

42 USC 6864d: Financial assistance for WAP enhancement and innovation

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From Title 42-THE PUBLIC HEALTH AND WELFARE

CHAPTER 81-ENERGY CONSERVATION AND RESOURCE RENEWAL

SUBCHAPTER III-ENERGY CONSERVATION AND RENEWABLE-RESOURCE ASSISTANCE FOR EXISTING BUILDINGS

Part A-Weatherization Assistance for Low-Income Persons

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§6864d. Financial assistance for WAP enhancement and innovation**(a) Purposes**

The purposes of this section are-

- (1) to expand the number of dwelling units that are occupied by low-income persons that receive weatherization assistance by making such dwelling units weatherization-ready;
- (2) to promote the deployment of renewable energy in dwelling units that are occupied by low-income persons;
- (3) to ensure healthy indoor environments by enhancing or expanding health and safety measures and resources available to dwellings that are occupied by low-income persons;
- (4) to disseminate new methods and best practices among entities providing weatherization assistance; and
- (5) to encourage entities providing weatherization assistance to hire and retain employees who are individuals-
 - (A) from the community in which the assistance is provided; and
 - (B) from communities or groups that are underrepresented in the home energy performance workforce, including religious and ethnic minorities, women, veterans, individuals with disabilities, and individuals who are socioeconomically disadvantaged.

(b) Financial assistance

The Secretary shall, to the extent funds are made available, award financial assistance, on an annual basis, through a competitive process to entities receiving funding from the Federal Government or from a State, tribal organization, or unit of general purpose local government through a weatherization program under section 6863 of this title or section 6864 of this title, or to nonprofit entities, to be used by such an entity-

- (1) with respect to dwelling units that are occupied by low-income persons, to-
 - (A) implement measures to make such dwelling units weatherization-ready by addressing structural, plumbing, roofing, and electrical issues, environmental hazards, or other measures that the Secretary determines to be appropriate;
 - (B) install energy efficiency technologies, including home energy management systems, smart devices, and other technologies the Secretary determines to be appropriate;
 - (C) install renewable energy systems (as defined in section 6865(c)(6)(A) of this title); and
 - (D) implement measures to ensure healthy indoor environments by improving indoor air quality, accessibility, and other healthy homes measures as determined by the Secretary;
 - (2) to improve the capability of the entity-
 - (A) to significantly increase the number of energy retrofits performed by such entity;
 - (B) to replicate best practices for work performed pursuant to this section on a larger scale;
 - (C) to leverage additional funds to sustain the provision of weatherization assistance and other work performed pursuant to this section after financial assistance awarded under this section is expended; and
 - (D) to hire and retain employees who are individuals described subsection (a)(5);
 - (3) for innovative outreach and education regarding the benefits and availability of weatherization assistance and other assistance available pursuant to this section;
 - (4) for quality control of work performed pursuant to this section;
 - (5) for data collection, measurement, and verification with respect to such work;
 - (6) for program monitoring, oversight, evaluation, and reporting regarding such work;
 - (7) for labor, training, and technical assistance relating to such work;
 - (8) for planning, management, and administration (up to a maximum of 15 percent of the assistance provided);
- and
- (9) for such other activities as the Secretary determines to be appropriate.

(c) Award factors

In awarding financial assistance under this section, the Secretary shall consider-

(1) the applicant's record of constructing, renovating, repairing, or making energy efficient single-family, multifamily, or manufactured homes that are occupied by low-income persons, either directly or through affiliates, chapters, or other partners (using the most recent year for which data are available);

(2) the number of dwelling units occupied by low-income persons that the applicant has built, renovated, repaired, weatherized, or made more energy efficient in the 5 years preceding the date of the application;

(3) the qualifications, experience, and past performance of the applicant, including experience successfully managing and administering Federal funds;

(4) the strength of an applicant's proposal to achieve one or more of the purposes under subsection (a);

(5) the extent to which such applicant will utilize partnerships and regional coordination to achieve one or more of the purposes under subsection (a);

(6) regional and climate zone diversity;

(7) urban, suburban, and rural localities; and

(8) such other factors as the Secretary determines to be appropriate.

(d) Applications

(1) Administration

To be eligible for an award of financial assistance under this section, an applicant shall submit to the Secretary an application in such manner and containing such information as the Secretary may require.

(2) Awards

Subject to the availability of appropriations, not later than 270 days after December 27, 2020, the Secretary shall make a first award of financial assistance under this section.

(e) Maximum amount and term

(1) In general

The total amount of financial assistance awarded to an entity under this section shall not exceed \$2,000,000.

(2) Technical and training assistance

The total amount of financial assistance awarded to an entity under this section shall be reduced by the cost of any technical and training assistance provided by the Secretary that relates to such financial assistance.

(3) Term

The term of an award of financial assistance under this section shall not exceed 3 years.

(4) Relationship to formula grants

An entity may use financial assistance awarded to such entity under this section in conjunction with other financial assistance provided to such entity under this part.

(f) Requirements

Not later than 90 days after December 27, 2020, the Secretary shall issue requirements to implement this section, including, for entities receiving financial assistance under this section-

(1) standards for allowable expenditures;

(2) a minimum saving-to-investment ratio; and

(3) standards for-

(A) training programs;

(B) energy audits;

(C) the provision of technical assistance;

(D) monitoring activities carried out using such financial assistance;

(E) verification of energy and cost savings;

(F) liability insurance requirements; and

(G) recordkeeping and reporting requirements, which shall include reporting to the Office of Weatherization and Intergovernmental Programs of the Department of Energy applicable data on each dwelling unit retrofitted or otherwise assisted pursuant to this section.

(g) Compliance with State and local law

Nothing in this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the applicable requirement of this section.

(h) Review and evaluation

The Secretary shall review and evaluate the performance of each entity that receives an award of financial assistance under this section (which may include an audit).

(i) Annual report

The Secretary shall submit to Congress an annual report that provides a description of-

(1) actions taken under this section to achieve the purposes of this section; and

(2) accomplishments as a result of such actions, including energy and cost savings achieved.

(j) Funding

(1) Amounts

(A) In general

For each of fiscal years 2021 through 2025, of the amount made available under section 6872 of this title for such fiscal year to carry out the weatherization program under this part (not including any of such amount made available for Department of Energy headquarters training or technical assistance), not more than-

- (i) 2 percent of such amount (if such amount is \$225,000,000 or more but less than \$260,000,000) may be used to carry out this section;
- (ii) 4 percent of such amount (if such amount is \$260,000,000 or more but less than \$300,000,000) may be used to carry out this section; and
- (iii) 6 percent of such amount (if such amount is \$300,000,000 or more) may be used to carry out this section.

(B) Minimum

For each of fiscal years 2021 through 2025, if the amount made available under section 6872 of this title (not including any of such amount made available for Department of Energy headquarters training or technical assistance) for such fiscal year is less than \$225,000,000, no funds shall be made available to carry out this section.

(2) Limitation

For any fiscal year, the Secretary may not use more than \$25,000,000 of the amount made available under section 6872 of this title to carry out this section.

(k) Termination

The Secretary may not award financial assistance under this section after September 30, 2025.

(Pub. L. 94-385, title IV, §414D, as added Pub. L. 116-260, div. Z, title I, §1011(e)(1), Dec. 27, 2020, 134 Stat. 2443 .)