

ASSEMBLY BILL

No. 693

Introduced by Assembly Member Eggman

February 25, 2015

An act to amend Section 2852 of the Public Utilities Code, relating to renewable energy resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 693, as introduced, Eggman. Renewable energy: solar energy systems: low-income residential housing.

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, as defined. A decision of the PUC adopted the California Solar Initiative. Existing law requires the PUC to undertake certain steps in implementing the California Solar Initiative for low-income residential housing.

The bill would make a nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 2852 of the Public Utilities Code is
2 amended to read:
3 2852. (a) As used in this section, the following terms have the
4 following meanings:
5 (1) "Affordable housing cost," "affordable rent," and "lower
6 income households" have the same meanings as in those set forth

1 in Chapter 2 (commencing with Section 50050) of Part 1 of
 2 Division 31 of the Health and Safety Code.

3 (2) “California Solar Initiative” means the program providing
 4 ratepayer-funded incentives for eligible solar energy systems
 5 adopted by the Public Utilities Commission in Decision 05-12-044
 6 and Decision 06-01-024.

7 (3) “Low-income residential housing” means any of the
 8 following:

9 (A) A multifamily residential complex financed with
 10 low-income housing tax credits, tax-exempt mortgage revenue
 11 bonds, general obligation bonds, or local, state, or federal loans
 12 or grants, and for which either of the following applies:

13 (i) The rents of the occupants who are lower income households
 14 do not exceed those prescribed by deed restrictions or regulatory
 15 agreements pursuant to the terms of the financing or financial
 16 assistance.

17 (ii) The affordable units have been or will be initially sold at an
 18 affordable housing cost to a lower income household and those
 19 units are subject to a resale restriction or equity sharing agreement
 20 pursuant to the terms of the financing or financial assistance.

21 (B) A multifamily residential complex in which ~~at least~~ 20
 22 percent *or more* of the total housing units are sold or rented to
 23 lower income households and either of the following applies:

24 (i) The rental housing units targeted for lower income
 25 households are subject to a deed restriction or affordability
 26 covenant with a public entity or nonprofit housing provider
 27 organized under Section 501(c)(3) of the Internal Revenue Code
 28 that has as its stated purpose in its articles of incorporation on file
 29 with the office of the Secretary of State to provide affordable
 30 housing to lower income households that ensures that the units
 31 will be available at an affordable rent for a period of at least 30
 32 years.

33 (ii) The housing units have been or will be initially sold at an
 34 affordable cost to a lower income household and those units are
 35 subject to a resale restriction or equity sharing agreement, for
 36 which the homeowner does not receive a greater share of equity
 37 than described in paragraph (2) of subdivision (c) of Section 65915
 38 of the Government Code, with a public entity or nonprofit housing
 39 provider organized under Section 501(c)(3) of the Internal Revenue
 40 Code that has as its stated purpose in its articles of incorporation

1 on file with the office of the Secretary of State to provide affordable
2 housing to lower income households.

3 (C) An individual residence sold at an affordable housing cost
4 to a lower income household that is subject to a resale restriction
5 or equity sharing agreement, for which the homeowner does not
6 receive a greater share of equity than described in paragraph (2)
7 of subdivision (c) of Section 65915 of the Government Code, with
8 a public entity or nonprofit housing provider organized under
9 Section 501(c)(3) of the Internal Revenue Code that has as its
10 stated purpose in its articles of incorporation on file with the office
11 of the Secretary of State to provide affordable housing to lower
12 income households.

13 (4) “Solar energy system” means a solar energy device that has
14 the primary purpose of providing for the collection and distribution
15 of solar energy for the generation of electricity, that produces at
16 least one kilowatt, and produces not more than five megawatts,
17 alternating current rated peak electricity, and that meets or exceeds
18 the eligibility criteria established by the commission or the Energy
19 Commission.

20 (b) In establishing the California Solar Initiative, no moneys
21 shall be diverted from any existing programs for low-income
22 ratepayers, or from cost-effective energy efficiency or demand
23 response programs.

24 (c) (1) The commission shall ensure that not less than 10 percent
25 of the funds for the California Solar Initiative, as specified in
26 subdivision (e) of, or moneys collected pursuant to subdivision (f)
27 of, Section 2851, are utilized for the installation of solar energy
28 systems on low-income residential housing. Notwithstanding any
29 other law, the commission may modify the monetary incentives
30 made available pursuant to the California Solar Initiative to
31 accommodate the limited financial resources of low-income
32 residential housing.

33 (2) The commission may incorporate a revolving loan or loan
34 guarantee program into the California Solar Initiative for
35 low-income residential housing. All loans outstanding as of January
36 1, 2022, shall continue to be repaid consistent with the terms and
37 conditions of the program adopted and implemented by the
38 commission pursuant to this subdivision, until repaid in full.

39 (3) All moneys set aside for the purpose of funding the
40 installation of solar energy systems on low-income residential

1 housing that are unexpended and unencumbered on January 1,
2 2022, and all moneys thereafter repaid pursuant to paragraph (2),
3 except to the extent those moneys are encumbered pursuant to this
4 section, shall be utilized to augment existing cost-effective energy
5 efficiency measures in low-income residential housing that benefit
6 ratepayers.

7 (d) In supervising a program implementing the California Solar
8 Initiative pursuant to this section, the commission shall ensure that
9 the program does all of the following:

10 (1) Is designed to maximize the overall benefit to ratepayers.

11 (2) Requires participants who receive monetary incentives to
12 enroll in the Energy Savings Assistance Program established
13 pursuant to Section 382, if eligible.

14 (3) Provides job training and employment opportunities in the
15 solar energy and energy efficiency sectors of the economy.