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Comments of the GREEN-EEFA Coalition

See attached

Additional submitted attachment is included below.

BEFORE THE CALIFORNIA ENERGY COMMISSION

In the matter of: Senate Bill 350 Low-Income and Disadvantaged Communities Barriers and Solutions Report	Docket No. 16-OIR-02

COMMENTS OF THE GREEN-ENERGY EFFICIENCY FOR ALL COALITION, INCLUDING CALIFORNIA HOUSING PARTNERSHIP, NATURAL RESOURCES DEFENSE COUNCIL, ASSOCIATION FOR ENERGY AFFORDABILITY, GREENLINING INSTITUTE, AND BUILD IT GREEN, ON THE SB 350 BARRIERS REPORT DRAFT RECOMMENDATIONS

October 28, 2016

I. INTRODUCTION

The California Housing Partnership (CHPC), the Natural Resources Defense Council (NRDC), Association for Energy Affordability, Greenlining Institute, and Build It Green respectfully submit these comments on behalf of the Green Rental home Energy Network (GREEN) and Energy Efficiency for All (EEFA) Coalition regarding the California Energy Commission's SB 350 Barriers Report. CHPC created GREEN, a coalition of over 80 affordable housing, environmental, and energy efficiency organizations working to increase access to energy efficiency resources for multifamily rental properties in California. EEFA is a national partnership dedicated to linking the energy and housing sectors together in order to tap the benefits of energy efficiency for millions of low-income families. In California, we work together with multifamily property owners and managers and numerous other partners to ensure that low-income households benefit from cleaner, healthier, and more affordable housing.

Our GREEN-EEFA Coalition appreciates the extensive work that went into creating the draft report recommendations, and we provide these comments to highlight and clarify top priority solutions for serving low income and disadvantaged community residents living in multifamily buildings.

II. SUMMARY

The GREEN-EEFA Coalition provides these comments on the Commission's Draft Recommendations for the SB 350 Barriers Report to address our top three priority solutions:

A. Comprehensive One-Stop Services

- Strongly support emphasis on one-stop services.
- Provide comprehensive one-stop technical assistance and funding services for energy efficiency, clean energy and water-energy programs across agencies, not just a single portal or contact for education and outreach.
- Commit to long-term, consistent and sufficient funding for comprehensive, one-stop services programs, not just pilots.
- Provide consistent statewide administration and program guidelines, combined with a regional presence and support to meet needs of program participants, rather than 10

separate one-stop shops.

B. Common Goals and Metrics Across Agencies

- Commend emphasis on standard metrics and indicators, including non-energy benefits.
- Clarify that common metrics and indicators will be developed through a joint agency process and will be applied consistently across agencies.
- Recommend extension of this approach to include joint agency development of common goals, including energy savings and participation, among others.

C. Align Low-Income Program Eligibility Requirements Across Agencies

- Allow categorical and comprehensive eligibility for rent-restricted properties.
- Adopt a uniform low-income eligibility standard using Area Median Income
- For programs targeting buildings that house low-income customers without rent restrictions, use rents below a certain threshold as an alternative to income qualifications.
- Proactively manage the transition to any new income eligibility guidelines to ensure that impacted customers are informed, engaged, and empowered to maintain their energy security and affordability.

In addition, we provide comments on the following section consistent with the priorities above.

D. Effective Financing Solutions

- Pay for performance is not the answer. Rent-restricted affordable housing owners cannot take the risk that energy savings will be less than projected.
- Clarify the energy efficiency financing pilot recommendations to reflect that new pilots become part of the existing energy efficiency financing pilots framework.
- Reinterpret guidelines for existing On-Bill Financing Pilots to require utilities to provide up to $250,000 in financing to federal, state or local government regulated low-income rental housing.

- Financing is not enough – this sector needs long-term commitments to incentive programs.

