

**DOCKETED**

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*Comment Received From: Stacey Tutt  
Submitted On: 7/27/2024  
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**NHLP Comment IRA California HEEHRA Phase I Draft Community Benefits Plan**

*Additional submitted attachment is included below.*



July 26, 2024

**Re; Docket No.: 23-DECARB-01 Inflation Reduction Act Residential Energy Rebate Programs**

The following comments are submitted on behalf of the National Housing Law Project (NHLP) regarding the HEEHRA Phase I Community Benefits Plan

The National Housing Law Project (NHLP) is a legal advocacy center focused on increasing, preserving, and improving affordable housing; expanding and enforcing the rights of low-income residents and homeowners; and increasing housing opportunities for underserved communities. Our organization provides technical assistance and policy support on a range of housing issues to legal services and other advocates nationwide. NHLP hosts the national Housing Justice Network (HJN), a vast field network of over 1,600 community-level housing advocates and resident leaders. HJN member organizations are committed to protecting affordable housing and low-income residents' rights.

**Increase the low-income funding allocations**

- NHLP commends the goal of exceeding the initial \$1,161,000 low-income multifamily goal established by the DOE for California from 40.7% to 50.7%.<sup>1</sup> We would encourage the plan also increase the 10% minimum for low-income multifamily housing to increase diversity, equity, inclusion, and accessibility.

**Community Engagement**

- NHLP supports the inclusion of Community-Based Organizations (“CBO”) in the Community Benefits Plan. Not only can CBOs provide insight on the needs of the local community, but they can also provide essential services to limit the burden on consumers to understand the complicated program landscape and leverage rebates with existing utility-based energy efficiency programs. Low- and moderate-income (LMI) consumers, in particular, will benefit from trained navigators to help guide them through the sequencing and stacking of rebate program measures with existing weatherization, energy efficiency, rehabilitation programs, etc. The rebate

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<sup>1</sup> California HEEHRA Phase I Draft Community Benefits Plan at A-4.

program rules forbid combining federal grants and rebates for the same measure<sup>2</sup>, so coordination with the state’s Weatherization program will be critical. The navigators should be independent from the contractors implementing the energy programs. Navigators should help consumers select the measures, projects, and programs that best meet their needs and help consumers enroll in applicable programs. Consumers should not have to rely on contractors, who have a vested interest in their decision, to notify consumers of potential utility bill impacts.<sup>3</sup>

- In the presentation it was indicated that the program will rely on the existing tech contractor network to provide information to their customers. NHLP cautions on the over-reliance on technology to ensure LMI consumers are aware of the program. Rural communities, older adults, and limited English proficient households often struggle with technology and rely upon their local established community-based organizations for support. Funding should be provided to local community organizations that have established relationships with vulnerable populations. Instead of relying on the availability of CPUC Clean Energy Access grant funding for local CBOs, a portion of their IRA Home Energy Rebates administrative budgets can be used for outreach and education.<sup>4</sup>
- Navigators and community-based organizations can also play a key role in ensuring that households with Limited English Proficiency have full access to the programs. Simply expanding the languages available on *The Switch Is On* is not enough. There also needs to be media tool kits, applications, interpreter services for navigation of benefits, etc. Any translation should be done with certified translators not simply google translate. The Community Benefits Plan seems to rely upon offering program information to contractors who speak languages other than English. Again, the contractor is not a neutral party and consumers should have the benefit of a navigator to assist them in maximizing resources for electrification.
- NHLP strongly supports the use of categorical eligibility to make it easier for low-income households to apply for rebates.<sup>5</sup> The categorical eligibility should be published on *The Switch Is On*.
- The Consumer Awareness and Education goal established in the plan is vague and fails to establish relevant milestones. Simply increasing the positive perception of home electrification does not ensure that consumers are able to make informed

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<sup>2</sup> 42 U.S.C. § 18795(c)(7) and 42 U.S.C. § 18795a(c)(8); IRA Rebates Guidance § 3.3.2, at 44–46 and § 4.3.2 at 82–84.

