



**Department of Energy**  
Washington, DC 20585

**WEATHERIZATION PROGRAM NOTICE 22-5**  
**EFFECTIVE DATE: December 8, 2021**

**SUBJECT:** Expansion of Client Eligibility in the Weatherization Assistance Program (WAP)

**INTENDED AUDIENCE:** WAP Grantee Program Managers, WAP Subgrantee Managers

**PURPOSE:** This Guidance serves to transmit information to the WAP network which expands client eligibility determination.

Weatherization Program Notice (WPN) 22-5, Expansion of Client Eligibility in the Weatherization Assistance Program, issued by the U.S. Department of Energy (DOE), serves to streamline the WAP intake process by expanding WAP's categorical income eligibility to include U.S. Department of Housing and Urban Development's (HUD) means-tested programs' income qualifications at or below 80% of Area Median Income. (examples of HUD program but not limited to Community Development Block Grants (CDBG), HOME Investment Partnerships Program (HOME), Lead Hazard Control & Healthy Homes Program(OLHCHH), etc.).

WAP already has a provision, codified in 10 CFR 440.22(a)(3), to allow inclusion of households that are income eligible for the U.S. Department of Health and Human Services' (HHS) Low Income Home Energy Assistance Program (LIHEAP). DOE anticipates Grantee implementation of categorical eligibility for HUD means-tested programs would be similar to existing eligibility that DOE WAP currently has with Health and Human Services (HHS) Low-Income Households Energy Assistance Program (LIHEAP).

**SUPERSEDES:** Weatherization Program Notice (WPN) 22-5 supersedes WPN 17-4.

**SCOPE:** This action is in direct response to the following Congressional Directive ([H.R. 116-83](#)):

*The Committee notes that DOE and the Department of Housing and Urban Development (HUD) have a Memorandum of Understanding in place to streamline the weatherization eligibility process for residents in publicly-assisted units. Further interagency coordination could assist with information dissemination that can lead to identification of individuals who are eligible for weatherization services. DOE shall brief the Committee*

*not later than 120 days after enactment of this Act regarding efforts to collaborate with partners at Health and Human Services Low Income Home Energy Assistance Program, the HUD Lead Hazard Control and Healthy Homes Program, and the Department of Veterans Affairs.*

**LEGAL AUTHORITY:** Title IV, Energy Conservation and Production Act, as amended, authorizes the Department to administer the WAP ([42 U.S. Code § 6861](#), *et. seq.*). All grant awards made under this program shall comply with applicable law and regulations including, but not limited to, the WAP regulations contained in the Code of Federal Regulations (CFR) at [10 CFR 440](#) and UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS at [2 CFR 200](#).

**BACKGROUND:** DOE WAP's stakeholders (Grantees, Subgrantees, Weatherization Training Centers, and advocates) have indicated through stakeholder meetings and discussions with the Director of the Weatherization and Intergovernmental Programs Office (WIP) the need for a simpler, streamlined process for the intake of qualifying households. Expanding DOE's income eligibility to categorically include HUD means-tested programs will better facilitate referral services for low-income households, reducing the burden on both the intake agencies and households trying to obtain services.

DOE WAP, HHS LIHEAP, HUD Lead Hazard Control and Healthy Homes Programs, and Department of Veteran Affairs (VA) have collaborated on how to better support interagency coordination, specifically in the area of client eligibility. Each of the agencies serves households with lower incomes, using varying income eligibility requirements. Current income eligibility guidelines include:

- DOE's WAP accepts households using up to 200% of Federal Poverty Guidelines (FPG).
- HHS' LIHEAP accepts households using 150% of FPG, or states may elect to use 60% of State Median Income (SMI), whichever is greater for their respective state. Each Grantee is permitted under 42 U.S. Code § 8624(b)(2)(B) to set an income limit within this range.
- HUD's means-tested programs accept households using percentages of Area Median Income (AMI) ranging from 30% AMI to 80% AMI, depending on specific program parameters. HUD uses 4,684 Fair Market Rent (FMR) areas to establish AMIs, based on metropolitan areas and non-metropolitan counties.
- VA has no income-based eligibility programs to align with this purpose and is therefore not included in the scope of this expanded definition of income eligibility.

The effort explored the overlap in incomes of the different households served through the various programs. The overlap is sufficient to consider "categorical income eligibility", defined across

programs as automatically granting program eligibility to applicants who have already met the eligibility requirements of another agency's identified program.

**GUIDANCE:** After consultation with the Secretary of Agriculture and the Director of the Community Services Block Grant Program from HHS, as required in [42 U.S. Code § 6863\(b\)\(3\)](#), on October 20, 2021, the Secretary of Energy approved DOE's WAP to extend categorical income eligibility to HUD means-tested programs.

*NOTE: The Director of Community Services Administration, identified in statute, through reorganization of government offices, is now the Director of Community Services Block Grant Program in the U.S. Department of Health and Human Services.*

WAP Grantees and Subgrantees may certify that applicants have met the income requirements of HUD means-tested programs through mechanisms including, but not limited to, applicant documentation, interagency lists of recipients, shared system databases, etc. Method of verification of eligibility must be included in the client file.

The beneficiaries of this change include:

- 1) DOE WAP Grantees and Subgrantees – allowing qualified households for means-tested HUD Programs to be categorically eligible for the WAP.
- 2) Low-income eligible households being served by removing the additional burden of applying for and submitting the same documentation to multiple programs to receive comprehensive services.

### **Multifamily-Specific Guidance**

This WPN simplifies (and supersedes) procedures previously outlined in WPN 17-4, [Multifamily Housing – Procedure for Certifying Income-Eligible HUD Assisted Buildings](#). WAP Providers generally encounter three types of multifamily properties assisted by HUD: (1) housing owned and operated by HUD Public Housing Agencies (PHAs), (2) privately-owned multifamily buildings receiving project-based assistance, and (3) privately-owned multifamily buildings that house residents who receive tenant-based (housing voucher) assistance.

- Housing owned and operated by PHAs: WAP providers shall consider all such buildings managed by the PHAs referenced in [this HUD Web page](#) to be 100 percent income eligible.
- Privately owned multifamily buildings receiving project-based assistance: WAP providers should refer to these [lists](#) to determine the percentage of the units in each building that are income eligible.
- Privately-owned multifamily buildings that house residents receiving tenant-based assistance: WAP providers will determine the percentage of income eligible residences

by either contacting the building owner/manager to obtain such Section 8 Housing Choice Voucher records (from HUD's Tenant Based Rental Assistance Program [TBRA]) or by individually verifying which residents hold such vouchers.

Additional changes in procedures directly related to verification of families receiving HUD assistance in multifamily buildings and how those buildings will be qualified going forward will be included in updated FAQs, available through the respective DOE Project Officers.

U.S. Department of Agriculture (USDA) and Low Income Housing Tax Credit (LIHTC) Properties: The certification procedures outlined in this Guidance do not apply to LIHTC properties, or for properties with USDA guaranteed loans. The LIHTC and USDA lists of income-eligible properties are no longer valid and will no longer be updated; WAP providers should follow standard procedures for verifying individual resident incomes for USDA and LIHTC properties.


**CONCLUSION:** Extending WAP categorical eligibility to applicants who meet HUD's income eligibility requirements better facilitates referral services for low-income households, reducing burden on both intake agencies and impacted households trying to obtain services. Better coordination and alignment encourages leveraging (or braiding) of multiple funding sources, reduces complexity, and results in further energy efficiency upgrades and savings for low-income households.

If you need additional information, please contact your respective DOE Project Officer.

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