E. Rather than Expand the Multifamily Affordable Solar Housing (MASH) model, Expand Multifamily Affordable Housing Solar Roofs (AB 693)

- California should expand the upcoming Multifamily Affordable Housing Solar Roofs (AB 693) program, rather than replicate the limitations of the MASH program for multifamily rent-restricted housing.

III. DISCUSSION

A. COMPREHENSIVE ONE-STOP SERVICES

The GREEN-EEFA Coalition applauds the Commission for highlighting in Draft Recommendation 6 the importance of state agencies working together to make it easier for "building owners, tenants and small businesses in low-income and disadvantaged communities" to adopt clean energy and water upgrades through a one-stop, full-service program. We suggest the following clarifications and edits to this draft recommendation to further reflect the experience of the GREEN-EEFA Coalition with developing and implementing the California Department of Community Services and Development's Low-Income Weatherization Program, the best example of a comprehensive one-stop services program in California. The rationale behind these edits is explained in detail below.

Draft Recommendation 6. The Legislature should direct the ~~Energy Commission, in consultation with the CPUC and~~ California Department of Community Services and Development (CSD), in consultation with the Energy Commission, the CPUC and other related state agencies, ~~should establish a to expand pilot program for up to 10 regional one-stop shops~~ to expand the Multifamily Low-Income Weatherization Program (LIWP-MF) ~~to~~ that currently provides full-service, comprehensive one-stop technical assistance and funding services support to ~~building~~ owners~~,~~ and tenants of low-income housing across the state~~, and small businesses in low-income and disadvantaged communities~~ to enable them to implement energy efficiency, clean energy and water upgrades in their buildings. The Legislature should authorize funding for a ten-year program term and direct the CPUC to work with CSD to ensure that LIWP projects can leverage funding from utility programs for multifamily and low-income sectors. This ~~pilot~~ expanded program should also include expanded regional technical assistance to support increase in eligible properties ~~support a range of local service delivery providers~~ and leverage existing ~~Web portals~~education and outreach initiatives, such as Energy Upgrade California®, with information provided in a variety of languages and in a format relevant to their communities.

The Draft Recommendation could be misconstrued as a recommendation to merely provide one-stop shops for energy program education and outreach, which is an essential component of a comprehensive one-stop services solution, but is not sufficient on its own. Low-income housing owners also **need one-stop access to technical assistance and funding services** across the myriad of incentive and financing opportunities offered by federal, state and local agencies and utilities.[1] Accordingly, we recommend the foregoing clarification edits to ensure that the Commission's intention is clear to the Legislature.

Further, rather than authorize 10 independent regional pilot programs to demonstrate the effectiveness of this approach, we urge the Commission to recommend that the Legislature expand and extend the best existing model for comprehensive one-stop services for energy efficiency and solar in California, the statewide Cap-and-Trade-funded **Low-Income Weatherization Program for large multifamily housing (LIWP-MF)**, which has been authorized to spend $24 million in disadvantaged communities across the state. The program provides comprehensive technical assistance for assessing and implementing whole-building energy efficiency retrofits and solar energy installations, as well as full-service assistance with

[1] In the City of Los Angeles alone, Elevate Energy recently found that there are 28 different state and utility programs that multifamily owners may participate in individually. Enabling rent-restricted housing owners to tap multiple sources of funding through one resource is essential for increasing program participation. Owners have limited staff time resources to spend on program participation, and our experience has shown that individual utility incentives are generally only sufficient to pay for less than 25% of the cost of the energy conservation measures recommended by energy audits. This leaves owners of rent-restricted multifamily properties without the means to pay for comprehensive energy efficiency retrofits outside of waiting for the next refinancing to pay for these types of upgrades as part of a major renovation. See GREEN-EEFA's September 29th comments in this docket for more details about this barrier.

identifying and applying for incentives and financing from other federal, state and local agency and utility sources.

Since large multifamily housing owners generally have portfolios that span multiple regions and utility territories, CSD selected a single statewide service provider by competitive solicitation to provide a **consistent set of program guidelines** for LIWP-MF projects. The LIWP-MF service provider team includes expert regional technical assistance throughout the state.

