

**INDIVIDUAL RESIDENT RELIEF  
FROM EXCESS UTILITY CHARGES POLICY**

Purpose:

To establish policy for allowing individual relief from resident utility bills that have exceeded the Housing Authority's Utility Allowance (UA).

Background:

HUD regulations [24 CFR 965.508] permits PHA's to grant residents of public housing individual relief from surcharges for excess consumption of PHA-purchased utilities, or from payment of utility supplier billings in excess of the allowances for resident-purchased utilities. Requests for individual relief must be based on reasonable grounds such as the special needs of the elderly, ill or disabled residents, or special factors affecting utility consumption beyond the resident's control.

The regulations also require PHA's to adopt criteria and procedures for requesting relief. Notice of the availability of the procedures and the PHA's criteria for granting relief must be included in notices regarding utility allowances, scheduled surcharges or revisions to these documents must be provided to residents and to new residents upon admission.

POLICY

The Housing Authority of the City of El Paso, Texas (HACEP) will grant individual relief to residents who demonstrate that excessive utility consumption is beyond the resident's control.

The following criteria will be considered as valid standards for granting individual relief:

- The resident's consumption was mistakenly portrayed as excessive due to defects in the meter or errors in the meter reading
- The resident's over consumption is caused by a characteristic of the dwelling unit or Housing Authority supplied equipment that is beyond the resident's control such as an energy-deficient refrigerator or inadequate insulation.
- The resident's over consumption is due to special needs of a resident household member and is not within the resident's ability to control. Special needs might include having as part of the household elderly, ill, disabled, or residents that have special needs requiring higher energy or water consumption. The allowance should be adjusted to reflect the higher consumption needs associated with the household's special circumstances.
- It is determined that the resident is eligible based upon the consumption for the past two (2) months exceeding the seasonal amount of the utility allowance by fifteen percent (15%).

At least one (1) of the conditions above must be met for the request to proceed.

Should the resident's consumption be excessive and does not meet at least one (1) of the conditions above, then no individual relief will be granted

Processing Requests for Individual Relief

Requests for Individual Relief will be processed in accordance with "Administrative Procedures for Implementing Individual Relief" and "Procedures for Applying for Individual Relief from Utility Allowances" attached to this policy. Management will accept requests and determine allowability based on standards established in this policy.

HACEP does not discriminate against persons with disabilities. If you or anyone in your family is a person with a disability and you require a specific accommodation in order to fully utilize our programs and services, please contact the Equal Opportunity Officer at Main: 915-849-3742//Voice/TDD 915-849-3737.

Processing times for all requests must meet the following schedule. The resident must make the request within twenty (20) calendar days of receiving the utility bill. HACEP must inspect the dwelling unit within ten (10) calendar days of receiving a request. A written determination must be sent to the resident with fifteen (15) days of receiving the request.



## Administrative Procedures for Implementing Individual Relief From Utility Allowances for Residents

### Purpose:

To establish procedures for implementing HACEP Policy for granting individual relief from Utility Allowances for Residents.

HUD regulations [24 CFR 965-508] permits PHA's to grant residents of public housing individual relief from surcharges for excess consumption of PHA-purchased utilities, or from payment of utility supplier billings in excess of the allowances for resident-purchased utilities. Requests for individual relief must be based on reasonable grounds such as the special needs of the elderly, ill or disabled residents, or special factors affecting utility consumption beyond the resident's control.

### Procedure:

1. Notice of the utility allowance schedule and individual relief must be given to all new residents upon admission. Existing residents shall be notified at least sixty (60) days in advance when new allowances are determined. Notice will include the Policy and Procedures for Applying for Individual Relief from Utility Allowance.
2. Utility allowances are calculated by all determining factors including: unit type, unit size, building type, weatherization, seasonal differences, etc. Each monthly allowance is added together for an annual amount, and then divided by 12 to reach the average monthly allowance for each unit type.
3. The request for individual relief will be submitted to the Asset Manager or designee. A review of the application must first be made to determine that the resident is eligible based upon the consumption for the past two months exceeding the seasonal amount of the utility allowance by fifteen percent (15%). If the consumption is not greater than the allowance by 15%, then the resident must be informed that they do not qualify for individual relief.
4. If the resident initially qualifies for consideration, then the specific factors that the resident could not avoid must be reviewed. At least one (1) of these conditions must be met for the application to proceed. Item Nos. 3, 4, and 5 of these procedures are of particular importance for review. Also, the application must be made to HACEP within twenty (20) calendar days of the resident receiving the utility bill.
5. The Asset Manager or designee and the Maintenance Superintendent must schedule an inspection of the unit to determine what may have caused the excess consumption. If a cause is identified that the Housing Authority can correct, then a calculation of the amount of energy the defect caused can be made after consultation with the Technical Support. Also, consultation with the applicable utility company may be necessary to determine the amount of energy used. When special temperatures are required in the units as prescribed by a doctor, then again a calculation of the energy used must be made.
6. The amount of energy lost in kilowatt hours can be monetized based upon the El Paso Electric Company rate schedule and then a rent adjustment made for the next month's rent. The rent adjustment will be performed by the Asset Manager or designee. If the adjustment results in a negative rent, the procedures for payment of that amount will apply. Those procedures are that the amount must exceed ten dollars (\$10.00) and the request for the payment must be received by the resident.
7. If the request for relief is denied, the resident must be informed in writing. The communication must state the reason for the denial and that the resident has a right to request a grievance hearing.

