

Automatic Qualification for DOE Weatherization Requirements For Properties on HUD Lists					
Program	DOE REQUIREMENTS				Financial Participation <sup>5</sup>
	Income Eligibility <sup>1</sup>	Protection from Rent Increases <sup>2</sup>	Excessive or Undue Enhancement <sup>3</sup>	Accrual of Benefits to Low-Income Tenants <sup>4</sup>	
Regulation	10 CFR 440.22 (2)	10 CFR 440.22(b)(3)(ii)	10 CFR 440.22(b)(3)(iv)	10 CFR 440.22(b)(3)(i)	10 CFR 440.22(d)
<b>Public Housing</b>	<i>Yes – List 1</i>	<i>Yes – List 1</i>	<i>Yes – List 1</i>	<i>No - Determined by States</i>	<i>State May Require Owner Contribution</i>
DOE Final Rule - Federal Register Notice 1-25-10 <sup>6</sup>	FR p.3851: “DOE concludes that the income data collected by HUD...sufficient for..demonstrating the income requirements under the WAP.”	[HUD Note]: All public housing units have affordability agreements exceeding 3 yrs, so all public housing buildings on List 1 qualify.	FR p.3852. “DOE has determined that...no undue or excessive enhancement will occur as a result of the weatherization of the buildings identified by HUD)”	FR p. 3853. “Administering State agencies have the responsibility to ensure that the benefits of weatherization activities...accrue to the low-income tenants...[These] can include reduced utility costs, and also a combination of longer-term preservation of the property as affordable housing, continued monitoring... of protection from rent increases...and the benefits of a healthier living environment”	
<b>Assisted Multifamily</b>	<i>Yes – Lists 1 and 2</i>	<i>Yes – List 1 Only</i>	<i>Yes- Lists 1 and 2</i>	<i>No - Determined by States</i>	<i>State May Require Owner Contribution</i>
DOE Final Rule - Federal Register Notice 1-25-10	FR p.3851: “DOE concludes that the income data collected by HUD...would be sufficient for..demonstrating the income requirements under the WAP.”	FR p. 3852 – “DOE to publish separate list of properties with 3 or more years remaining on their commitment to HUD. States may use less than 3 years to qualify properties.”	FR p.3852. “DOE has determined that... no undue or excessive enhancement will occur as a result of the weatherization of the buildings identified by HUD”	See above text from DOE Notice.	

FR – Federal Register Notice 75 FR 3847, January 25, 2010

<sup>1</sup> Section 440.22 (2) “Not less than 66 percent (50 percent for duplexes and four-unit buildings) of the dwelling units in the building ...” must meet DOE’s income eligibility requirements.

<sup>2</sup> Section 440.22(b)(3)(ii) For a reasonable period of time after weatherization work has been completed on a dwelling containing a unit occupied by an eligible household, the tenants in that unit (including households paying for their energy through their rent) will not be subjected to rent increases unless those increases are demonstrably related to matters other than the weatherization work performed;

<sup>3</sup> Section 440.22(b)(3)(iv) No undue or excessive enhancement shall occur to the value of the dwelling units.

<sup>4</sup> Section 440.22(b)(3)(i) The benefits of weatherization assistance in connection with such rental units, including units where the tenants pay for their energy through their rent, will accrue primarily to the low-income tenants residing in such units;

<sup>5</sup> Section 440.22(d) As a condition of having assistance provided under this part with respect to multifamily buildings, a State may require financial participation, when feasible, from the owners of such buildings.

<sup>6</sup> FR – Federal Register Notice 75 FR 3847, January 25, 2010 – View PDF at <http://www.regulations.gov/search/Regs/home.html#documentDetail?R=0900006480a83093>

Above citations from Code of Federal Regulations, Title 10 – Energy, Part 440 - Weatherization for Low-income Persons, may be found at Electronic Code of Federal Regulations at : <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>