



HUD Data on Properties Eligible for Weatherization Assistance

March 5, 2010

Background

On January 25, 2010, the Department of Energy (DOE) implemented a new rule for its Weatherization Assistance Program (“weatherization program”).¹ Under the new rule, if a public housing, assisted multi-family or Low Income Housing Tax Credit (LIHTC) building is identified by HUD and included on a list published by DOE, that building meets DOE’s weatherization program income requirements without the need for further evaluation or verification, and may meet certain other program requirements.

The DOE lists are posted on DOE’s web site at: http://apps1.eere.energy.gov/wip/eligibility_hud.cfm.

A minimum requirement for inclusion on these lists is that at least two-thirds of the residents of the building (50 percent for 2-4 unit buildings) must meet DOE’s income eligibility requirement, which is currently set at 200 percent of the federal poverty level.

Note that a public housing, assisted housing, and LIHTC building that does not appear on the list based on HUD records may still qualify for the weatherization program; that determination can be made on an individual basis by the local weatherization agencies that implement the program based on information supplied by property owners.

State Discretion and Authority

The rule expressly indicates that income-qualified public housing, assisted housing, and LIHTC properties are eligible recipients of weatherization funds. The rule does not, however, require states or Local Weatherization Agencies (local agencies) to provide weatherization funds to these properties. The state and/or the local agency retain the authority to set priorities for the use of weatherization funds, and funding for individual projects will be a function of state or local weatherization priorities, and funding availability. In order to find weatherization program information and contacts in your state, please go to http://apps1.eere.energy.gov/weatherization/state_activities.cfm.

Data Supplied to DOE on Eligible Properties

- **Public Housing (See DOE List 1):**

Eligible public housing buildings are included in DOE List 1.

¹ See Federal Register Notice at 71 FR 3847

HUD has provided DOE with two data sets for public housing:

Data Set 1 - All buildings qualify. A public housing project is included if all buildings in an Asset Management Project (“project”) meet DOE’s income eligibility requirement. A project may include one or more buildings; if HUD’s data show that only some buildings in the project qualify, the project and the eligible buildings in that project are included in Data Set 2, below.

Data Set 2 – Some buildings qualify. If some buildings in a public housing project meet DOE’s weatherization program income eligibility requirement and others do not, every building that is eligible is included in this data set.

Excluded buildings. The only public housing buildings excluded are those where HUD cannot verify with certainty that the building meets the 66% (or 50%, where applicable) income qualification. This is generally because of non-reporting, but could represent buildings where fewer than 66 percent of the residents meet the DOE 200% poverty income requirement.

Indian Housing. Indian Housing multifamily properties are not specifically included in these data, as HUD does not maintain data by building type or resident income for these properties. However, multifamily Indian Housing properties may be eligible for assistance through DOE’s normal weatherization program requirements. That determination can be made on an individual basis.

Note: The data sets include Annual Contribution Contract (ACC) units; if a housing agency owns or manages a development with project-based Section 8 assistance, that property is included in the discussion below under “Assisted Housing.”

- **Assisted Housing (See DOE List 1 or List 2):**

Assisted Housing buildings are included either in DOE List 1 (those with affordability contracts of three or more years) or in DOE List 2 (those with fewer than three years).

HUD maintains assisted housing records by property, which may include more than one building. Two categories of data were provided to DOE: (1) single-building properties where at least 66 percent of the residents meet DOE’s income eligibility requirements, and (2) multi-building properties where 100 percent of the residents meet DOE’s income requirements.

Affordability agreements. The data for assisted housing further distinguish projects with more or less than three years remaining on their affordability contract with HUD. This relates to DOE’s requirement regarding protection against rent increases unless clearly unrelated to the weatherization assistance. Projects with three or more years remaining on their affordability contract are deemed to satisfy this requirement, and are not required to provide any additional documentation or verification with respect to this requirement. Projects with three or more years’ remaining on their affordability contracts are included in DOE List 1. Projects with fewer than three years remaining on their affordability contracts are included in DOE List 2.

Note that states continue to have discretion under the rule to determine that properties with fewer than 3 years remaining on their affordability agreement also satisfy the protection against rent increase requirement. In addition, states may allow property owners to extend their current affordability agreements to meet the 3-year threshold requirement.

Other potentially eligible buildings. HUD records for assisted properties are at the property or project level. The DOE Final Rule requires that each building within a project meet the income qualification requirements in order to be included on the published eligibility list. In cases where an assisted project has multiple buildings, and fewer than 100 percent of the units are income-eligible, HUD data may not be able to verify whether each of the buildings meets the DOE income qualification requirements. Therefore these properties are excluded from the published list.

Excluded projects may still be eligible for participation, subject to verification of income qualification at the building level. HUD is interested in recommendations as to the best approach for determining eligibility of buildings in these potentially eligible projects; comments should be forwarded to the email address below.

- **Low-Income Housing Tax Credit (LIHTC) properties**

HUD is continuing to develop procedures for certifying eligible LIHTC buildings.

Additional DOE Requirements

Please note that owners of the buildings included in the data provided to DOE must still satisfy DOE's procedural requirement that ensures the benefits of weatherization assistance will accrue primarily to the low-income tenants, and DOE's remaining weatherization assistance regulations, which include the authorization for a state to require financial participation, when feasible.

Data Availability and Update Schedule

The data provide by HUD to DOE represent the currently-available data for HUD Public Housing and Qualified Assisted Housing properties. These lists will be updated on or before March 31, 2010 to include data through December 31, 2009. HUD will update them annually by March 31 of each year to reflect updated data on tenant characteristics through the end of the prior calendar year.

Questions or Comments

Please contact HUD at energyaction@hud.gov with any questions or comments on the list.