

# Memphis Weatherization Assistance Program Policies & Procedures Manual

Updated March 2024



City of Memphis  
Division of Housing and Community Development

**Paul Young, Mayor**

Ashley Cash, HCD Director  
Patricia Shumake, Program Manager  
Nicole Feild, Program Analyst  
Rickey Rogers, Energy Auditor  
Bonita Iluobe, Support Specialist



# Memphis Weatherization Assistance Program Policies & Procedures Manual



**1.0 Program Description.** The Weatherization Assistance Program is designed to assist low-income households in reducing their fuel costs while contributing to national energy conservation through increased energy efficiency and consumer education. Households that include young children, elderly or disabled members are given priority for service. Weatherization measures provided will reduce heat loss and energy costs by improving the thermal efficiency of dwelling units occupied by low-income households. Examples of common weatherization measures that may be provided are weather stripping, caulking, and adding of insulation to attics, walls, and floors.

**1.1 DOE/THDA.** The City of Memphis Division of Housing and Community Development's Weatherization Assistance Program (WAP) guidance comes directly from the U.S. Department of Energy and the Tennessee Housing Development Agency (THDA). The Memphis WAP program follows the guidelines and policies set forth in the most recent THDA WAP Manual.

**1.2 Applicants.** The Development Services Department administers the Weatherization Assistance Program and are responsible for providing applications to the public. Applicants must be eligible low-income households residing in Shelby County. Applicants can elect to complete a paper application or an online application and provide all necessary documents to prove eligibility. Acceptable forms of income verification include but are not limited to:

- Check Stubs
- Employment Statements
- Award Letters
- Tax Statements
- Other documents that verify gross income from the source

Applicants who have or are currently receiving SNAP, Temporary Assistance for Needy Families (TANF), or TennCare may have income verification documented in ACCENT, Tennessee's eligibility system for the Family Assistance programs.

Applicants may be deferred if property taxes are more than 1-year in arrears. However, if the applicant can provide proof of participation in a payment plan, the client can be removed from deferred status.

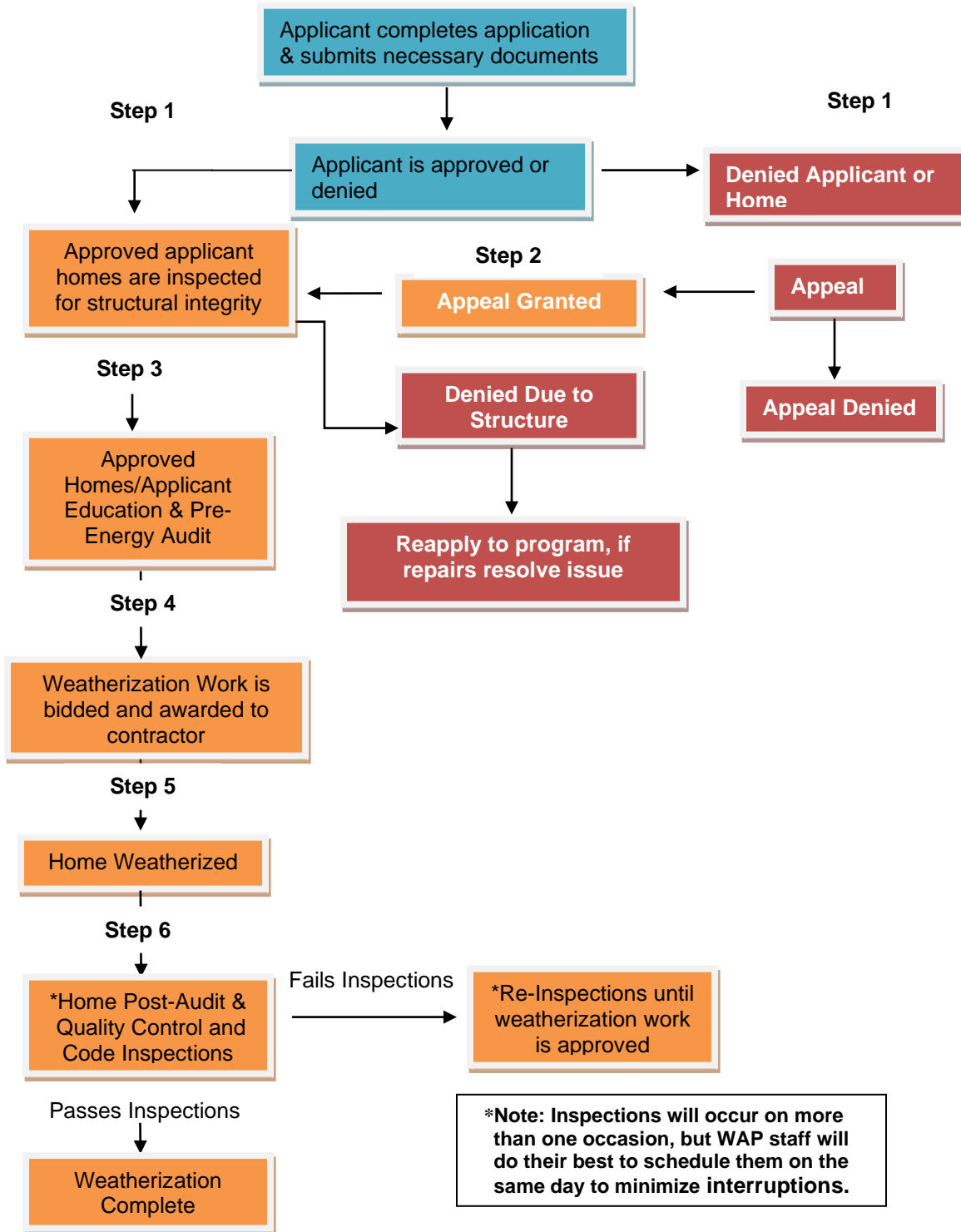
**(Please also see THDA WAP MANUAL-CHAPTER 1-General Program Requirements)**



