.g., contractor invoices) Subcontractor invoices must show, at minimum, a breakdown of material and labor costs. The contractor's license number must also be shown on the submitted invoice.
- Certification of Completion form
- General Contractor Affidavit, Warranty, and Lien Waiver
- Photos clearly showing all completed work Scanned photos are not acceptable.
 Remittances that do not include appropriate photo documentation will be denied and must be resubmitted.
- If applicable, completed inspection reports from the AHJ

Please note the following specific requirements regarding photo documentation:

- For all heating and cooling equipment, provide a clear photo of the data plate and Energy Guide sticker showing unit efficiency ratings. If Energy Guide sticker is unreadable, damaged or missing, a cut sheet showing the the efficiency ratings must be provided.
- Photos of completed re-roofs must include photos taken from above the roof deck showing finished details around all roof penetrations and potential leakage points (chimneys, stack vents, etc.) If agency staff do not go on roofs for inspections as a matter of safety/ policy, agencies should arrange with the roofing contractor for photos of finished work to be taken and provided in an acceptable format.

All forms and the remittance cover sheet are available in CAMS or on the WDR webpage.

The average time from remittance submission to DHCD approval is 30 days for remittances that are accurate, complete, and include all required documentation at the time of submission. If there are discrepancies or issues with the remittance documentation, and changes or resubmittals are required, the process may extend beyond 30 days. DHCD will reach out to the submitting agency regarding incomplete remittances.

D. QUALITY CONTROL, CORRECTIVE ACTION, AND SITE INSPECTIONS

DHCD will employ a quality control process to ensure that WDR work quality is acceptable and durable. DHCD will check the following details to ensure project set-up reports and remittances meet program requirements:

- Work scope and photos provided with set-up reports must clearly identify all measures to be installed and work to be completed through the WDR program
- Post work photos provided with remittance must clearly show areas of completed work or measures installed, consistent with the set-up report

 DHCD staff may contact agency staff by phone or e-mail for clarification and/or additional information at any point during the process

If DHCD determines that completed work is not at an acceptable level of quality or is non-compliant with WDR program requirements, DHCD staff will proceed as follows:

<u>Level 1</u> - DHCD will send an e-mail request to agency staff noting the deficiency in submitted work and request the agency (or its subcontractor) make the requested correction(s). Agencies shall respond within two weeks to the request with a plan of action to correct non-compliant or substandard repair(s).

After photos of corrected work are re-submitted with the remittance and reviewed, then remittances will be approved.

<u>Level 2</u> - If there is no response from the agency after two weeks, DHCD will send a letter to the agency director requesting a written response and action plan to address the non-compliant or substandard work. Subsequently, after repairs are made, DHCD will conduct a site monitoring visit to ensure repairs are in compliance.

<u>Level 3</u>- If there is no response after an additional two weeks, and non-compliant or substandard work has not been corrected to required standards, DHCD will request a meeting via video or phone conference with the agency's executive leadership Failure to complete or correct non-compliant repairs may result in non-payment of the remittance, and may result in termination of the agreement between DHCD and the agency.

In addition to any needed site monitoring visits related to non-compliance, as noted above, agencies should expect one or more site technical monitoring visits by DHCD staff annually as a part of regular program quality control and quality assurance activities. DHCD will reach out to agency staff to coordinate timing of these visits. These visits may include inspection of both WDR- and WAP-related measures installed on a particular project.

E. METHOD OF PAYMENT

DHCD requires that agencies receive funds via electronic transfer. Instructions on establishing an account with the Virginia Department of Accounts (DOA) is located on their website through the selection of Electronic Data Interchange (EDI) from the link on the <u>DOA main webpage</u>. The <u>EDI guide</u> can then be accessed through a link under the Trading Partner Information section. Any grantee with unresolved findings or compliance issues, including for other programs, may have payments suspended.

F. ACCOUNTING AND FINANCIAL CONTROLS

Agencies must have established standard accounting practices including internal fiscal controls, standard accounting procedures, and track agency and program budgets by revenue sources and expenses.

VI. ADDITIONAL AGENCY REQUIREMENTS

A. COMPLIANCE WITH FAIR HOUSING AND CIVIL RIGHTS LAWS

(1) WAP agencies must comply with all applicable state and federal fair housing and civil rights requirements (see 24 CFR 5.105(a)). This includes the Virginia Values Act (effective July 1, 2020) which expands the list of protected classes under the Virginia Fair Housing Act. As the Virginia Fair Housing Act prohibits discrimination based on race, color, national origin, sex, pregnancy, childbirth or other related conditions (including lactation), age (over 40), marital status, disability, sexual orientation, gender identity, or veteran status (collectively the "Protected Classes"). (2) If the WAP agency: (a) Has been charged with an ongoing systemic violation of the Fair Housing Act; or (b) Is a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or (c) Has received a letter of findings identifying ongoing systemic noncompliance under Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, or section 109 of the Housing and Community Development Act of 1974, and the charge, lawsuit, or letter of findings referenced in subparagraphs (a), (b), or (c) above has not been resolved before the application deadline, then the subgrantee is ineligible to apply for funds.

B. NOTIFICATION OF GRANTEE AS WDR BENEFICIARY

Grantees may not complete WDR work on a property owned by themselves or an affiliate business entity unless they are given explicit written approval from DHCD.

VII. DHCD STAFF CONTACT INFORMATION

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