<sup>3</sup> California HEEHRA Phase I Draft Community Benefits Plan at 24.

<sup>4</sup> Definition of “Administrative Costs,” IRA Rebates Guidance § 2.1, at 6. See also IRA Rebates Guidance § 4.2.1, at 69 (discussion of Education and Outreach).

<sup>5</sup> See [https://www.energy.gov/sites/default/files/2023-10/ira-50121-50122-home-energy-rebates-categorical-eligibility-list\\_10-13-2023.pdf](https://www.energy.gov/sites/default/files/2023-10/ira-50121-50122-home-energy-rebates-categorical-eligibility-list_10-13-2023.pdf)

decisions. Instead, the goals should be focused upon the empowerment of consumers to make informed choices, their awareness of consumer and tenant protections, the ability of braiding and stacking program benefits, and their ability to ultimately obtain the maximum benefits.

- Low-Income Ambassadors seems vaguely defined and having quarterly meetings is not an indicator of progress for engagement with low-income customer outreach. The program should also build accountability through transparency of the data, LIAP members, and any recommendations made by LIAP. LIAP should be empowered to offer mid-course improvement suggestions and program design modifications that can lower barriers or increase access for certain under-represented communities. Furthermore, the low-income ambassadors are not designated participants and should not simply be neighborhood volunteers as described on *The Switch Is On*.<sup>6</sup>
- When expanding the information materials on *The Switch Is On*, particular focus should be on including the following:
  - The “For Renters” section of the website should include the available tenant protections within the IRA
    - Property owners cannot evict tenants to obtain higher rent based on IRA-subsidized improvements and tenants should be informed of their rights by the property owner.<sup>7</sup>
    - Property owners are required to maintain or extend affordability for low-income tenants for two years following receipt of rebates.<sup>8</sup>
  - The website should also include the consumer protections associated with the financing options listed on the website:
    - The “Financing Options” include PACE financing. If PACE financing is going to be a listed financing option, the website should provide a link to explain the costs and benefits of such financing rather than parroting the products’ marketing materials. The website should use the product explanation from the Department of Financial Protection & Innovation.<sup>9</sup>
    - The FAQs indicate *The Switch Is On* will be expanding to include information on solar panels. If information regarding solar panels is to be included, the website should direct consumers to the Public

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<sup>6</sup> <https://switchison.org/be-an-ambassador/>

<sup>7</sup> [IRA Rebates Guidance](#), § 4.1.3, at 54.

<sup>8</sup> [IRA Rebates Guidance](#), § 4.1.3, at 54.

<sup>9</sup> <https://dfpi.ca.gov/pace-program-administrators/pace/>

Utilities Commissions' California Solar Consumer Protection Guide<sup>10</sup> and the Contractors State License Board's Solar Smart – Information to Consider Before Going Solar.<sup>11</sup>

- It is also unclear how the financing options were selected for the website. For example, there are more PACE financing companies than listed. Such selectivity seems to indicate an endorsement of these particular products by *The Switch Is On*.

### **Multifamily Rental Property Owners and Managers**

- NHLP recommends that multi-family property owners and tenants are educated on the tenant protections contained within the IRA.
- The Community Benefits Plan should also include a monitoring phase to ensure the tenant protections are enforced.

Thank you for your consideration of our comments and recommendations. We look forward to working with California Energy Commission. Please contact Stacey Tutt (stutt@nhlp.org) should you wish to clarify our position on these important issues.

Sincerely,



Stacey L. Tutt

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<sup>10</sup> California Public Utilities Commission (CPUC): [California Solar Consumer Protection Guide](#) (available in multiple languages and audio)

<sup>11</sup> Contractors State License Board (CSLB): [Solar Smart – Information to Consider Before Going Solar](#)