



Department of Energy
Washington, DC 20585

WEATHERIZATION PROGRAM NOTICE 13-3
EFFECTIVE DATE: March 15, 2013

SUBJECT: 2013 POVERTY INCOME GUIDELINES AND DEFINITION OF INCOME

PURPOSE: To provide States with the 2013 Poverty Income Guidelines and Definition of Income for use in the Low-Income Weatherization Assistance Program (WAP).

SCOPE: The provisions of this guidance apply to all Grantees applying for financial assistance under the Department of Energy (DOE) Weatherization Assistance Program.

LEGAL AUTHORITY: Title IV, Energy Conservation and Production Act, as amended, authorizes the Department of Energy to administer the WAP. All grant awards made under this program shall comply with all applicable laws and regulations including, but not limited to, the WAP Regulations contained in 10 CFR Part 440, as applicable.

PROCEDURES: The American Recovery and Reinvestment Act of 2009, Public Law 111-005, signed by the President on February 17, 2009, raised the DOE Weatherization eligibility criterion by striking "150 percent" in both places it appears in Section 412(7) of the Energy Conservation and Production Act (42 U.S.C. 6862(7)) and inserting "200 percent." The annual revision of the poverty income guidelines was published in the **Federal Register**/Volume 78, Number 16/Thursday, January 24, 2013, on pages 5182-5183. Attached is a table displaying the revised guidelines showing income eligibility limits at 200 percent of poverty. Guideline tables for Alaska and Hawaii are also included. These guidelines are effective as of January 24, 2013, and apply to both farm and non-farm families. The Territories are to select the appropriate set of poverty guidelines and include it in their State plan for review and approval by DOE prior to use.

Grantees should distribute these tables immediately to their subgrantees for their use in the Program from the effective date of this guidance until updated in subsequent policy documents. Additionally, this notice provides grantees with a definition of income for use in the Weatherization Program. This guidance continues to reaffirm previous guidance by outlining what is expected to be available in terms of source documentation for review when requested by an outside authority.

Restructuring of the Program Year 2013 Weatherization Grant Guidance (WPN 13-1) resulted in applicable sections being transferred to this guidance.

DETERMINING ELIGIBILITY LEVELS: In determining what eligibility level will be used in its Program, the Grantee may select one of the three levels listed below to be identified as part of the grantee's Annual Plan. As defined in 10 CFR 440.3, low income means that income in relation to family size which:

- (1) Is at or below 200 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, except that the Secretary may establish a higher level if the Secretary, after consulting with the Secretary of Agriculture and the Secretary of Health and Human Services, determines that such a higher level is necessary to carry out the purposes of this part and is consistent with the eligibility criteria established for the weatherization program under Section 222(a)(12) of the Economic Opportunity Act of 1964;
- (2) Is the basis on which cash assistance payments have been paid during the preceding twelve month-period under Titles IV and XVI of the Social Security Act or applicable State or local law; or
- (3) If a Grantee elects, is the basis for eligibility for assistance under the Low Income Home Energy Assistance Act of 1981, provided that such basis is at least 200 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget.

QUALIFIED ALIENS RECEIVING WEATHERIZATION BENEFITS: Grantees are directed and encouraged to review guidance provided by Health and Human Services (HHS) under LIHEAP. This guidance can be found at <http://aspe.hhs.gov/hsp/immigration/restrictions-sum.shtml> and searching the word "aliens" under the "Find Answers" section.

ELIGIBLE RENTAL WEATHERIZATION: A dwelling unit is eligible for weatherization assistance if it is occupied by a family unit that meets the income guidelines and meets building eligibility. A subgrantee may weatherize a building containing a sufficient percentage of eligible rental dwelling units or a single-family building or a mobile home provided written permission is obtained from the owner or the owner's agent.



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Attachment

DEFINITION OF INCOME

A. INCOME: Income means Cash Receipts earned and/or received by the applicant before taxes during applicable tax year(s) **but not** the Income Exclusions listed below in **Section C**. Gross Income is to be used, not Net Income.

B. CASH RECEIPTS: Cash Receipts include the following:

1. money, wages and salaries before any deductions;
2. net receipts from non-farm or farm self-employment (receipts from a person's own business or from an owned or rented farm after deductions for business or farm expenses);
3. regular payments from social security, railroad retirement, unemployment compensation, strike benefits from union funds, worker's compensation, veteran's payments, training stipends, alimony, and military family allotments;
4. private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments;
5. dividends and/or interest;
6. net rental income and net royalties;
7. periodic receipts from estates or trusts; and
8. net gambling or lottery winnings.

