

116TH CONGRESS
1ST SESSION

S. 2462

To help reduce household energy burdens by expanding access to solar energy for low-income households.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2019

Ms. DUCKWORTH (for herself and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To help reduce household energy burdens by expanding access to solar energy for low-income households.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Low-Income Solar En-
5 ergy Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the term “low-income”, used with respect
8 to a household, means a household that is eligible for a
9 payment under the Low-Income Home Energy Assistance

1 Act of 1981 (42 U.S.C. 8621 et seq.), in accordance
2 with—

3 (1) section 2605(b)(2) of such Act (42 U.S.C.
4 8624(b)); and

5 (2) State eligibility guidelines (consistent with
6 such Act) for that payment.

7 **SEC. 3. LOW-INCOME HOME ENERGY ASSISTANCE.**

8 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
9 2602 of the Low-Income Home Energy Assistance Act of
10 1981 (42 U.S.C. 8621) is amended—

11 (1) in the first sentence of subsection (b), by
12 striking “2607A),” and all that follows and inserting
13 “2607A), \$6,075,000,000 for fiscal year 2020 and
14 each subsequent fiscal year.”; and

15 (2) in subsection (e), by striking “(e) of” and
16 inserting “(f) of”.

17 (b) **RESERVATION OF FUNDS.**—Section 2604 of the
18 Low-Income Home Energy Assistance Act of 1981 (42
19 U.S.C. 8623) is amended—

20 (1) by redesignating subsection (e) as sub-
21 section (f); and

22 (2) by inserting after subsection (d) the fol-
23 lowing:

24 “(e)(1) Of the funds available to a State under sub-
25 section (a), a territory under subsection (b), or a tribal

1 organization or other entity under subsection (d), up to
2 25 percent may be reserved by the State, territory, or or-
3 ganization or entity, for solar projects for covered housing.

4 “(2) The Secretary shall expand the program funded
5 under section 2602(b) to include such solar projects, and
6 for purposes of this title shall consider—

7 “(A) the funds used for such projects to be as-
8 sistance for home energy costs; and

9 “(B) the projects to be activities that provide
10 assistance for home energy costs, rather than to res-
11 idential weatherization or other energy-related home
12 repair.

13 “(3) In determining whether to award, under that
14 program, funding that includes a portion for a solar
15 project to a State, territory, or tribal organization or enti-
16 ty, the Secretary shall use the application and request
17 processes specified in this title, with such adjustments as
18 the Secretary may specify in regulations.

19 “(4) The Secretary shall issue regulations and guid-
20 ance for States, territories, and tribal organizations and
21 entities, that receive funds under subsection (a), (b), or
22 (d) (referred to individually in this subsection as a ‘cov-
23 ered recipient’), to—

1 “(A) define the solar projects that may be fund-
2 ed through the reserved funds described in para-
3 graph (1);

4 “(B) specify the circumstances and process
5 under which a covered recipient, with an arrange-
6 ment with a particular type of local agency or orga-
7 nization to distribute assistance for home energy
8 costs, may instead enter into an arrangement with
9 a different local agency or organization with exper-
10 tise in solar projects, for such projects; and

11 “(C) specify how a covered recipient may dis-
12 tribute such funds in a manner that usefully fi-
13 nances the work of solar project developers and solar
14 panel installers for such projects.

15 “(5) Not later than 6 months after the date of enact-
16 ment of the Low-Income Solar Energy Act, the Secretary
17 shall—

18 “(A) evaluate whether community solar projects
19 could be administered through the program carried
20 out under this title; and

21 “(B) prepare and submit to Congress a report
22 containing the evaluation.

23 “(6) In this section, the term ‘covered housing’ means
24 federally assisted housing as defined in section 683 of the
25 Housing and Community Development Act of 1992 (42

1 U.S.C. 13641), and housing occupied by a low-income
2 household, as defined in section 2 of the Low-Income Solar
3 Energy Act.”.

