

117TH CONGRESS
1ST SESSION

S. 1768

To make grants to support online training of residential contractors and rebates for the energy efficiency upgrades of homes and multifamily buildings, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2021

Mr. VAN HOLLEN (for himself, Mrs. SHAHEEN, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To make grants to support online training of residential contractors and rebates for the energy efficiency upgrades of homes and multifamily buildings, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “HOPE for HOMES Act of 2021”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—HOPE TRAINING

Sec. 101. Notice for HOPE Qualification training and grants.
 Sec. 102. Course criteria.
 Sec. 103. HOPE Qualification.
 Sec. 104. Grants.
 Sec. 105. Authorization of appropriations.

TITLE II—HOME ENERGY SAVINGS RETROFIT REBATE PROGRAM

Sec. 201. Establishment of Home Energy Savings Retrofit Rebate Program.
 Sec. 202. Partial system rebates.
 Sec. 203. State administered rebates for home energy efficiency retrofits.
 Sec. 204. State administered rebates for reductions in home energy use not measured by meters.
 Sec. 205. State administered rebates for multifamily building energy efficiency retrofits.
 Sec. 206. Special provisions for moderate income households and multifamily buildings.
 Sec. 207. Coordination of rebate and existing State-Sponsored or utility-Sponsored programs.
 Sec. 208. Consumer access to electric energy and natural gas information.
 Sec. 209. Evaluation reports to Congress.
 Sec. 210. Administration.
 Sec. 211. Treatment of rebates.
 Sec. 212. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Appointment of personnel.
 Sec. 302. Maintenance of funding.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **AGGREGATOR.**—The term “aggregator”
 4 means a gas utility, electric utility, or commercial,
 5 nonprofit, or government entity that may receive re-
 6 bates provided under a State program under this
 7 Act for one or more portfolios, consisting of one or
 8 more energy efficiency retrofits.

9 (2) **CONTRACTOR CERTIFICATION.**—The term
 10 “contractor certification” means an industry recog-
 11 nized certification that may be obtained by a resi-

dential contractor to advance the expertise and education of the contractor in energy efficiency retrofits of residential buildings, including—

(A) a certification provided by—

(i) the Building Performance Institute;

(ii) the Air Conditioning Contractors of America;

(iii) the National Comfort Institute;

(iv) the North American Technician Excellence;

(v) RESNET;

(vi) the United States Green Building Council; or

(vii) Home Innovation Research Labs; and

(B) any other certification the Secretary determines appropriate for purposes of the Home Energy Savings Retrofit Rebate Program.

(3) CONTRACTOR COMPANY.—The term “contractor company” means a company—

(A) the business of which is to provide services to residential building owners with respect to HVAC systems, insulation, air sealing,

1 or other services that are approved by the Sec-
2 retary;

3 (B) that holds the licenses and insurance
4 required by the State in which the company
5 provides services; and

6 (C) that provides services for which a re-
7 bate may be provided pursuant to the Home
8 Energy Savings Retrofit Rebate Program.

9 (4) ELECTRIC CONSUMER.—The term “electric
10 consumer” has the meaning given such term in sec-
11 tion 3 of the Public Utility Regulatory Policies Act
12 of 1978 (16 U.S.C. 2602).

13 (5) ELECTRIC UTILITY.—The term “electric
14 utility” has the meaning given such term in section
15 3 of the Public Utility Regulatory Policies Act of
16 1978 (16 U.S.C. 2602).

17 (6) ENERGY AUDIT.—The term “energy audit”
18 means an inspection, survey, and analysis of the en-
19 ergy use of a building, including the building enve-
20 lope and HVAC system.

21 (7) GAS CONSUMER.—The term “gas con-
22 sumer” has the meaning given such term in section
23 302 of the Public Utility Regulatory Policies Act of
24 1978 (15 U.S.C. 3202).

1 (8) GAS UTILITY.—The term “gas utility” has
2 the meaning given such term in section 302 of the
3 Public Utility Regulatory Policies Act of 1978 (15
4 U.S.C. 3202).

5 (9) HOME.—The term “home” means a build-
6 ing with no more than 4 dwelling units, or a manu-
7 factured housing unit, including units built before
8 June 15, 1976, that—

9 (A) is located in the United States;

10 (B) was constructed before the date of en-
11 actment of this Act; and

12 (C) is occupied at least 6 months out of
13 the year.

14 (10) HOME ENERGY SAVINGS RETROFIT RE-
15 BATE PROGRAM.—The term “Home Energy Savings
16 Retrofit Rebate Program” means the Home Energy
17 Savings Retrofit Rebate Program established under
18 section 201.

19 (11) HOMEOWNER.—The term “homeowner”
20 means the owner of an owner-occupied home or a
21 tenant-occupied home.

22 (12) HOME VALUATION CERTIFICATION.—The
23 term “home valuation certification” means one of
24 the following home assessments:

25 (A) Home Energy Score.

1 (B) PEARL Certification.

2 (C) National Green Building Standard.

3 (D) LEED.