8. Processing times for all requests must meet the following schedule. The resident must **make the** request within twenty (20) calendar days of receiving the utility bill. HACEP must inspect the dwelling unit within ten (10) calendar days of receiving a request. A written determination must be sent to the resident within fifteen (15) days of receiving the request.
9. The Housing Authority will not pay any residential utility bills. The only relief provision will be that the Housing Authority will adjust rent payments.



### **Procedures for Requesting Individual Relief**

Residents requesting individual relief from Utility Allowances must complete a "Request for Individual Relief" attached to these procedures or available at the resident's Management Office.

Individual relief will be considered **only when utility allowance for a billing period is exceeded by 15% for reasons specified below**. Wasteful or unauthorized usage by the resident does not qualify for consideration. The primary factor to be relied upon when considering the excess consumption will be that the excess consumption was not reasonably within the control of the resident to avoid.

The amount of relief granted to the resident would be the amount of consumption which resulted from the condition or situation causing the consumption to be greater than the allowance. A determination of that consumption will be made by the Housing Authority based upon information supplied by the resident in the request for relief. Any usage above the standard allowance less the amount which qualifies for the special conditions of relief would be the responsibility of the resident.

The information will be given to all new residents on admission to the Housing Authority. Also, on an annual basis the residents will be reminded of the regulations.

A. Specific factors that the resident could not avoid would be:

1. Defects in meters or errors in meter readings. If adjustments to the billings are not made by the utility company, then relief may be applied for to the Housing Authority. An application must be made first to applicable utility company for relief from errors in meter readings.
2. Defects in Housing Authority furnished equipment or building components that cause increases in utility consumption. If the resident has knowledge of defects that can be repaired, a Maintenance Work Order request must be made. The proper repair of that item would then stop any over consumption of the utility and thus avoid the excess consumption.
3. Special health or disability related equipment that is prescribed by a physician for the resident.
4. **Residents in two-, three-, four- and five-bedroom units who exceed allowances by greater than fifteen percent (15%) and who have a family size that is at least the number of bedrooms in the unit multiplied by two. Only eligible family members who have been legitimately added to the lease may be counted.**
5. Special conditions necessary for the elderly or disabled to live in Housing Authority units as prescribed by a physician or health care provider, **where consumption exceeds 15% of the allowance.** Such conditions must relate to the provision of a living environment without which the health of the elderly or disabled resident would deteriorate.

B. In establishing allowances the following factors have been taken into account:

1. The specific items of equipment furnished by the Housing Authority that use electricity and the utility consumption requirements of these appliances.
2. **The climatic location of the communities.**
3. The size of the dwelling units and the number of occupants per dwelling unit.
4. The type of construction and design of the communities.
5. The energy efficiency of the Authority furnished equipment.

6. The physical condition, including insulation and weatherization, of the community.

7. The temperature levels intended to be maintained in the unit during the day (68° - 70 degrees Fahrenheit) and at night (60° - 62° degrees Fahrenheit) in cold weather. These are temperatures as recommended by the HUD Energy Conservation for Housing Workbook for energy conservative households.
8. The temperature of the domestic hot water as determined by State Law.

All of the above factors have been considered in establishing and calculating the allowances.

- C. The resident, when applying for individual relief, must proceed as follows:

1. **Apply for the relief within twenty (20) calendar days of receiving a utility bill which is greater than fifteen percent (15%) of the allowance in kilowatt hours for the past billing period.**
2. The request must be made to the management office of the community in which the resident lives. The application forms are available at the management office. A sample form is included with this notice.
3. Requests for individual relief will be available when new allowances become effective.
4. If the resident believes the excess consumption is due to equipment furnished by the Housing Authority or a defect or condition related to the unit itself, the resident may request an inspection by an impartial third party, **including El Paso Electric Company. HACEP shall have a representative present at that inspection. The cost of the inspection by the third party will be the responsibility of the resident.**
5. **HACEP will inspect the resident's unit within ten (10) calendar days of receiving a resident's application for individual relief. The decision to grant or deny individual relief, in whole or in part, shall be made in writing within fifteen (15) calendar days of the resident's request. The resident shall further be notified of the right to request a grievance hearing in accordance with HACEP's established grievance procedure.**