Our coalition recommends that the expanded program continue to provide this balance between statewide consistency for owners, and delivery of technical assistance through a one-stop service provider with a team of regional and statewide partners. Building owners benefit from access to people who can help navigate program offerings and provide project development and technical assistance, such as initial assessments, audits, and project support through the entire process. A key figure in this one-stop services model is the energy analyst assigned to every owner.

This single point of contact coordinates a team of experts to spearhead the major building upgrades and guides busy property managers through the entire retrofit process. These energy analysts become trusted advisors to local building owners. The people in this function should be specialists and empowered to build relationships with local partners, such as lenders, contractors, and utility staff.

For LIWP-MF to reach its full potential, the state must provide LIWP-MF adequate ramp-up time to demonstrate program effectiveness and success. Future program funding decisions are currently being made based on the basis of expenditures within the first ten months of the program. This is inadequate for a program that aims to implement large-scale comprehensive multifamily construction projects that hinge on financing timelines that are not aligned with the short-tem program cycle. Given the time it takes to develop affordable housing GHG reduction projects, and the fact that the LIWP-MF incentives are issued upon construction completion, LIWP-MF has a not yet issued any incentive dollars to the thousands of units that are currently participating in the program and in construction, making the metric of "expenditures" a poor indicator of the program's success or failure. Number of projects/units that have or are getting ready to reserve their incentives is therefore a better and more accurate indicator of program progress and, until the program has completed its second year of implementation, should be used as the basis of near term funding authorization.

To expand LIWP-MF as a comprehensive solution for low-income housing across the state, the Legislature must (a) authorize expansion of program eligibility and sufficient funding, (b) commit to long-term, consistent funding rather than pilot funding, (c) direct the CPUC to work with CSD to ensure that LIWP-MF projects can leverage funding from utility programs for multifamily and low-income sectors, and (d) adopt appropriate program metrics and goals that best reflect the longer timeline for deep energy whole building retrofits the program is targeting.

Program eligibility should be expanded beyond disadvantaged communities. Many of the same entities that own and operate low income properties located within disadvantaged communities also own many low income properties that are in great need of these program services, but are located just outside of a disadvantaged community. The LIWP-MF program has already taken information on numerous properties representing thousands of dwelling units that are known to be within 0.5 mile of DAC that would like to participate in the program but have been deemed ineligible due to this geographic restriction. While we firmly agree that priority should be given to those properties located within DAC's, we also strongly urge the legislature to expand the service territory in such a way as to not fully exclude those low income properties that are in need of the program's services but are located outside of a DAC. One suggestion for how to prioritize program funding might be to make the AMI eligibility requirements stricter for properties located outside of a DAC than those located within a DAC.

Long-term, reliable and sufficient funding is critical for wide adoption and program success, especially in the low-income multifamily sector. We recommend a 10-year program period for programs in general, including the proposed expanded program, to provide potential owner participants certainty that funding will remain available. Multifamily energy and water project design, development and implementation is complex and often takes several years from initial contact to project completion. Owners often need to time projects to align with planned tax credit funded rehabilitations of properties. Further, owners often need to complete multi-phase upgrades over the course of several years rather than all at once. With a very strong pipeline and a robust reservation queue in its first 10 months of implementation the LIWP-MF has already demonstrated that there is strong demand and desire in the marketplace for this program model.

We further propose that the Legislature direct the CPUC to work with CSD to ensure that LIWP projects can **leverage funding** from utility programs for multifamily and low-income sectors. While utilities, Regional Energy Networks and Community Choice Aggregators have been offered the opportunity to help eligible property owners leverage LIWP dollars to help pay for comprehensive retrofits, it has not been required, and so this opportunity has not translated to real collaboration in most regions.