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## 1.3 Weatherization Assistance Program Applicant Process





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## 2.0 Appeals Process

All weatherization applicants who receive a notice of intent to disqualify or deny participation in the City of Memphis Weatherization Assistance Program for a cause have the right to appeal that termination and disqualification and request an administrative review appeal. An appeal is a process by which an impartial hearing official reviews information provided by the HCD WAP Staff and departmental leadership and the provider to determine if procedures were followed and were within the federal and state regulations, policies, and procedures governing the Department of Energy's and THDA's Weatherization Assistance Program.

### 2.1 Purpose

The HCD WAP appeal procedure allows providers participating in the program an avenue for appealing the action of the local WAP Staff.

A provider may appeal (request an administrative review) with the HCD WAP Staff:

1. Proposes termination or disqualification of the applicant's program participation
2. Proposes to defer the applicant from future WAP participation
3. Rejects or defers the applicant's agreement from program participation

### 2.2 Examples for Grounds to Appeal

- Administrative shortcomings - for example, inaccuracy in recording your progress or unreasonable delays
- Shortcomings in the conduct of assessment - for example, non-availability of alternative assessment methods or the use of extraneous criteria by your assessor
- Barriers to access - for example, the imposition of unreasonable requirements as a precondition to assessment
- Lack of equal opportunities - for example, discrimination against your age, gender, race or creed, or other contraventions of equal opportunity
- Other - If you feel that your assessor has made an unfair judgment or decision about your competence or evidence, you must give clear information about this and relate it to the published standards or the assessment process.

### 2.3 Procedure

Notification, request, and procedure for hearing:

1. Whenever the WAP staff takes action that will affect the participation of a provider in the WAP Program, HCD WAP staff will inform the provider in writing of the action and the grounds upon which its decision is based. WAP staff will advise the provider of their right to appeal.
2. Upon receipt of the letter of proposed termination, the provider must submit to the WAP staff a written request for appeal postmarked no later than 15 calendar days from the date the notice of proposed termination was received by the provider. The original and one copy of the appeal request must be sent to the WAP staff via certified mail to the address below.