4 (E) Any other assessment the Secretary
5 determines to be appropriate.

6 (13) HOPE QUALIFICATION.—The term
7 “HOPE Qualification” means the qualification de-
8 scribed in section 103.

9 (14) HOPE TRAINING CREDIT.—The term
10 “HOPE training credit” means a HOPE training
11 task credit or a HOPE training supplemental credit.

12 (15) HOPE TRAINING TASK CREDIT.—The
13 term “HOPE training task credit” means a credit
14 described in section 102(a).

15 (16) HOPE TRAINING SUPPLEMENTAL CRED-
16 IT.—The term “HOPE training supplemental cred-
17 it” means a credit described in section 102(b).

18 (17) HVAC SYSTEM.—The term “HVAC sys-
19 tem” means a system—

20 (A) consisting of a heating component, a
21 ventilation component, and an air-conditioning
22 component; and

23 (B) which components may include central
24 air conditioning, a heat pump, a furnace, a boil-
25 er, a rooftop unit, and a window unit.

1 (18) MEASURED PERFORMANCE HOME RE-
 2 BATE.—The term “measured performance home re-
 3 bate” means a rebate provided in accordance with
 4 section 203 and described in subsection (e) of that
 5 section.

6 (19) MEASURED PERFORMANCE MULTIFAMILY
 7 BUILDING REBATE.—The term “measured perform-
 8 ance multifamily building rebate” means a rebate
 9 provided in accordance with section 205 and de-
 10 scribed in subsection (e) of that section.

11 (20) METER.—The term “meter” means a de-
 12 vice that measures and records energy usage data at
 13 any interval.

14 (21) MODELED PERFORMANCE HOME RE-
 15 BATE.—The term “modeled performance rebate”
 16 means a rebate provided in accordance with section
 17 203 and described in subsection (d) of that section.

18 (22) MODELED PERFORMANCE MULTIFAMILY
 19 BUILDING REBATE.—The term “modeled perform-
 20 ance multifamily building rebate” means a rebate
 21 provided in accordance with section 205 and de-
 22 scribed in subsection (d) of that section.

23 (23) MODERATE INCOME.—The term “mod-
 24 erate income” means, with respect to a household, a
 25 household with an annual income that is less than

1 80 percent of the area median income, as deter-
 2 mined annually by the Department of Housing and
 3 Urban Development.

4 (24) MULTIFAMILY BUILDING.—The term
 5 “multifamily building” means a building with 5 or
 6 more dwelling units.

7 (25) PARTIAL SYSTEM REBATE.—The term
 8 “partial system rebate” means a rebate provided in
 9 accordance with section 202.

10 (26) RETAIL ELECTRIC ENERGY INFORMA-
 11 TION.—The term “retail electric energy informa-
 12 tion” means—

13 (A) the electric energy usage of an electric
 14 consumer over a time interval, as measured and
 15 recorded by the applicable meter;

16 (B) the retail electric energy prices or
 17 rates applied to the electric energy usage for
 18 the time interval described in subparagraph (A)
 19 for the electric consumer;

20 (C) the cost of service provided to an elec-
 21 tric consumer, as displayed on billing informa-
 22 tion provided to such electric consumer; and

23 (D) in the case of nonresidential electric
 24 meters, any other electrical information that the
 25 meter is programmed to record that is used for

1 billing purposes (such as demand measured in
2 kilowatts, voltage, frequency, current, and
3 power factor).

4 (27) RETAIL NATURAL GAS INFORMATION.—

5 The term “retail natural gas information” means—

6 (A) the natural gas usage of a gas con-
7 sumer, as measured and recorded by the appli-
8 cable gas utility;

9 (B) the retail natural gas prices or rates
10 applied to the natural gas usage described in
11 subparagraph (A) for the gas consumer;

12 (C) the cost of service provided to a gas
13 consumer, as displayed on billing information
14 provided to such gas consumer; and

15 (D) in the case of nonresidential natural
16 gas meters, any other information that the
17 meter is programmed to record that is used for
18 billing purposes.

19 (28) SECRETARY.—The term “Secretary”
20 means the Secretary of Energy.

21 (29) STATE.—The term “State” includes—

22 (A) a State;

23 (B) the District of Columbia;

24 (C) the Commonwealth of Puerto Rico;

25 (D) Guam;

- 1 (E) American Samoa;
- 2 (F) the Commonwealth of the Northern
- 3 Mariana Islands;
- 4 (G) the United States Virgin Islands; and
- 5 (H) any other territory or possession of the
- 6 United States.

7 (30) STATE ENERGY OFFICE.—The term “State
8 energy office” means the office or agency of a State
9 responsible for developing the State energy conserva-
10 tion plan for the State under section 362 of the En-
11 ergy Policy and Conservation Act (42 U.S.C. 6322).