B. COMMON GOALS, METRICS AND LOW-INCOME ELIGIBILITY REQUIREMENTS ACROSS AGENCIES

Our coalition strongly supports the Commission's direction to California agencies to establish standard metrics and indicators for low-income and disadvantaged communities programs, including equity metrics. We also strongly support the point under Draft Recommendation 7 for the Energy Commission, CPUC and ARB to "establish common definitions of non-energy benefits (NEBs) and standards to measure them", and we suggest including that point in this section as well. We request the following edits to Draft Recommendation 5 to clarify that state agencies must work together to develop common metrics and indicators that will be applied consistently across all programs for the state, for the reasons laid out in our September 29th comments.

We also urge the Commission to further require state agencies to work together to develop common goals for these sectors, leveraging their work on common metrics and indicators, for the reasons described below.

> Draft Recommendation 5. The Legislature should require all state program delivery agencies to form a joint task force to establish a set of common outcome-oriented goals, establish common metrics and indicators, and develop shared infrastructures and requirements to collect and use data systematically across programs to increase the performance of ~~these~~ low-income and disadvantaged communities programs ~~in low-income communities~~, including requirements to:

a. Develop standardized energy equity indicators as metrics to ensure low-income customers are being served. Use this metric to set a statewide baseline and track performance over time.

b. Target program services to increase coverage and improve equity.

c. Develop a common database for use by program delivery agencies and other community partners.

d. Use market intelligence to achieve data-driven program design and target best intervention strategies that serve low-income needs.

e. Ensure that low-income persons have product selection options and information necessary to avoid driving up their plug-load energy use because low-cost appliance and consumer products are commonly the least energy efficient.

f. Program participation should include a condition for permission to access participant, project, and pre-/post-consumption data by the State to enhance service delivery and for evaluation and planning.

g. Establish common definitions of non-energy benefits (NEBs) and standards to measure them.

h. Establish energy/bill savings goals, all cost-effective measures per building, penetration goals, greenhouse gas emissions goals, and NEBs goals.

We recommend that California **establish common outcome-oriented goals for low-income and disadvantaged communities programs**. Numerous jurisdictions, including Vermont, Massachusetts, Rhode Island, Connecticut, and New Zealand, have successfully set energy savings goals for low-income programs, in addition to other programmatic goals such as job quality and public health. For example, the Massachusetts Low-Income Energy Affordability Network (LEAN) program includes three main goals – participant goals (comparable to California's "households served"), kWh and therm savings goals, and achieving all cost-effective measures per building – all of which utilities have successfully met and exceeded. We recommend California's low-income programs similarly set outcome-oriented goals for energy/bill savings, all cost-effective measures per building, penetration goals, and non-energy benefits goals.

Without common outcome-oriented goals for the state, individual programs will continue to set objectives that are not aligned with the state's broader policy goals and mandates. For example, despite the fact that governing statutes and the CA strategic efficiency plan set multiple goals for the Energy Savings Assistance Program (ESAP) that include improving energy affordability, the ESAP program has so far only translated program penetration goals into explicit requirements that guide utility planning and budgets. To correct for this factor, energy savings goals and greenhouse gas emissions goals should be added so portfolios are not exclusively designed based on serving the greatest number of households at the least cost. To this end, we strongly support the report's recommendation to set greenhouse gas emissions goals and energy savings goals for each program.[2]

C. ALIGN LOW-INCOME ELIGIBILITY REQUIREMENTS ACROSS AGENCIES

Streamlining program enrollment and income eligibility processes is critical. As the Commission found in the Assembly Bill 758 Existing Buildings Action Plan, low-income program eligibility requirements need to be made consistent across programs to increase customer adoption of multiple programs. We recommend that the Commission add an additional Recommendation to address this issue. Further, any process of aligning income eligibility requirements will inevitably change eligibility for some households – some will become eligible for programs they cannot participate in today, but some will be rendered ineligible for programs for which they are currently eligible. As such, any alignment process must proactively consider transition management to ensure that customers are aware of the changes and have other means by which they can address their energy and affordability needs.

> New Recommendation X. The Legislature should require all state program delivery agencies to form a joint task force to align low-income eligibility requirements across agencies and programs to streamline low-income program enrollment and increase participation in multiple programs, and the task force shall at minimum:

[2] SB 350 Draft Report, p. 42.

a. Adopt a uniform income eligibility standard using Area Median Income as is done by all of the state's housing programs and by CSD in administering the Multifamily Low Income Weatherization Program.

b. Allow categorical and comprehensive eligibility for properties where rents are restricted to affordable levels by a government agency for a period of not less than ten years.

c. For programs targeting buildings that house low-income customers without rent restrictions, allow use of rents below a certain threshold as an alternative to income qualifications, as is done by NYSERDA in New York and is currently being considered by the LIWP program.

d. Proactively manage the transition to any new income eligibility guidelines to ensure that impacted customers are informed, engaged, and empowered to maintain their energy security and affordability.

D. EFFECTIVE FINANCING SOLUTIONS

The GREEN-EEFA Coalition offers the following refinements to Draft Recommendation 2 to reflect our collective experience with developing, implementing and participating in financing programs for rent-restricted multifamily housing in California for the reasons noted below. We also suggest clarifications to reflect that new pilots will become part of the existing energy efficiency financing pilots framework. And although we agree that financing options are important, our coalition must reiterate the financing options are not enough. This sector needs long-term commitments to incentive programs.

Draft Recommendation 2. The State should ~~develop a series of~~enhance the portfolio of California Hub for Energy Efficiency Financing (CHEEF) energy upgrade financing pilot programs ~~to evaluate a variety of models~~ to improve access and participation of low-income customers, housing owners and tenants, including those in disadvantaged communities.

a. The CPUC should develop an on-bill financing pilot program for low-income and disadvantaged communities ~~using a pay-for-performance model~~. The

Energy Commission should encourage and assist in the adoption of ~~a payfor-performance~~ this model among POUs and rural electric cooperatives.

b. The Legislature should authorize development of a CleanCARE pilot program, or similar program design, to provide low-income customers the option to use their California Alternative Rates for Energy (CARE) subsidy to purchase shares in a community solar offering.

c. California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) should establish a pilot program for low-income customers statewide, including POU territories, similar or complementary to the California Hub for Energy Efficiency Financing (CHEEF) program to leverage State efforts. The pilot program should include the cost of health and safety measures required to accomplish energy efficiency upgrades. Coupled with related programs, CAEATFA should include an interest rate buy-down pilot for energy improvements for market-rate, low-income single family and multifamily housing.

d. The State Treasurer's Office, in coordination with other state entities, should offer a credit enhancement pilot program to encourage financing for energy improvements for market-rate, low-income multifamily housing and commercial, community, and industrial buildings in disadvantaged communities. Options could include establishing a financial warehouse line of credit or subordinated capital.

e. ~~The State Treasurer's Office should establish a pilot program to evaluate the potential for social impact bonds to increase investment in energy upgrades for low-income customers.~~ The guidelines for the existing Multifamily On-Bill Financing Pilot should be reinterpreted to require utilities to provide up to $250,000 in financing for a 10-year term for regulated multifamily low-income rental housing.

Pay for performance is a non-starter for rent-restricted housing. We do not recommend the "pay for performance model" or the similar "social impact bonds" model for this sector, since these models require owners or tenants to bear the risk if energy savings do not materialize, which is a nonstarter for owners and tenants of rent-restricted affordable housing. Affordable rental properties with rent restrictions imposed by federal, state and local governments generally operate close to the margin without the excess cash flow necessary to cover any gap. Low-income tenants do not have the resources to shoulder these risks. Further, when low-income households restrict their energy use by keeping the thermostat down in the winter and up in the summer, then use more reasonable/comfortable settings once their energy inefficient apartment becomes energy efficient, the "expected" energy savings will not all materialize. Part of those savings will be "spent" on greater comfort and health.

