



**Department of Energy**  
Washington, DC 20585

**WEATHERIZATION PROGRAM NOTICE 11-5**  
**EFFECTIVE DATE:** April 14, 2011

**SUBJECT:** 2011 POVERTY INCOME GUIDELINES AND DEFINITION OF INCOME

**PURPOSE:** To provide States with the 2011 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 76, Number 13/Thursday, January 20, 2011, on pages 3637-3638. 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 20, 2011, 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 also expands on the previous year's guidance by clarifying what is expected to be available in terms of source documentation for review when requested by an outside reviewer. Clarifications on income and eligibility issues are discussed in the Program Year 2011 Weatherization Grant Guidance 11-1, Section 5.9, entitled "Determining Eligibility Levels and Defining Income", which states that:

*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 Annual Plan. Low income means that income in relation to family size which:*

*(1) 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.*



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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**.

**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. Federal non-cash benefit programs such as Medicare, Medicaid, Food Stamps, school lunches, and housing assistance;
14. combat zone pay to the military; and
15. Child Support, as defined below in **Section E**.

**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 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 and 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.
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.
2. **Payor:** Where an applicant pays child support through a state program and/or to an individual, such assistance **is not** considered a reduction of Income for the purposes of determining eligibility (i.e., where an applicant pays Child Support, he or she may not deduct said assistance 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 the amount of income received during those three months). The method of calculating annualization of 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 method of determining Re-Certification is to be determined by the Grantee and made part of their Grantee Plan for approval by DOE.

**2011 POVERTY INCOME GUIDELINES  
STATES, DC AND TERRITORIES -  
AMERICAN SAMOA, PUERTO RICO, VIRGIN ISLANDS  
EFFECTIVE JANUARY 20, 2011**

**INCOME LEVELS**

Size of Family Unit	<b>Threshold</b>	<b>200%</b>
1.....	\$10,890	\$21,780
2.....	14,710	\$29,420
3.....	18,530	\$37,060
4.....	22,350	\$44,700
5.....	26,170	\$52,340
6.....	29,990	\$59,980
7.....	33,810	\$67,620
8.....	37,630	\$75,260
Each additional member add	3,820	\$7,640

**2011 POVERTY INCOME GUIDELINES  
ALASKA, GUAM AND NORTHERN MARIANA ISLANDS  
EFFECTIVE JANUARY 20, 2011**

Size of Family Unit	<b>Threshold</b>	<b>200%</b>
1.....	\$13,600	\$27,200
2.....	18,380	\$36,760
3.....	23,160	\$46,320
4.....	27,940	\$55,880
5.....	32,720	\$65,440
6.....	37,500	\$75,000
7.....	42,280	\$84,560
8.....	47,060	\$94,120
Each additional member add	4,780	\$9,560

**2011 POVERTY INCOME GUIDELINES  
HAWAII  
EFFECTIVE JANUARY 20, 2011**

Size of Family Unit	<b>Threshold</b>	<b>200%</b>
1.....	\$12,540	\$25,080
2.....	16,930	\$33,860
3.....	21,320	\$42,640
4.....	25,710	\$51,420
5.....	30,100	\$60,200
6.....	34,490	\$68,980
7.....	38,880	\$77,760
8.....	43,270	\$86,540
Each additional member add	4,390	\$8,780