

## Expansion of Client Eligibility in the Weatherization Assistance Program Frequently Asked Questions *Updated August 2023*

### General

Weatherization Program Notice ([WPN 22-5](#)) allows Weatherization Assistance Program (WAP) providers to accept US Department of Housing & Urban Development (HUD) income qualification as categorically income qualified for WAP assistance. For whole building multifamily weatherization assistance, each building must be at least 66% HUD-assisted to qualify (50% assisted for 2-4 units).

These Frequently Asked Questions (FAQs) provide information for WAP providers on how to (1) use the HUD listings of public and assisted housing referenced in WPN 22-5 to determine which buildings qualify for whole building weatherization assistance, i.e., are at least 66% qualified (50% for 2-4 units); **and** (2) at the same time comply with the US Department of Energy's (DOE's) January 25, 2010, Rule at [10 CFR 440.22](#) that establishes procedures for determining which HUD-assisted buildings meet DOE's additional (non- income) requirements for multifamily weatherization assistance.

Note that if there are multiple buildings in a project, **only the specific building(s)** within that project that each meet the 66% (or 50% for 2-4 units) threshold qualify for whole building weatherization.

### Public Housing List

#### Q1. Which HUD administered Public Housing buildings are 100% income eligible?

- A. Most, but not all, HUD-assisted public housing buildings, i.e., Public Housing Authority (PHA) owned/operated buildings, are income eligible for whole-building weatherization. WAP providers must consult these HUD spreadsheets for specific lists of buildings that are either: 1) income-eligible or 2) potentially income-eligible but require further verification.

Public Housing Buildings Lists:

1. **Qualified Buildings.** All buildings listed in the "[Eligible HUD Multifamily Buildings](#)" are income qualify for whole building multifamily weatherization with no further verification required. This sheet includes buildings that meet the DOE-required share of income-qualified residents: 50% for 2-4 unit buildings, and 66% for buildings with 5+ units.

**Further Verification Required:** A second spreadsheet titled "[Potentially Eligible HUD Multifamily Buildings](#)" is also provided. These buildings do **not** necessarily meet the DOE-required share of income qualified residents because these buildings might receive subsidies in addition to HUD's Annual Contributions Contract (ACC) subsidies that are not tracked by HUD. For these potentially eligible buildings Weatherization providers may use the [Multifamily Occupancy Worksheet](#) and accompanying [Owner Certification](#) to identify what if any additional HUD subsidies are being used in the property, such as Tenant Based

Vouchers or Project Based Vouchers. If the combination of ACC units and additional HUD subsidies equals or exceeds 66% (50% for 2-4 unit buildings), the building is categorically income-eligible.

## HUD Assisted Multifamily Housing

### **Q2. Which Assisted Multifamily Housing buildings, i.e., privately-owned HUD-assisted housing, are income eligible for whole building weatherization?**

- A. Refer to the [Multifamily HUD Assisted Buildings](#) spreadsheet. Note that for this list of privately-owned HUD assisted housing, listings are by property, not individual building. Per DOE regulations, each **building** on a property, not each property, must be at least 66% assisted (50% for 2-4 units) to qualify for weatherization assistance.

### **Q3. What HUD programs are included in the [Multifamily HUD Assisted Buildings](#) spreadsheet?**

- A. Privately-owned multifamily properties that receive Project Based Rental Assistance (PBRA).

This list does not include properties with residents who may receive Housing Choice Vouchers under HUD's Tenant Based Rental Assistance (TBRA) program. It also does not include properties covered under other HUD programs (see Q9).

### **Q4. Are all buildings on the [Multifamily HUD Assisted Buildings](#) spreadsheet income eligible for whole building weatherization without the need for further income verification?**

- A. No. Two reasons: a) These Multifamily HUD Assisted Buildings must meet DOE's accrual of benefits requirement (see Q8 below to satisfy this requirement), and b) this spreadsheet provides a list of privately owned HUD-assisted multifamily properties that may have more than one building. Column J provides the number of buildings in each property. Depending on the number of buildings listed in Column J, and the percent assisted units listed in Column M, the following describes which buildings meet the 66% income eligibility criteria:

1. All buildings in the following properties are income eligible under WPN 22-5 and meet the 66% whole building weatherization requirement.
  - All buildings in a multiple building property (2+ buildings) that is 96-100% assisted. See Column M for percent units assisted.
  - All buildings on any property which do not include a building count and is 96-100% assisted. See Column M for percent units assisted.
2. Some or all buildings in the following properties may meet DOE's 66% income eligibility requirement, but further verification is required:
  - All multiple building properties (2+ buildings) that are 66-95% assisted. See Column M for percent units assisted.
  - See Q5 below to determine whether any of these buildings in properties that are 66-95% assisted qualify for whole building weatherization assistance.