Reflect that new pilots will become part of the existing energy efficiency financing pilots framework. Recognizing the substantial efforts made by CAEATFA, the CPUC and stakeholders to authorize, develop and begin to implement a series of energy efficiency financing pilots, we recommend the clarifications above to reflect that new pilots will become part of this existing framework.

We also propose **reinterpretation of the guidelines for the existing Multifamily On-Bill Financing Pilot** to require utilities to provide up to $250,000 in financing for a 10-year term to regulated multifamily low-income rental housing. A good summary of the challenges to the current OBF program can be found in Commissioner Catherine J.K. Sandoval's Alternate Proposed Decision Revision 2 regarding On Large Investor-Owned Utilities' California Alternate Rates for Energy and Energy Savings Assistance Program Applications: "It appears that the underutilization of the OBF program among multifamily properties is the result of a lack of awareness and an unwillingness to tap into loans of up to $100,000 with five-year payback terms" [3] CHPC's focus groups with owners have supported the conclusion that the main reason these owners have not used the OBF program is that the five-year term and $100,000 financing limits render this program virtually useless for the types of improvements with longer estimated useful lives that are required to achieve deeper savings at these complex properties.

The simple solution to this problem is to revise the rules for the OBF program to enable low-income rent-restricted multifamily housing properties to have access to the OBF terms provided for government properties, specifically an OBF per property limit of $250,000 with a ten-year term. Low-income rent-restricted multifamily housing of this type is so regulated by government agencies as to be virtually indistinguishable from properties owned directly by

[3] APD p. 193

federal, state and local governments. Accordingly, it is fair and reasonable that these properties be provided OBF terms comparable to government properties. This change would allow these properties, which generally have limited to no ability to increase rents or cash flow to pay for even a portion of energy efficiency retrofit costs, to take advantage of ESA services and EUC incentives by providing them with a tool for paying for non-eligible but related program costs.

E. RATHER THAN EXPAND THE MULTIFAMILY AFFORDABLE SOLAR HOUSING (MASH) MODEL, EXPAND MULTIFAMILY AFFORDABLE HOUSING SOLAR ROOFS (AB 693)

California should expand the upcoming Multifamily Affordable Housing Solar Roofs (MAHSR) program, rather than replicate the limitations of the MASH approach for multifamily rent-restricted housing. The MASH program has many limitations, and our coalition is currently working on ensuring that these limitations will not be replicated in the new Multifamily Affordable Housing Solar Roofs (MAHSR) program authorized by AB 693 and under development in the CPUC Rulemaking 14-02-002. The new program, unlike MASH, was intened to lower tenant electric bills, include effective energy efficiency provisions, benefit disadvantaged communities through local hiring, and leverage other sources of funding to increase the impact of program dollars.[4]

Draft Recommendation 3. The Legislature should expand opportunities for low-income and disadvantaged populations that own or rent to utilize solar, such as the Single Family Affordable Solar Housing (SASH) and ~~Multifamily Affordable Solar Housing (MASH)~~AB 693 Multifamily Multifamily Affordable Housing Solar Roofs (MAHSR) programs, by:

a. Augmenting funding to serve low-income and disadvantaged communities at the same penetration as the CSI has achieved for the general population.

b. ~~Allowing~~ Authorizing additional funding ~~to be used~~ to support community solar for low-income customers.

[4] GREEN-EEFA submitted a full proposal for the AB 693 program in CPUC Rulemaking 14-02-002.

c. Requiring POUs to develop pilot programs similar to SASH/MA~~S~~HSR for low-income customers.

d. Emphasizing special attention to tribal communities and communities not served by utilities.

Also note that our coalition does not support the redirection of funding from existing solar programs to fund new community solar programs. However, we do support authorization of additional funding for community solar programs.

F. CONCLUSION

GREEN-EEFA appreciates the opportunity to offer these comments on the Commission's SB 350 Barriers/Solutions Report, and encourages the Commission to consider our recommendations, as elaborated on above, to ensure all California residents are being served by California's clean energy economy.

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Respectfully submitted,

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