C. INCOME EXCLUSIONS: The following Cash Receipts **are not** considered sources of Income for the purposes of determining applicant eligibility:

1. capital gains;
2. any assets drawn down as withdrawals from a bank;
3. money received from the sale of a property, house, or car;
4. one-time payments from a welfare agency to a family or person who is in temporary financial difficulty;
5. tax refunds;
6. gifts, loans, or lump-sum inheritances;
7. college scholarships;
8. one-time insurance payments, or compensation for injury;
9. non-cash benefits, such as the employer-paid or union-paid portion of health insurance;
10. employee fringe benefits, food or housing received in lieu of wages;
11. the value of food and fuel produced and consumed on farms;
12. the imputed value of rent from owner-occupied non-farm or farm housing;
13. Depreciation for farm or business assets;
14. Federal non-cash benefit programs such as Medicare, Medicaid, Food Stamps, school lunches, and housing assistance;
15. combat zone pay to the military; and
16. Child Support, as defined below in **Section E**.
17. Reverse mortgages;
18. Payments for care of Foster Children;

D. PROOF OF ELIGIBILITY: Grantees and subgrantees are reminded that proof of income eligibility should be included in the client file.

1. **Availability of Supporting Documentation:** For purposes of review and audit, each client file must contain an application from the client that contains the required demographics and income for the entire family living in the residence. The file must also contain evidence provided by the subgrantee that the client is eligible to receive WAP services. This evidence may include, but is not limited to, a memorandum from a third party certification office stipulating the income levels of the family or source documentation for each income source listed on the application. These documents can be stored electronically or retained in hard copy for each client.
2. **Eligibility Determined by Outside Agency/Program:** If income eligibility is determined by an outside agency or program, i.e. Low-Income Home Energy Assistance Program (LIHEAP) or the U.S. Department of Housing and Urban Development (HUD), any document used to determine eligibility, such as a copy of LIHEAP eligibility or a copy of the HUD building list, will suffice as evidence of client eligibility. This document and any related documents must be retained in the client file. The HUD eligible building list can be found at:
http://www1.eere.energy.gov/wip/multifamily_guidance.html
3. **Self-Certification:** After all other avenues of documenting income eligibility are exhausted, self-certification is allowable. However, evidence of the various attempts at proving eligibility must be contained in the client file, **including** a notarized statement signed by the potential applicant indicating that he has no other proof of income.

E. CHILD SUPPORT: Child Support payments, whether received by the Payee or paid by the Payor, **are not** considered Sources of Income for the purposes of determining applicant eligibility.

1. **Payee:** Where an applicant receives child support from any state program or individual during an applicable tax year, such assistance **is not** considered Income for the purposes of determining eligibility (i.e., where an applicant receives Child Support, he or she **does not** add that amount to his or her calculation of income for purposes of determining eligibility).
2. **Payor:** Where an applicant pays child support through a state program and/or to an individual, such assistance **is not** considered income for the purposes of determining eligibility (i.e., where an applicant pays Child Support, he or she **may not** deduct said assistance from his or her calculation of Income for the purposes of determining eligibility).

- F. ANNUALIZATION OF INCOME:** Where an applicant receives income for a part of the applicable tax year, their partial income may be annualized to determine eligibility. *Example:* Applicant A received income during January, February and March. The method of annualizing income to determine eligibility could be multiplied by four to determine the amount of income received during the year. The method of calculating annualized income is to be determined by the Grantee and must be applied uniformly by all subgrantees.
- G. RE-CERTIFICATION:** An applicant must be re-certified when eligibility lapses due to the length of time the applicant was waiting to receive Weatherization services. As a reminder, re-certification of eligibility must occur at least every 12 months. The Grantee must outline the method of determining re-certification in their Grantee Plan for approval by DOE.

**2013 POVERTY INCOME GUIDELINES
CONTIGUOUS STATES U.S. GRANTEES
EFFECTIVE JANUARY 24, 2013**

INCOME LEVELS

Size of Family Unit	Threshold	200%
1	\$11,490	22,980
2	15,510	31,020
3	19,530	39,060
4	23,550	47,100
5	27,570	55,140
6	31,590	63,180
7	35,610	71,220
8	39,630	79,260

For families with more than 8 persons, add \$4,020 for each additional person.

2013 POVERTY GUIDELINES FOR ALASKA

Size of Family Unit	Threshold	200%
1	\$14,350	28,700
2	19,380	38,760
3	24,410	48,820
4	29,440	58,880
5	34,470	68,940
6	39,500	79,000
7	44,530	89,060
8	49,560	99,120

For families with more than 8 persons, add \$5,030 for each additional person.

2013 POVERTY GUIDELINES FOR HAWAII

Size of Family Unit	Threshold	200%
1	\$13,230	26,460
2	17,850	35,700
3	22,470	44,940
4	27,090	54,180
5	31,710	63,420
6	36,330	72,660
7	40,950	81,900
8	45,570	91,140

For families with more than 8 persons, add \$4,620 for each additional person.

Separate poverty guideline figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966–1970 period. (Note that the Census Bureau poverty thresholds—the version of the poverty measure used for statistical purposes—have never had separate figures for Alaska and Hawaii.) The poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions.