



Department of Energy
Washington, DC 20585

WEATHERIZATION PROGRAM NOTICE 10-15
EFFECTIVE DATE: March 2, 2010

SUBJECT: FINAL RULE ON AMENDING ELIGIBILITY PROVISIONS TO MULTI-FAMILY BUILDINGS FOR THE WEATHERIZATION ASSISTANCE PROGRAM

PURPOSE: To issue guidance on implementing recent changes to the Weatherization Assistance Program (WAP) requirements for determining eligibility of certain multi-family buildings as identified by the Department of Housing and Urban Development (HUD) and the Department of Agriculture (USDA).

LEGAL AUTHORITY: Title IV, Energy Conservation and Production Act, as amended, authorizes the DOE to administer the WAP. All grant awards made under this Program shall comply with applicable laws including regulations contained in 10 CFR Part 440.

BACKGROUND: Vice-President Biden announced “An Opportunity for Agencies to Collaborate and Help Working Families Weatherize Their Homes in Multi-Unit Buildings” Memorandum of Understanding (MOU) between DOE and HUD signed at Cabinet Meeting on May 06, 2009. As a result, Secretaries Chu and Donovan committed to lowering the hurdles to coordinating the efforts of WAP and the HUD programs for assisted housing. DOE published a final rule in the Federal Register on January 25, 2010, amending 10 CFR Part 440.22, Eligible dwelling units. (75 Fed Reg 3847)

See Website at:

<http://www.gpo.gov/fdsys/pkg/FR-2010-01-25/html/2010-1300.htm>

GUIDANCE:

What the final rule does -

DOE has posted three lists of properties supplied by HUD and USDA. Properties identified on these lists have been determined to meet certain eligibility criteria under WAP. The lists will reduce the review and verification necessary to weatherize the identified buildings through WAP.

List #1 - Properties identified on list #1 have been determined to comply with the requirements that -

- A minimum of 66% of the dwelling units in the building are occupied by a family unit that meets the income requirement (as required under 10 CFR 440.22(b)(2));
- For a reasonable period of time after weatherization work has been completed, the eligible dwelling unit will not be subject to rent increases as a result of the weatherization (as required under 10 CFR 440.22(b)(3)(i)); and
- No undue or excessive enhancement has occurred to the value of the dwelling unit (as required under 10 CFR 440.22(b)(3)(i)).

See Website at:

http://www.eere.energy.gov/wip/docs/10_cfr_440_22_b_4_i_list.xls

List #2 - Properties identified on list #2 have been determined to comply with the requirements that -

- A minimum of 66% of the dwelling units in the building are occupied by a family unit that meets the income requirement (as required under 10 CFR 440.22(b)(2)); and
- No undue or excessive enhancement has occurred to the value of the dwelling unit (as required under 10 CFR 440.22(b)(3)(i)).

See Website at:

http://www.eere.energy.gov/wip/docs/10_cfr_440_22_b_4_ii_list.xls

The buildings identified on the lists must still meet all other applicable eligibility requirements.

What the final rule does not do –

The final rule **does not** result in automatic eligibility for the identified buildings. As indicated above, the final rule only addresses a subset of the eligibility requirements.

The final rule **does not** establish a priority for the weatherization of the identified buildings. States are not required to establish a particular prioritization with regard to the weatherization of multi-family buildings.

CONCLUSION: Weatherization of buildings in the public housing market provides greater opportunities for local agencies to serve even more low-income persons in their communities. The final rule published on January 25, 2010, reduces the procedural obstacles to determining the eligibility of such buildings.

If there are additional questions or concerns, Grantees should contact their PMC Project Officer. DOE appreciates your cooperation and patience as we work together to achieve the Administration's goal of creating jobs and increasing the number of people who benefit from Recovery Act funded weatherization projects.

A handwritten signature in black ink that reads "Claire Broido Johnson". The signature is written in a cursive, flowing style.

Claire Broido Johnson
Acting Program Manager
Office of Weatherization and Intergovernmental Program
Energy Efficiency and Renewable Energy