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Patricia Shumake  
WAP Program Manager  
Division of Housing and Community Development  
170 North Main  
4<sup>th</sup> Floor, Office # 409  
Memphis, TN 38103

3. WAP staff may refute the charges (show they are false) by providing written documentation to the HCD Director. For the provider's request to be considered, written documentation must be filed with the hearing official within ten calendar days of the request for appeal. The staff will forward the information to the administrator no later than five calendar days after the additional written documentation after receipt of the appeal. The administrator will review only the written documentation/record unless there are extenuating circumstances. The appellant may select to have a written review, written review with oral argument, or an oral hearing.
4. In the case of an oral hearing, failure of the appellant to appear at a scheduled hearing will forfeit the provider's right to appeal.
5. The administrator will make a decision based solely on information provided by the staff, appellant, DOE/THDA Weatherization program regulations, and federal and state laws.
6. The appellant and the WAP staff, must be notified in writing of the HCD Director's final decision within 30 days from the date of receipt of the request for appeal.
7. If the appellant chooses to pursue further action, the appellant must submit a letter requesting for a 2<sup>nd</sup> appeal to be considered by the HCD Director within 10 days of receipt.
8. The HCD Director will render the final decision within 14 days of receipt of the 2<sup>nd</sup> appeal. The HCD Director will make the final administrative decision. There is no further opportunity to appeal to the Division of Housing and Community Development.

### 3.0 Waste Management Policy

The City of Memphis WAP Program will adhere to the Mercury Product Control Act, which requires proper recycling of mercury-added consumer products rather than disposing of such products in the solid waste stream.

The City of Memphis WAP Program supports the efforts of manufacturers and retailers to offer take back programs, whereby used mercury-containing products are accepted from their customers and then the products are properly recycled, disposed, or reused.

**All contractors** are mandated to discard and recycle all compact fluorescent lamp (CFL) bulbs at one of the recycling kiosks in one of the local hardware stores or other participating facilities (e.g., Home Depot, Lowes, etc.). If contractors do not adhere to this requirement, contractors can be suspended from working in the City of Memphis WAP program for one month or longer.



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**All contractors** must dispose of the mercury switch thermostats that have been replaced with a local hazardous waste company. If the thermostat is not properly disposed of, this infraction may also result in suspension from working in the City of Memphis WAP program for one month or longer.

## 4.0 Disaster Recovery Plan

The City of Memphis will follow the Disaster Recovery Plan set forth by the THDA TN WAP Manual guidance in Chapter 12, pages 95-98.

## 5.0 Additional Policies for Auditors and Contractors

If an auditor desires to become a contractor, the auditor must wait until the next fiscal year and must apply to become a qualified contractor.

If a contractor desires to become an auditor, the contractor must wait until the next fiscal year to become an auditor and must apply to become a qualified auditor.

## 5.1 Emailing Bids

Contractors may email bids but must follow the policies below in order for a bid to be considered.

- All bids must be typed or legibly handwritten on the blank bid form for that particular job
- Only Adobe .pdfs file formats will be accepted
- All bids must show unit costs and be completely totaled
- Contractors are not to disclose what work will be done during the walk-throughs until the price is agreed upon and a notice to proceed has been issued. Once the notice to proceed has been issued, the contractor may contact the client.

## 5.2 Contractor Code Specifics

In accordance with local codes, the general contractor must also be aware of the following:

- A contractor will have to provide a list of subcontractors.
- All subcontractors must be licensed for the particular trade that will be installed, repaired, or maintained.



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- All mechanical, plumbing, and electrical work will be required to be done by a licensed Tradesman.
- If the subcontractor is not performing the work, the subcontractor's employee must have a license to perform the trade. No unlicensed worker may perform the work utilizing the license of the subcontractor, unless under the direct supervision of the licensed subcontractor and the worker must be an employee of the subcontractor.
- Licensed subcontractors must be on site when project is inspected.
- According to state law, electrical, mechanical, and plumbing contractors' vehicles must be labeled with permanent company logo. If the permanently labeled vehicle is in the shop, a contractor may use a magnetic label and provide proof that the vehicle is in the shop.
- All installation for any new equipment **MUST FOLLOW THE MANUFACTURER'S INSTRUCTIONS**, even if they were not included in the work specs.
- Also, the Tennessee Weatherization Standard Work Specifications must also be followed in accordance with Tennessee Housing Development Agency's Weatherization Program.

## 5.3 Contractor Unit Cap

- All contractors will only be awarded a maximum of three jobs at a time. If a contractor already has three jobs in progress, the program manager can award the job to the next lowest bidder to serve clients quicker.

## 5.4 Mandatory Walk Throughs

- In order to bid on a job, the contractor must attend the walk-throughs or send a representative to walk through and assess the work to be bid. Contractors must notify the MHCD WAP department prior to the walk-through if someone from their firm will be attending, so that we can inform the clients.
- If we find that a contractor had knowledge of a measure on their work order that had already been completed and did not report it, the contractor will face temporary suspension from the program or run the risk of permanent disbarment.
- If there are any changes to the work order noted in the field during walk-throughs by staff, an inspector, auditor, or a contractor, all qualified WAP contractors will be notified of the amended changes. Depending on the nature of the work order change, additional days to return bids may or may not be added.





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## 5.5 Requesting QCI

- In addition to your request, you must also provide the following documentation before being paid your final invoice. The QCI can proceed without the following documents, but payment will be delayed.

- Final Invoice
- Copy of required Permit(s) pulled with Shelby County
- Insulation Certificate(s)
- 1-year warranty of work

If a new HVAC unit installed:

- Manual J (HVAC Sizing)
- AHRI Certificate (Showing unit size and Efficiency)
- Copy of HVAC warranty
- Mechanical Permit

If Lead Safe Weatherization is part of the work order:

- Provide photo documentation of crews adhering to State & local policies

## 5.6 General LSW Work Practice Standards-Lead Safe Weatherization and RRP

- Crews and contractors must take steps to protect occupants from lead-based paint hazards while the work is in-progress using appropriate containment strategies.
- Occupants, especially young children or pregnant women, may not enter the work site. Occupants are allowed to return only after the work is done and the home has passed a visual inspection. For 2010, to comply with EPA's LRRPP Rule requirements, specific verification inspection procedures will be required as outlined in the April 22, 2008, rule.
- Occupants' belongings must be protected from lead contamination. This can be done by removing them from the work area or covering them in protective bags and sealing it to prevent dust from getting on the items.
- The work site must be set up to prevent the spread of leaded dust and debris.
- Warning signs must be posted at entrances to the worksite when occupants are present; at the main and secondary entrances to the building; and at exterior work sites. The signs must be readable from 20 feet from the edge of the worksite. Signs should be in the occupants' primary language, when practical.





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- The work area must be contained. If containment cannot be achieved with occupants in the unit (e.g., work will take several days and involves the kitchen, bathrooms, or bedrooms that cannot be sealed off from use), occupants must move out of the unit or the work must be deferred until containment can be achieved.
- Ensure containment does not interfere with occupant and worker egress in an emergency.

## 5.7 Prohibited Work Activities

The following are frequent questions related to prohibitions when working in pre- 1978 homes:

- NEVER - use reusable cloth or fabric, such as a painter's drop cloth, as protective containment sheeting. Polyethylene and in some cases when working on the exterior garden fabric are the only acceptable protective containment sheeting and must never be reused.
- NEVER - use brooms and shop vacuums for cleanup. Wet cleaning and HEPA vacuums are the only acceptable methods for cleanup.
- NEVER – use a conventional shop vacuum with HEPA filters – only HEPA-designed vacuums are acceptable for LSW.
- NEVER - turn leaded paint into leaded dust by dry scraping or sanding (unless needed around electrical outlets) or grinding, abrasive blasting or planing.
- NEVER - use an open-flame torch or heat gun (above 1100°F) to remove paint or window glazing. Open flame/high heat methods to remove paint create fumes that are dangerous for workers to breathe. Small lead particles created by burning and heating also settle on surrounding surfaces and are very hard to clean up.

