

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

### **General**

Weatherization Program Notice ([WPN](#) 22-5) allows Weatherization Assistance Program (WAP) providers to accept US Department of Housing and 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 automatically 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).
  
- (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 Lists**

#### **Q1. Which HUD-assisted public housing buildings are 100% income eligible?**

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

Public Housing Lists:

1. **Qualified Buildings.** All buildings listed in the "[Public Housing Buildings Qualified](#)" list are income qualified for whole building multifamily weatherization with no further verification required. This list 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.

2. **Further Verification Required:** A second Public Housing List, titled “[Public Housing Further Verification Required](#)” 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, or they may include market rate units. For these potentially eligible buildings weatherization providers or PHAs 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, or to identify the number of market-rate units. 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.

### **Assisted Multifamily Housing**

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

- A. Refer to the [Assisted Multifamily Properties](#) list. 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 [Assisted Multifamily Properties](#) list?**

- A. This list includes 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 [Assisted Multifamily Properties](#) list income-eligible for whole building weatherization without the need for further income verification?**

- A. No. All single-building properties with at least 66% assisted units (or 50% for 2-4 unit buildings) are income-qualified, but this list also includes HUD-assisted multifamily properties that may have more than one building; these will require further verification. 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% or 50% income eligibility requirement:

1. All buildings in the following properties are income eligible under [WPN 22-5](#) and meet the 66% (or 50% for 2-4 unit buildings) whole building weatherization requirement.
  - All single-building properties that are 66-100% assisted (50-100% for 2-4 unit buildings).
  - All buildings in a property with 2+ buildings that is 96-100% assisted. (See Column M for percent units assisted.)
  - All buildings on any property which does 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 properties with 2+ buildings that are 66 to 95% assisted (50-95% for 2-4 unit buildings). (See Column M for percent units assisted.)
  - See **Q5** below to determine whether any buildings in properties that are 66-95% assisted qualify for whole building weatherization assistance.

See Q7 and Q8 for more information on meeting DOE's procedural requirements.

**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 Assisted Multifamily Housing list, 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. The owner or operator of the property should complete the [WAP Multifamily Occupancy Report](#) and [Multifamily Certification of Income Eligibility](#) form (no incomes required) and submit to HUD at [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\(b\)\(3\)\(iv\)](#)].

Pursuant to [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 [Assisted Multifamily Properties](#) list to establish the years remaining on their Housing Assistance Payment (HAP) contracts with HUD.
3. Accrual of Benefits [([42 U.S.C. 6863\(b\)\(6\)\(A\)](#)); [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. The published lists do **not** address accrual of benefits requirements (See: [WPN 22-12 Multifamily Weatherization](#) on how to establish

procedures to ensure that all owners of multi-unit buildings submit sufficient detail and explanation to allow a determination that accrual of benefits requirements have been met.)

See Table 1 for a summary of these requirements.

**Table 1 – Multifamily Income Eligibility and DOE Procedural Requirements**

<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>Building Meets DOE Income Qualification Requirements for Whole Building Weatherization</b>	<a href="#">10 CFR 440.22(b)(2)</a>	Yes All Buildings	Yes Single-building/property: 66-100% assisted*	Yes Single-building/property: 66-100% assisted*
			Yes 2+ bldgs./property: 96-100% assisted	Yes 2+ bldgs./property: 96-100% assisted
			Further verification needed 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>Building Meets Other DOE Multifamily Requirements</b>				
1. Protection against rent increases	<a href="#">10 CFR 440.22(b)(3)(ii)</a>	Yes	Further verification needed	Yes
2. No undue enhancement	<a href="#">10 CFR 440.22(b)(3)(iv)</a>	Yes	Yes	Yes
3. Accrual of Benefits	<a href="#">10 CFR 440.22(b)(3)(i)</a>	Further verification needed	Further verification needed	Further verification needed

\*50-100% assisted for 2-4 unit buildings

\*\* 50-95% assisted for properties with 2+ buildings

**Q8. How do I use the Assisted Multifamily Housing list to determine whether a multifamily property meets DOE’s “protection from rent increases” and “no undue enhancement” 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 Assisted Multifamily Housing list for this purpose. It provides HAP Contract Expiration dates (Contract Expiration Date, Column O).

If the WAP start date (the date on which the project is first enrolled for weatherization) is 3+ years before the Column O expiration date, this will satisfy the procedural requirement to protect against both (1) rent increases and (2) 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 the HAP Contract expiration date, this **will** satisfy the requirement to protect against undue enhancement but **may 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.

**Please note: While these published HUD lists use a 3-year minimum, States may determine that a different timeframe is acceptable.**

**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?**

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