4 (c) USE OF FUNDS.—Section 2605(b)(1)(A) of the
5 Low-Income Home Energy Assistance Act of 1981 (42
6 U.S.C. 8624(b)(1)(A)) is amended by inserting “, includ-
7 ing the costs of solar projects for covered housing as de-
8 fined in section 2604(e)” after “home energy costs”.

9 (d) CONFORMING AMENDMENT.—Section 2609 of the
10 Low-Income Home Energy Assistance Act of 1981 (42
11 U.S.C. 8628) is amended by inserting “, or carrying out
12 solar projects for covered housing or community solar
13 projects under section 2604(e)” after “home repairs”.

14 **SEC. 4. SOLAR FINANCING AND WORKFORCE TRAINING.**

15 (a) DEFINITIONS.—In this section:

16 (1) COMMUNITY SOLAR PROJECT.—The term
17 “community solar project” means a project for the
18 renewable generation of energy through solar power
19 that has multiple subscribers that receive benefits on
20 utility bills that are directly attributable to the
21 project.

22 (2) COMMUNITY SOLAR SUBSCRIPTION.—The
23 term “community solar subscription” means owner-
24 ship of a financial share in a community solar
25 project that serves multiple consumers.

1 (3) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means a developer or installer of solar equip-
3 ment.

4 (4) ELIGIBLE HOUSEHOLD.—The term “eligible
5 household” means a household that includes an eligi-
6 ble individual as defined in section 32(c)(1) of the
7 Internal Revenue Code of 1986 for purposes of the
8 credit under section 32 of that Code.

9 (5) INTERCONNECTION.—The term “inter-
10 connection” has the meaning given the term in sec-
11 tion 111(d)(15) of the Public Utility Regulatory
12 Policies Act of 1978 (16 U.S.C. 2621(d)(15)).

13 (6) PROGRAM.—The term “program” means
14 the solar financing program established under sub-
15 section (b)(1).

16 (7) SECRETARY.—The term “Secretary” means
17 the Secretary of Energy.

18 (b) SOLAR FINANCING PROGRAM.—

19 (1) IN GENERAL.—The Secretary shall establish
20 a solar financing program under which the Secretary
21 shall offer a variety of financing mechanisms, includ-
22 ing grants, loans, loan guarantees, and interest buy-
23 downs, to support the deployment of solar projects
24 for eligible households, in accordance with this sub-
25 section.

1 (2) GRANTS.—

2 (A) IN GENERAL.—Under the program,
3 the Secretary shall award grants to eligible en-
4 tities for deploying residential solar projects or
5 community solar projects—

6 (i) that benefit eligible households;

7 and

8 (ii) in which the tariff, net metering,
9 bill credit, or other valuation of solar en-
10 ergy generation, or the sale of that solar
11 generation by a third party, enables a sav-
12 ings-to-investment ratio of at least 1:1 for
13 an eligible entity over a period of not more
14 than 10 years.

15 (B) USE OF FUNDS.—An eligible entity
16 that receives a grant under the program shall
17 use the grant only to pay for—

18 (i) the cost and installation of solar
19 equipment in buildings in which the dwell-
20 ing units of eligible households are located,
21 including the cost of materials, labor, and
22 permitting;

23 (ii) repairs or upgrades to the build-
24 ings described in clause (i) that may be

1 needed to ensure that solar equipment is
2 installed in a safe manner; and

3 (iii) the cost of a community solar
4 subscription.

5 (3) SOLAR HOUSING LOANS.—

6 (A) IN GENERAL.—Under the program,
7 the Secretary shall provide loans at zero percent
8 interest—

9 (i) to owners of buildings—

10 (I) that receive assistance under
11 section 8(o) of the United States
12 Housing Act of 1937 (42 U.S.C.
13 1437f(o)); or

14 (II) with respect to which a cred-
15 it is allowable under section 42 of the
16 Internal Revenue Code of 1986 for
17 the taxable year in which the loan is
18 provided; and

19 (ii) for the purpose of—

20 (I) installing solar equipment
21 that benefits the dwelling unit of a
22 tenant;

23 (II) if necessary for the installa-
24 tion of solar equipment under sub-
25 clause (I), making any upgrade to the

1 building in which the dwelling unit is
2 located; and

3 (III) covering the cost of a com-
4 munity solar subscription.