**Q5. How do I determine whether any buildings in properties that are 66-95% assisted under Q4 (2) above qualify for whole building weatherization assistance?**

A. Further verification will be required to determine income eligibility of individual buildings for weatherization. Two options are available:

1. Preferred – Building Owner/Manager completes (a) a signed [Multifamily Certification of Income Eligibility Form](#) and (b) a [Multifamily Occupancy Worksheet](#) that includes each building in property; household incomes are not required. Any building with 66%+ assisted (50% for 2-4 units) is income eligible. On each Building (x) tab of the Multifamily Occupancy Worksheet fill out the information required on the Property Information worksheet and provide individual tenant information beginning on Row 13, Cols 1-8. The SUMMARY worksheet will provide the properties that are income eligible. Fill out a separate worksheet, beginning with Building 1, for each building on the property. Keep this documentation in client file but **do not submit to HUD**.

OR

2. Building Owner/Manager provides weatherization provider with (a) a signed [Multifamily Certification of Income Eligibility](#) form and (b) a list of buildings broken out by address, total # of units, total # assisted, and % assisted. Any individual building with 66%+ assisted is income eligible. Keep this documentation in client file but **do not submit to HUD**.

**Q6. What if a HUD-assisted building I am considering for weatherization is not listed on the [Multifamily HUD Assisted Buildings](#) spreadsheet, but there is reason to believe that it is HUD-assisted and potentially eligible for weatherization assistance?**

A. Further verification will be required to determine income eligibility. Owner/Manager completes the [WAP Multifamily Occupancy Report](#) worksheet and [Multifamily Certification of Income Eligibility](#) form (no incomes required) and submits to [energyaction@hud.gov](mailto:energyaction@hud.gov) and HUD will verify income eligibility.

**Additional DOE requirements for Multifamily Buildings**

**Q7. How do I determine whether these properties meet DOE's additional multifamily eligibility requirements?**

A. In addition to meeting the 66% income qualification requirement (50% for 2-4 unit buildings) DOE regulations at [10 CFR 440.22](#) require that multifamily meet three additional requirements to qualify for whole-building weatherization assistance. These are:

1. Protection against rent increases [[10 CFR 440.22\(b\)\(3\)\(ii\)](#)].
2. No undue or excessive enhancement to the value of the property [[10 CFR 440.22\(b\)\(3\)\(iv\)](#)].

3. Accrual of Benefits [(42 U.S.C. 6863(b)(5)(A); [10 CFR 440.22\(b\)\(3\)\(i\)](#)]. The benefits of weatherizing multifamily buildings must accrue primarily to low-income residents who pay for utility and other energy-related expenses, either directly or through rent.

Pursuant to DOE’s January 25, 2010, Final Rule at [10 CFR 440.22\(b\)\(4\)\(i\)](#):

- All public housing buildings automatically meet requirements (1) and (2).
- All income-qualified assisted multifamily buildings meet requirement (2) only. To meet requirement (1), multifamily buildings must have current Housing Assistance Payment (HAP) contracts with 3+years remaining on their terms. See **Q8** below to determine how to use the [Multifamily HUD Assisted Buildings](#) spreadsheet to establish years remaining on their Housing Assistance Payment (HAP) contracts with HUD.

See Table 1 for a summary of these requirements.

