

CAPLAWFAQ

A series of common legal questions and answers for the CAA network



Can a WAP provider deny or defer services for eligible clients if the unit to be weatherized appears to also serve as a meth lab? Are WAP providers obligated to report suspected illegal drug activities?

November 2014 Neither the federal Weatherization Assistance Program (WAP) Act nor the WAP regulations address denying or deferring weatherization services for otherwise eligible clients. Generally, state agencies administering WAP funds establish procedures and policies addressing when a WAP provider may deny or defer services to an eligible client.

The U.S. Department of Energy (DOE) acknowledges that WAP providers may be faced with situations triggering a deferral or denial of WAP services and sets forth on its [technical assistance website](#) examples of [denial and deferral standards](#) along with a few sample state deferral policies. The deferral/denial policies often describe situations when a deferral may be provided and the process that a provider must undergo – such as attempting to resolve the problem triggering the deferral and, in extreme cases, denying WAP services. One of the deferral examples listed by the DOE is the occurrence of illegal activities in the dwelling unit.

If the state does not have guidance regarding deferrals and denials, a WAP provider may consider reaching out to the federal DOE contact for its region and asking him/her about what is typically expected of WAP providers who encounter situations involving illegal activities when attempting to weatherize eligible units. Additionally, in an effort to minimize deferrals, the DOE recently started

the [Weatherization Plus Health](#) initiative implemented by the National Association of Community Services Programs (NASCSP) on behalf of the DOE. The initiative connects WAP providers with healthy home resources and providers for low-income communities.

Generally, no federal laws exist that obligate someone to report suspected, illegal drug activity and no such obligation exists under the federal WAP Act and regulations with respect to clients who are eligible for WAP services. A WAP provider should consult with a local attorney familiar with the state criminal laws to determine if any state laws exist that obligate a WAP provider to report such activities. Typically, in states where there are laws requiring such reporting, the laws only apply in very specific situations.

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