## 5.8 Containment

Containment is anything that stops any dust or debris from spreading beyond the work area to nonwork areas. The level of containment must be determined by the auditor/inspector or supervisor before work is assigned to a crew or contractor. For 2010, to comply with EPA's LRRPP Rule requirements, a Certified Renovator will be required at the jobsite to assess and set up the containment site.

- NEVER - allow residents and pets access to the work area while work is underway.
- NEVER - open windows and doors allowing lead dust to float into other parts of the building or outside.



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- NEVER - allow furniture and other objects to remain in the Weatherization work area while Weatherization work is being performed unless they are covered and sealed in polyethylene sheeting or bags.

## Level 1 Containment

Level 1 containment is required in pre-1978 homes when less than 6 ft<sup>2</sup> of interior painted surface per room or 20 ft<sup>2</sup> of exterior painted surface will be disturbed. Level 1 containment consists of methods that prevent dust generation and contains all debris generated during the work process. The containment establishes the work area which must be kept secure. Measures that may fall within this guideline include:

- Installing or replacing a thermostat
- Drilling and patching test holes
- Replacing HEPA filters and cleaning HEPA vacuums
- Changing Furnace Filter
- Removing caulk or window putty (interior)
- Removing caulk or window putty (exterior)
- Removing weather-stripping

## Level 2 Containment

Level 2 containment is required when Weatherization activities will disturb more than 6 ft<sup>2</sup> of interior surface per room or 20 ft<sup>2</sup> of exterior surfaces in homes built prior to 1978. Level 2 containment consists of methods that define a work area that will not allow any dust or debris from work area to spread. Level 2 containment requires the covering of all horizontal surfaces, constructing barrier walls, sealing doorways, covering HVAC registers with approved materials, and closing windows to prevent the spread of dust and debris. Measures requiring level 2 containment may include:

- Drilling holes in interior walls
- Drilling holes in exterior walls, removing painted siding
- Cutting attic access into ceiling or knee walls
- Planing a door in place
- Replacing door jambs and thresholds
- Replacing windows or doors
- Furnace replacements

Additionally, Level 2 containment must ALWAYS be used where any of the following is conducted (even if the activities will disturb less than the hazard de minimis levels within the Level 1 category):

- Window replacement



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- Demolition of painted surface areas

## 5.9 Proper LSW Clean-Up and Debris Disposal

Following the containment standards in the previous section will minimize the level of effort required to properly clean up the job site. All dust, dirt, material scraps, containers, wrappers, and work-related debris must be removed from the customer's home. A HEPA vacuum should be used to clean up the work areas. Further cleaning may be necessary based on the hazard. After the job, once all workers have "cleaned" the work areas thoroughly, Weatherization workers must adhere to the following:

### Safe and Secure Disposal

- Bag and gooseneck-seal all waste in 6-mil plastic bags
- Safely dispose of all waste in accordance with federal, state, and local regulations

Visual Inspection Verification Checking the quality of worksite cleanliness is a two-phase process:

Phase 1: Worker visual inspection during the cleaning process; look for any visible paint chips, dust, or debris as you clean, using proper techniques.

Phase 2: Supervisor visual inspection after cleanup. There should be no evidence of settled dust following a cleanup effort. If dust is observed, the Weatherization crew must be required to repeat the cleaning. If work is done outside the house, the grounds around the dwelling and all exterior horizontal surfaces should also be examined visually to make certain that all waste and debris have been removed and that paint chips were not left behind.

## 6.0 COVID-19 Safety Protocols

All weatherization workers are encouraged to protect themselves and the client by wearing proper personal protection equipment (PPE). The contractors may be required to wear PPE if requested by the client and/or during peak seasons.

Please see the draft guidance information below about properly utilizing PPE and keeping yourselves and clients safe.



