

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.

○