5 (B) SAVINGS.—

6 (i) IN GENERAL.—An owner of a
7 building receiving a loan under this sub-
8 section shall—

9 (I) reduce the rent that each ten-
10 ant described in clause (ii) is required
11 to pay by an amount that is propor-
12 tional to the savings obtained through
13 any solar upgrades described in sub-
14 paragraph (A); and

15 (II) enter into an affordability
16 agreement with the Secretary to en-
17 sure that the rent of the tenant re-
18 mains affordable for the duration of
19 the tenancy.

20 (ii) TENANT DESCRIBED.—A tenant
21 referred to in clause (i) is a low-income
22 tenant occupying a dwelling unit in the
23 building, which dwelling unit is affected by
24 a solar upgrade described in subparagraph
25 (A).

1 (C) GUIDANCE; REGULATION.—The Sec-
2 retary shall—

3 (i) publish guidance on what con-
4 stitutes a benefit to the dwelling unit of a
5 tenant under subparagraph (A)(ii)(I); and

6 (ii) promulgate a regulation on the
7 manner in which a community solar sub-
8 scription under subparagraph (A)(ii)(III)
9 shall be managed.

10 (c) COMMUNITY SOLAR PROJECTS.—The Secretary
11 shall establish a program under which the Secretary shall
12 make grants for community solar projects—

13 (1) to be used for costs associated with inter-
14 connection of the community solar project, including
15 application fees, interconnection fees, engineering re-
16 views, and other associated costs incurred during the
17 interconnection process;

18 (2) to be used for costs associated with up-
19 grades to a distribution system, if the distribution
20 system requires service or new equipment to accom-
21 modate the installation of the community solar
22 project; and

23 (3) led by nonprofit organizations to support
24 the implementation of the projects for low-income
25 households.

1 (d) MINORITY AND WOMAN-OWNED BUSINESSES.—
2 The Secretary shall, to the maximum extent practicable,
3 contract with minority or women-owned businesses for the
4 deployment of solar projects that are financed under this
5 section.

6 (e) SOLAR WORKFORCE PROGRAM.—

7 (1) DEFINITIONS.—In this subsection:

8 (A) ELIGIBLE PARTICIPANT.—The term
9 “eligible participant” means an individual who
10 is a member of an underrepresented group, in-
11 cluding—

12 (i) an individual who is a religious, ra-
13 cial, or ethnic minority;

14 (ii) a woman;

15 (iii) a veteran;

16 (iv) an individual with a disability;

17 (v) an unemployed energy worker;

18 (vi) an energy worker employed by a
19 fossil fuel industry who is being
20 transitioned away from that industry be-
21 cause of a State renewable program or
22 Federal program, as determined by the
23 Secretary;

24 (vii) a socioeconomically disadvan-
25 taged individual; and

1 (viii) a formerly incarcerated indi-
2 vidual.

3 (B) LOCAL WORKFORCE DEVELOPMENT
4 BOARD; STATE WORKFORCE DEVELOPMENT
5 BOARD.—The terms “local workforce develop-
6 ment board” and “State workforce development
7 board” have the meanings given the terms
8 “local board” and “State board”, respectively,
9 in section 3 of the Workforce Innovation and
10 Opportunity Act (29 U.S.C. 3102).

