

MICHIGAN LOW INCOME HEATING ASSISTANCE AND SHUT-OFF PROTECTION ACT
(EXCERPT)
Act 34 of 1984

400.1210 Shut-off protection; application of payments in excess of actual billings; duration of protection; effect of vacating dwelling; treatment of emergency needs recipient; relocation of assisted household.

Sec. 10. (1) Subject to the provisions of this act, an assisted household which is enrolled under section 9 shall receive shut-off protection as applicable under subsection (3), (4), or (5).

(2) The amount paid pursuant to section 9(1)(b) to a provider utility or heating fuel provider participating in the program in excess of actual billings for the household shall be applied first to any preenrollment arrearage. The remainder, if any, shall be refunded by the provider utility or heating fuel provider participating in the program directly to the assisted household.

(3) If an assisted household's projected annual natural gas or other heating fuel consumption is less than the annual consumption cap or its dollar equivalent, shut-off protection shall be in effect during the entire program year in which the household is enrolled.

(4) If an assisted household's projected natural gas or other heating fuel consumption exceeds the annual consumption cap or its dollar equivalent and the household has not received weatherization, shut-off protection shall be in effect during the program year in which the household is enrolled for the longer of the following periods:

(a) October 1 to March 31.

(b) October 1 until natural gas consumption exceeds the annual consumption cap.

(c) Protection shall also be provided if the assisted household and the department agree to a payment plan for the excess consumption, which plan is the same as a payment plan for preenrollment arrearage as provided in section 12.

(5) If an assisted household's projected natural gas consumption exceeds the annual consumption cap and the household has received weatherization, shut-off protection shall be in effect to the end of the next full program year after the weatherization is completed.

(6) If an assisted household which is receiving shut-off protection vacates the dwelling in which the household resided while receiving the shut-off protection, the shut-off protection shall cease as to that dwelling unless the subsequent occupants qualify for shut-off protection under the program.

(7) If a recipient of assistance under the emergency needs program takes up residence in a dwelling which had been weatherized pursuant to this act and the occupancy was within 2 years after the date of the weatherization, and was immediately after an AFDC or GA recipient moved out of the dwelling, the emergency needs recipient shall, for purposes of this act, be treated in the same manner as an AFDC or GA recipient in all respects by both the department and the provider utility or the heating fuel provider participating in the program.

(8) If an assisted household is relocated from a dwelling pursuant to section 7 and subsequently another assisted household occupies the dwelling, provider utility service shall not be supplied to that dwelling unless 1 of the following occurs:

(a) A deposit is posted with the provider utility in an amount equal to the dwelling's average annual heating costs during the preceding 5 years.

(b) At the owner's expense, all home repairs and weatherization measures designated in a residential conservation services audit as being necessary to reduce consumption below the annual consumption cap are performed.

History: 1984, Act 34, Eff. Apr. 12, 1984.