



DISTRICT OF COLUMBIA

Department of Energy and Environment

Lead Pipe Replacement Assistance Program (LPRAP)

Guidance for Determining Income Eligibility for

Condominiums

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Introduction

The Lead Water Service Line Replacement and Disclosure Amendment Act of 2018, D.C. Law 22-241, effective March 12, 2019, (collectively called the "Act"), established the Lead Pipe Replacement Assistance Program (LPRAP). This Program, established under Section 6019b of the Act, assists property owners by paying for part or all of the cost to complete the replacement of a partial lead service line. A partial lead service line occurs when lead pipes are replaced on the public side of the property line, but lead or galvanized pipes remain on the private side of the property. Program applicants apply for relief to the District's Department of Energy and Environment (DOEE). Approved program applicants coordinate with an approved contractor and the District of Columbia Water and Sewer Authority (DC Water) to conduct the replacement and arrange for the payment of the work.

Per the Act, there are two Assistance Levels:

1. Income-eligible assistance is available to households with an income equal to 100% of Area Median Income or less.
2. Standard assistance is available to households that exceed 100% of Area Median Income or do not wish to disclose their household income.

The purpose of this document is to provide clear instructions for condominiums that wish to seek assistance through LPRAP. There are two steps to determining income eligibility for these properties:

1. Identify an authority that can make decisions about the property, including collecting and submitting documentation.
2. Assign a discount amount (an Assistance Level) to the property. DOEE has identified three options for income verification which are outlined in this document.

This guidance will be maintained by DOEE staff and updated on a regular basis. This document is subject to change at any time.

1. Identify an Authority and Primary Point of Contact

It is the responsibility of the interested party to identify an authorizing authority who can act on behalf of the homeowners within the multifamily property. DOEE requires documentation which indicates that the authorizing authority can make decisions about common area spaces and enter into contracts with third parties.

An example of this document may be the by-laws of the property. DOEE will determine on a case by case basis if the documentation provided sufficiently demonstrates that the entity is an authorizing authority. Please reach out to DOEE at leadline.replacement@dc.gov to further discuss what documentation a property may submit.

Once the authorizing authority has been established, that authority should establish a primary point of contact (for example, the Chair of the condominium board), this person will be DOEE and DC Water's primary point of contact for the remainder of the process. This authority is responsible for the cost of the replacement that is not covered by the LPRAP benefit.

2. Assign an Assistance Level

Option One: Provide one document that represents the entire building's income level

If the authorizing authority can demonstrate that it provides affordable housing to low- to moderate-income residents, the authorizing authority can submit one document on behalf of the entire building.

The authorizing authority must demonstrate that the property is currently subject to an affordability covenant that aligns with the LPRAP income guidelines. This demonstration can be made by providing one or more of the following documents and highlighting the relevant provisions:

- (a) Regulator Agreement (memorializes affordability restrictions between the owner and a District or federal agency);
- (b) Deed Restriction or Covenant;
- (c) Loan Agreement;
- (d) Affordable Housing Restriction (lists the number of restricted units, income to which they are restricted, and terms of agreement);
- (e) Housing Assistance Payment (HAP) Contract (documents Section 8 provisions or local vouchers);
- (f) Proof of the property using the District's Housing Choice Voucher Program;
- (g) Tax Credit Regulatory Agreement and Declaration of Restrictive Covenants; and/or
- (h) Other relevant documentation not listed that has been reviewed and approved by DOEE.

Upon acceptance of a sufficient document, DOEE will provide the authorizing authority with an affidavit to complete. Through this affidavit, the authorizing authority attests to the Government of the District of Columbia that the property provides affordable housing to low- to moderate-income residents.

In summary, under Option One, the **authorizing authority** must submit the following documentation to DOEE to be approved for LPRAP:

- (a) A complete application signed by the authorizing authority on behalf of the building unit owners;
- (b) A document that verifies that the authorizing authority can make decisions on behalf of the building unit owners; and
- (c) The property's DC Water bill.

Option Two: Provide documentation for at least 50% of the individual households in the building

If the property is does not meet the requirements listed under Option One, the income level can be established if at least 50% of the individual households in the building meet the income requirements. In order to meet this requirement, each household would be required to submit an individual application in order to meet the 50% threshold. The submission of this information can come from the authorizing authority or, in the interest of privacy, be submitted by each household directly to DOEE.

At least half ($\geq 50\%$) of the households in the building must meet the income requirement of the applicable Assistance Level. In order to be income qualified, the household must submit:

- (a) A complete application signed by an applicant from the individual household;
- (b) Applicant's Photo ID; and
- (c) Applicant's proof of income.

The **authorizing authority** must submit:

- (a) A complete application signed by the authorizing authority;
- (b) A document verifying the authorizing authority can make decisions on behalf of the building unit owners; and
- (c) The property's DC Water bill.

Option Three: Submit no income documentation and be assigned Standard Assistance

All properties with a lead service line on their private property and a non-lead service line in the public space are eligible for LPRAP, regardless of income. Properties that do not wish to seek income verification are eligible for Standard Assistance, which covers 50% of the cost to replace the lead service line, not to exceed \$2,500.

Under Option Three, the **authorizing authority** must submit the following documentation to DOEE to be approved for LPRAP:

- (a) One complete application signed by the authorizing authority on behalf of the building unit owners;
- (b) A document verifying the authorizing authority can make decisions on behalf of the building unit owners; and
- (c) The property's DC Water bill.

3. Next Steps

After the authorizing authority submits an application with the required documentation detailed above, DOEE will review the application and assign a relief level. DOEE will then notify the authorizing authority of the assistance level for which the property has been approved and send them DC Water’s Contractor list. The authorizing authority will choose a contractor from the Contractor List to perform the replacement. The chosen contractor will then submit a Cost Proposal Form, with the authorizing authority’s signature, to DC Water for review. Once DC Water recommends approval of the Cost Proposal form, DOEE will send the authorizing authority a Benefit Confirmation Letter detailing next steps.