

AMENDED IN SENATE JULY 11, 2019
AMENDED IN SENATE JUNE 28, 2019
AMENDED IN SENATE JUNE 11, 2019
AMENDED IN ASSEMBLY APRIL 25, 2019
AMENDED IN ASSEMBLY APRIL 11, 2019
AMENDED IN ASSEMBLY MARCH 26, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1232

**Introduced by Assembly Member Gloria
(Coauthor: Assembly Member Reyes)**

February 21, 2019

An act 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.

LEGISLATIVE COUNSEL'S DIGEST

AB 1232, as amended, 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 proposes 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.

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. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12087.9 is added to the Government
- 2 Code, to read:
- 3 12087.9. By January 1, 2021, the Department of Community
- 4 Services and Development shall coordinate with the California
- 5 Energy Commission and the State Department of Public Health’s
- 6 Office of Health Equity to identify best practices from model
- 7 programs and funding mechanisms, and provide a recommended
- 8 action plan to do all of the following:
- 9 (a) Ensure greater cross-referral between public health agencies,
- 10 the State Department of Public Health’s Office of Health Equity,

1 and the Low-Income Weatherization Program for comprehensive
2 energy and healthy home improvements for low-income
3 multifamily residents in disadvantaged communities.

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

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

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

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

12 (c) Create mechanisms for enforcing ~~subdivision (a) of Section~~
13 ~~12087.7~~ and any other state energy upgrade program requirements
14 to maintain the affordability of benefiting units to low-income
15 tenants.

16 SEC. 2. Section 12087.10 is added to the Government Code,
17 to read:

18 12087.10. The department, in coordination with relevant
19 agencies, shall provide an assessment of the effectiveness of the
20 program on or before January 1, 2023. The assessment shall contain
21 all of the following:

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

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

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

37 SEC. 3. Section 39712 of the Health and Safety Code is
38 amended to read:

39 39712. (a) (1) It is the intent of the Legislature that moneys
40 shall be appropriated from the fund only in a manner consistent

1 with the requirements of this chapter and Article 9.7 (commencing
2 with Section 16428.8) of Chapter 2 of Part 2 of Division 4 of Title
3 2 of the Government Code.

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

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

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

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

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

26 (3) Complement efforts to improve air quality.

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

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

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

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

39 (1) Funding to reduce greenhouse gas emissions through energy
40 efficiency, clean and renewable energy generation, distributed

1 renewable energy generation, transmission and storage, and other
2 related actions, including, but not limited to, at public universities,
3 state and local public buildings, and industrial and manufacturing
4 facilities.

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

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

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

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

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

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