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**AB-1232 Affordable housing: weatherization.** (2019-2020)

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**Assembly Bill No. 1232**

**CHAPTER 754**

An act to amend Section 12087.5 of, and to add Sections 12087.9 and 12087.10 to, the Government Code, and to amend Section 39712 of the Health and Safety Code, relating to energy efficiency.

[ Approved by Governor October 11, 2019. Filed with Secretary of State October 11, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1232, Gloria. Affordable housing: weatherization.

Existing law requires the Department of Community Services and Development to, among other things, administer the Energy Efficiency Low-Income Weatherization Program and expend moneys appropriated by the Legislature for the purposes of the program.

This bill would require the Department of Community Services and Development to coordinate with the California Energy Commission and the State Department of Public Health's Office of Health Equity, by January 1, 2021, to identify best practices from model programs and funding mechanisms, and provide a recommended action plan.

Existing law requires the State Energy Resources and Conservation Commission to, among other things, establish annual targets for statewide energy efficiency savings and demand reduction, including specific strategies for progress towards maximizing savings in disadvantaged communities served by the weatherization program.

This bill would, in addition to the commission's recommendations, require the department to provide an assessment of the program. The bill would make other conforming changes.

Existing law, the California Global Warming Solutions Act of 2006, designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law requires moneys from the fund to be allocated for the purpose of reducing greenhouse gas emissions in this state and satisfying other purposes, if applicable and to the extent feasible, and authorizes specified investments if the investment furthers the regulatory purposes of the act and is consistent with law.

This bill would authorize an eligible expenditure of moneys appropriated to the Department of Community Services and Development from the Greenhouse Gas Reduction Fund to occur over multiple fiscal years and authorize the department to make multiyear funding commitments over a period of more than one fiscal year.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 12087.5 of the Government Code is amended to read:

**12087.5.** (a) The department shall develop and administer the Energy Efficiency Low-Income Weatherization Program and expend moneys appropriated by the Legislature for the purposes of the program.

(b) The department may develop requirements, guidelines, and subgrantee contract provisions for the program, including those necessary or desirable to ensure the effective implementation of Sections 12087.9 and 12087.10.

(c) Before a subgrantee contract is executed for the provision of local service, the department shall do both of the following:

(1) No less than 30 days before finalization of the program guidelines, post the draft program guidelines on the department's internet website.

(2) Hold a public hearing to obtain public input on the draft program guidelines with notice of the hearing published prominently on the department's internet website no less than 15 days before the hearing.

(d) Chapter 3.5 (commencing with Section 11340) of Part 1 does not apply to the development and adoption of program requirements, guidelines, and subgrantee contract provisions pursuant to this section.

**SEC. 2.** Section 12087.9 is added to the Government Code, to read:

**12087.9.** By January 1, 2021, the Department of Community Services and Development shall coordinate with the California Energy Commission and the State Department of Public Health's Office of Health Equity to identify best practices from model programs and funding mechanisms, and provide a recommended action plan to do all of the following:

(a) Ensure greater cross-referral between public health agencies, the State Department of Public Health's Office of Health Equity, and the Low-Income Weatherization Program for comprehensive energy and healthy home improvements for low-income multifamily residents in disadvantaged communities.

(b) Promote projects that include energy improvements that do all of the following:

(1) Provide net financial benefits, inclusive of rent and utility costs.

(2) Provide health benefits to tenants in low-income multifamily properties.

(3) Provide increased indoor air quality and address asthma or respiratory issues triggered by mold and moisture.

(c) Create mechanisms for enforcing state energy upgrade program requirements to maintain the affordability of benefiting units to low-income tenants.

**SEC. 3.** Section 12087.10 is added to the Government Code, to read:

**12087.10.** The department, in coordination with relevant agencies, shall provide an assessment of the effectiveness of the program on or before January 1, 2023. The assessment shall contain all of the following:

(a) A compilation of actual rates of rent increases and of tenant long-term relocation or eviction, for any reason, after energy upgrades received with the goal of better enforcing or adjusting affordability contracts and measures.

(b) A summary of the total number of properties that are not regulated by deed restrictions or other legally binding provisions that are below market rate multifamily affordable housing participating in the program, the marketing and outreach efforts of the department or the appropriate administrator pursued for this market segment, and the reasons given for nonparticipation, if any.

(c) In coordination with participating public health programs, a database of conditions found in homes that impact or could impact health negatively encountered when doing energy or health audits to track neighborhood hotspots and provide data for environmental screening and social determinants of health tools.

**SEC. 4.** Section 39712 of the Health and Safety Code is amended to read:

**39712.** (a) (1) It is the intent of the Legislature that moneys shall be appropriated from the fund only in a manner consistent with the requirements of this chapter and Article 9.7 (commencing with Section 16428.8) of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code.

(2) The state shall not approve allocations for a measure or program using moneys appropriated from the fund except after determining, based on the available evidence, that the use of those moneys furthers the regulatory purposes of Division 25.5 (commencing with Section 38500) and is consistent with law. If any expenditure of moneys from the fund for any measure or project is determined by a court to be inconsistent with law, the allocations for the remaining measures or projects shall be severable and shall not be affected.

(3) An eligible expenditure of moneys appropriated to the Department of Community Services and Development may occur over multiple fiscal years and the department may make multiyear funding commitments over a period of more than one fiscal year.

(b) Moneys shall be used to facilitate the achievement of reductions of greenhouse gas emissions in this state consistent with Division 25.5 (commencing with Section 38500) and, where applicable and to the extent feasible:

(1) Maximize economic, environmental, and public health benefits to the state.

(2) Foster job creation by promoting in-state greenhouse gas emissions reduction projects carried out by California workers and businesses.

(3) Complement efforts to improve air quality.

(4) Direct investment toward the most disadvantaged communities and households in the state.

(5) Provide opportunities for businesses, public agencies, Native American tribes in the state, nonprofits, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions.

(6) Lessen the impacts and effects of climate change on the state's communities, economy, and environment.

(c) Moneys appropriated from the fund may be allocated, consistent with subdivision (a), for the purpose of reducing greenhouse gas emissions in this state through investments that may include, but are not limited to, any of the following:

(1) Funding to reduce greenhouse gas emissions through energy efficiency, clean and renewable energy generation, distributed renewable energy generation, transmission and storage, and other related actions, including, but not limited to, at public universities, state and local public buildings, and industrial and manufacturing facilities.

(2) Funding to reduce greenhouse gas emissions through the development of state-of-the-art systems to move goods and freight, advanced technology vehicles and vehicle infrastructure, advanced biofuels, and low-carbon and efficient public transportation.

(3) Funding to reduce greenhouse gas emissions associated with water use and supply, land and natural resource conservation and management, forestry, and sustainable agriculture.

(4) Funding to reduce greenhouse gas emissions through strategic planning and development of sustainable infrastructure projects, including, but not limited to, transportation and housing.

(5) Funding to reduce greenhouse gas emissions through increased in-state diversion of municipal solid waste from disposal through waste reduction, diversion, and reuse.

(6) Funding to reduce greenhouse gas emissions through investments in programs implemented by local and regional agencies, local and regional collaboratives, Native American tribes in the state, and nonprofit organizations coordinating with local governments.

(7) Funding research, development, and deployment of innovative technologies, measures, and practices related to programs and projects funded pursuant to this chapter.