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## WAP Field Worker List of Personal Protective Equipment & Materials

**Remember, the health and safety of you and those around you comes first.  
Do not work in environment where you or others may be at risk.**

|                             |  |
|-----------------------------|--|
| <b>Gloves</b>               | <ul style="list-style-type: none"> <li>• Disposable – Latex, neoprene. Discard once soiled.</li> <li>• Washable – Change between appointments. Clean after each daily use.</li> </ul>  |
| <b>Face Covering</b>        | <ul style="list-style-type: none"> <li>• Cloth Mask, Filtering Respirators – Each must fit snug and cover both nose and mouth.</li> <li>• Consult manufacturer sites on reuse protocols. If not specified as “single use” or “discard after use” mask may potentially be worn again depending on condition.</li> </ul> |
| <b>Eye Protection</b>       |  |
| <b>Liquid Sanitizer</b>     | <ul style="list-style-type: none"> <li>• At least 60% alcohol.</li> </ul>  |
| <b>Sanitizer Wipes</b>      | <ul style="list-style-type: none"> <li>• To clean equipment and areas frequently touched</li> </ul>  |
| <b>Household Cleaner(s)</b> | <ul style="list-style-type: none"> <li>• To clean, possibly disinfect surfaces and equipment. Refer to <a href="#">EPA list of approved disinfectants</a></li> </ul>   |
| <b>Liquid Soap</b>          | <ul style="list-style-type: none"> <li>• To clean both hands, body, and equipment as necessary</li> </ul>  |
| <b>Bucket</b>               | <ul style="list-style-type: none"> <li>• To use as necessary to clean tools and equipment</li> </ul>   |
| <b>Shoe covers</b>          | <ul style="list-style-type: none"> <li>• Washable – Keep multiple and change between appointments. Wash prior to next use.</li> <li>• Disposable – Keep multiple and discard after each home visit.</li> </ul>   |
| <b>Paper towels</b>         |  |
| <b>Plastic Bags</b>         | <ul style="list-style-type: none"> <li>• Discard worn PPE. Use gloves when discarding soiled materials.</li> <li>• Contain worn, soiled PPE or clothing that is able to be washed / disinfected</li> </ul>   |
| <b>Plastic Sheeting</b>     | <ul style="list-style-type: none"> <li>• Possible containment of workspace</li> </ul>  |
| <b>Box / Window Fan</b>     | <ul style="list-style-type: none"> <li>• Use of a fan mounted in window will help ventilate room where client is occupying. Not applicable in all settings. Use discretion.</li> </ul>   |
| <b>Bodysuits</b>            | <ul style="list-style-type: none"> <li>• Full body coverings may be applicable to contain clothes from the working environment. Discard after work is complete if not meant for reuse.</li> </ul>  |



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## WAP FIELD WORKER COVID-19 SAFETY GUIDELINES

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**STAY HOME IF SICK.  
DO NOT ENTER WORKPLACE IF OCCUPANTS SHOW SYMPTOMS.**

### PLAN

- Gather list of supplies, materials, equipment to limit trips outside the work site.
- Outline workflow to reduce number of workers on-site or within 6 feet of one another.
- Develop schedule to incorporate PPE checks and routine cleaning into the workday.
- Stage work processes in advance to identify efficiency gaps and possible unsafe practices.

### COMMUNICATE

- Call in advance of arrival to client home.
- Keep identification handy to show client when arriving on-site.
- Notify client and employees of safety guidelines prior to beginning work.
- Understand concerns/needs of the client and employees.
- Regularly remind safety guidelines to all employees.

### CLEAN

- Maintain habits to frequently clean hands and often used surfaces.
- Disinfect or clean tools after daily use.
- Wash storage bags/cases to maintain cleanliness and appearance.
- Wipe down interior vehicle surfaces.
- Practice good personal hygiene and maintenance of tools/equipment.

### PROTECT

- Wear all available PPE at all times.
- Advise occupants to maintain proper distance and use of face coverings.
- Minimize ride-sharing and if sharing, keep to a single driver per day.
- Limit tool sharing.
- Reduce, or eliminate, use of on-site restroom as much as possible.

### EDUCATE

- Train and supervise employees on proper use of PPE and cleaning of supplies/equipment.
- Cross-train employees, staff in case of absenteeism.
- Understand COVID-19 risks and symptoms.