**Table 1**

<b>DOE Requirement</b>	<b>Citation</b>	<b>Public Housing</b>	<b>Multifamily – HUD Contract Less than 3 yrs.</b>	<b>Multifamily - HUD Contract 3+ yrs.</b>
<b>Income Eligibility for Whole Building Weatherization</b>	<a href="#">10 CFR 440.22(b)(2)</a>	Yes All Buildings	Yes 1-building/property: 66-100% assisted*	Yes 1-building/property: 66-100% assisted
			Yes 2+ bldgs/property: 96-100% assisted	Yes 2+ bldgs/property: 96-100% assisted
			Further verification: 2+bldgs/property: 66-95% assisted	Further verification: 2+bldgs/property: 66-95% assisted
			No Properties with less than 66% assisted (50% 2-4 units)	No Properties with less than 66% assisted (50% 2-4 units)
<b>Other Multifamily Requirements</b>				
<b>Protection against rent increases</b>	<a href="#">10 CFR 440.22(b)(3)(ii)</a>	Yes	Further verification needed	Yes
<b>No undue enhancement</b>	<a href="#">10 CFR 440.22(b)(3)(iv)</a>	Yes	Yes	Yes
<b>Accrual of Benefits</b>	<a href="#">10 CFR 440.22(b)(3)(i)</a>	Further verification needed	Further verification needed	Further verification needed

**Q8. How do I use the HUD Assisted Multifamily Properties spreadsheet to determine whether a multifamily property meets DOE’s accrual of benefits requirement?**

- A. Assisted multifamily housing buildings must provide evidence of affordability contracts – Housing Assistance Payment (HAP) Contracts with HUD that are 3+ years in duration. WAP providers can use the [HUD Assisted Multifamily Properties](#) spreadsheet for this purpose. It provides HAP Contract Expiration dates (Current Overall Expiration Date, Column O O). Therefore, if the WAP start date (the date on which the project is first enrolled for weatherization) falls at least 3 years before the Column O expiration date, then the buildings in that project have three or more years remaining on their commitment with HUD, which will satisfy the income eligibility requirements, as well as the procedural requirements to protect against rent increases and undue or excessive enhancement of the weatherized building. No additional verification of procedural requirements is required.

If Column O shows less than 3 years remaining before HAP Contract expiration the building(s) included in that project have less than three years remaining on their commitment with HUD and **will** satisfy the income requirements and the requirement that limits undue enhancement but **will not** protect against rent increases without the need for further evaluation or written verification from the owner/manager that rents will not increase because of weatherization. In this case WAP provider shall request from and include such verification from the owner/manager in the client file.

**Other HUD Financed or Assisted Housing**

**Q9. What about properties that are assisted by other HUD programs not covered above?**

- A. The lists that are referenced in WPN 22-5 cover either public housing or assisted multifamily housing. They do not cover income eligibility for other HUD programs, including:
- Lead Hazard Control and Healthy Housing Grants
  - Community Development Block Grants (CDBG)
  - Home Investment Partnerships Program (HOME)
  - Housing Trust Fund
  - Housing Choice Vouchers – Tenant Based Rental Assistance (TBRA) Vouchers
  - Project Based Vouchers (PBVs)
  - Indian Housing Block Grants, Indian Community Development Block Grants

HUD does not maintain lists of multifamily housing properties receiving assistance through these programs. Accordingly, WAP providers must separately determine whether at least 66% of residents in a multifamily property receiving assisted under one of these programs is categorically income-eligible under Notice WPN 22-5. WAP providers are encouraged to work directly with property owners to establish whether at least 66% of the units in the property (50% for 2-4 units) are HUD-assisted and household incomes have been verified within the previous 12 months according to the procedures for each of these programs.

HUD and DOE will publish additional FAQs with additional guidance for WAP providers on these programs in the future.

**Q10. If a property is income-qualified on the HUD lists, does it automatically qualify for weatherization funding?**

- A. No. Income-eligibility on the HUD lists does not commit DOE, its Grantees or Subgrantees to provide funding; actual assistance is based on a determination by your weatherization provider, contingent on their program guidelines and requirements, including, for example, availability of funds, and/or state Grantee or local weatherization provider program priorities.

Also, the property must meet the additional multifamily eligibility requirements addressed in **Q8** above.

**Q11. Who do I contact if I have questions about the public housing or multifamily lists?**

- A. Contact HUD at [energyaction@hud.gov](mailto:energyaction@hud.gov).