11 (C) PROGRAM PARTNER.—The term “pro-
12 gram partner” means—

13 (i) a business;

14 (ii) an employer or industry associa-
15 tion;

16 (iii) a labor management organization;

17 (iv) a local workforce development
18 board or State workforce development
19 board;

20 (v) a 2- or 4-year institution of higher
21 education that offers an educational pro-
22 gram leading to an associate’s or bach-
23 elor’s degree in conjunction with a certifi-
24 cate of completion of an apprenticeship or
25 other training program;

- 1 (vi) the Armed Forces (including the
2 National Guard and the Army Reserve);
3 (vii) a nonprofit organization;
4 (viii) a community-based organization;
5 and
6 (ix) an economic development agency.

7 (2) ESTABLISHMENT.—The Secretary shall es-
8 tablish a solar workforce program to assist eligible
9 participants in pursuing careers in the solar energy
10 industry, including as—

- 11 (A) solar photovoltaic system installers;
12 (B) solar technicians;
13 (C) electrical system inspectors; and
14 (D) other professionals in the solar indus-
15 try, as determined by the Secretary.

16 (3) COURSES.—In carrying out the program es-
17 tablished under paragraph (2), the Secretary shall
18 create courses or seek to administer existing courses
19 that provide—

- 20 (A) job training, including through intern-
21 ships and work-based training in accordance
22 with paragraph (4);
23 (B) employment skills training; and
24 (C) comprehensive support services that—

1 (i) enhance the training experience
2 and promote the professional development
3 of participants; and

4 (ii) help participants transition into
5 the workforce.

6 (4) COURSE PARTNERS.—To the maximum ex-
7 tent practicable, the Secretary shall partner with
8 program partners to provide internships and work-
9 based training as part of the job training offered
10 under paragraph (3)(A).

11 (5) EXAM REQUIREMENT.—As a requirement
12 for completing a course under paragraph (3), the
13 Secretary shall require each participant in the
14 course to earn an applicable industry-recognized
15 entry-level certificate or other credential, as deter-
16 mined by the Secretary.

17 (f) GUARANTEE OF LOANS FOR ACQUISITION OF
18 PROPERTY.—Section 108 of the Housing and Community
19 Development Act of 1974 (42 U.S.C. 5308) is amended
20 by striking “or (6)” and inserting “(6) the installation of
21 solar energy equipment; or (7)”.

22 (g) POWER PURCHASE AGREEMENTS FOR PUBLIC
23 HOUSING AGENCIES.—Section 6 of the United States
24 Housing Act of 1937 (42 U.S.C. 1437d) is amended by
25 adding at the end the following:

1 “(u) POWER PURCHASE AGREEMENTS.—

2 “(1) IN GENERAL.—Each contract for contribu-
3 tions for a public housing agency shall provide that
4 the agency may enter into third-party power pur-
5 chase agreements with third-party providers for a
6 period of not more than 20 years, in addition to a
7 2-year option period, for the installation of solar en-
8 ergy equipment in public housing projects.

9 “(2) UTILITIES.—With respect to tenant-paid
10 utilities, any solar rate savings from a power pur-
11 chase agreement that may result in rebates to a
12 family shall not be used in the calculation of lower
13 utility allowances for the family that results in an
14 increase in the rent paid by the family.”

15 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to the Secretary to carry
17 out this section and the amendments made by this section
18 \$240,000,000 for each of fiscal years 2020 through 2024.

19 **SEC. 5. RULEMAKING RELATING TO UTILITY ALLOWANCES.**

20 (a) DEFINITIONS.—In this section, the term “covered
21 housing” means—

22 (1) public housing, as defined in section 3(b) of
23 the United States Housing Act of 1937 (42 U.S.C.
24 1437a(b)); and

1 (2) tenant-based assistance provided under sec-
2 tion 8(o) of such Act (42 U.S.C. 1437f(o)).

3 (b) RULEMAKING.—The Department of Housing and
4 Urban Development shall promulgate regulations to pro-
5 vide that, with respect to covered housing, any solar rate
6 savings for a dwelling unit that is associated with this Act
7 or an amendment made by this Act shall not be used in
8 the calculation of lower utility allowances for a family that
9 results in an increase in the rent paid by the family.

○