12 (31) UNDERSERVED COMMUNITY.—The term
13 “underserved community” means—

14 (A) a community located in a ZIP Code
15 that includes one or more census tracts that are
16 identified as—

- 17 (i) a low-income community; or
- 18 (ii) a community of racial or ethnic
- 19 minority concentration; or

20 (B) any other community that the Sec-
21 retary determines is disproportionately vulner-
22 able to, or bears a disproportionate burden of,
23 any combination of economic, social, and envi-
24 ronmental stressors.

1 **TITLE I—HOPE TRAINING**

2 **SEC. 101. NOTICE FOR HOPE QUALIFICATION TRAINING**
3 **AND GRANTS.**

4 Not later than 30 days after the date of enactment
5 of this Act, the Secretary, acting through the Director of
6 the Building Technologies Office of the Department of
7 Energy, shall issue a notice that includes—

8 (1) criteria established under section 102 for
9 approval by the Secretary of courses for which cred-
10 its may be issued for purposes of a HOPE Qualifica-
11 tion;

12 (2) a list of courses that meet such criteria and
13 are so approved; and

14 (3) information on how individuals and entities
15 may apply for grants under this title.

16 **SEC. 102. COURSE CRITERIA.**

17 (a) HOPE TRAINING TASK CREDIT.—

18 (1) CRITERIA.—The Secretary shall establish
19 criteria for approval of a course for which a credit,
20 to be known as a HOPE training task credit, may
21 be issued, including that such course—

22 (A) is equivalent to at least 30 hours in
23 total course time;

24 (B) is provided by a provider accredited by
25 the Interstate Renewable Energy Council or has

1 other accreditation determined to be equivalent
 2 by the Secretary;

3 (C) is, with respect to a particular job,
 4 aligned with the relevant National Renewable
 5 Energy Laboratory Job Task Analysis, or other
 6 credentialing program foundation that helps
 7 identify the necessary core knowledge areas,
 8 critical work functions, or skills, as approved by
 9 the Secretary;

10 (D) has established learning objectives;
 11 and

12 (E) includes, as the Secretary determines
 13 appropriate, an appropriate assessment of such
 14 learning objectives that may include a final
 15 exam, to be proctored on-site or through remote
 16 proctoring, or an in-person field exam.

17 (2) INCLUDED COURSES.—The Secretary shall
 18 approve one or more courses that meet the criteria
 19 described in paragraph (1) for training related to—

20 (A) contractor certification;

21 (B) energy auditing or assessment;

22 (C) home energy systems (including HVAC
 23 systems);

24 (D) insulation installation and air leakage
 25 control;

1 (E) health and safety regarding the instal-
2 lation of energy efficiency measures or health
3 and safety impacts associated with energy effi-
4 ciency retrofits;

5 (F) indoor air quality; and

6 (G) energy efficiency retrofits in manufac-
7 tured housing.

8 (b) HOPE TRAINING SUPPLEMENTAL CREDIT CRI-
9 TERIA.—The Secretary shall establish criteria for approval
10 of a course for which a credit, to be known as a HOPE
11 training supplemental credit, may be issued, including
12 that such course provides—

13 (1) training related to—

14 (A) small business success, including man-
15 agement, marketing, home energy efficiency
16 software, or general accounting principles;

17 (B) the issuance of a home valuation cer-
18 tification;

19 (C) the use of wifi-enabled technology in
20 an energy efficiency upgrade; or

21 (D) understanding and being able to par-
22 ticipate in the Home Energy Savings Retrofit
23 Rebate Program; and

24 (2) as the Secretary determines appropriate, an
25 appropriate assessment of such training that may in-

1 clude a final exam, to be proctored on-site or
2 through remote proctoring, or an in-person field
3 exam.

4 (c) EXISTING APPROVED COURSES.—The Secretary
5 may approve a course that meets the applicable criteria
6 established under this section that is approved by the ap-
7 plicable State energy office or relevant State agency with
8 oversight authority for residential energy efficiency pro-
9 grams.

10 (d) IN-PERSON AND ONLINE TRAINING.—A course
11 approved pursuant to this section shall be available online,
12 except as needed for training in, or assessing, course con-
13 tent, but may also be conducted in-person.

14 **SEC. 103. HOPE QUALIFICATION.**

15 (a) ISSUANCE OF CREDITS.—

16 (1) IN GENERAL.—The Secretary, or an entity
17 authorized by the Secretary pursuant to paragraph
18 (2), may issue—

19 (A) a HOPE training task credit to any
20 individual that completes a course that meets
21 applicable criteria under section 102; and

22 (B) a HOPE training supplemental credit
23 to any individual that completes a course that
24 meets the applicable criteria under section 102.

1 (2) OTHER ENTITIES.—The Secretary may au-
2 thorize a State energy office implementing an au-
3 thorized program under subsection (b)(2), an organi-
4 zation described in section 104(b), and any other en-
5 tity the Secretary determines appropriate, to issue
6 HOPE training credits in accordance with para-
7 graph (1).

8 (b) HOPE QUALIFICATION.—

9 (1) IN GENERAL.—The Secretary may certify
10 that an individual has achieved a qualification, to be
11 known as a HOPE Qualification, that indicates that
12 the individual has received at least 3 HOPE training
13 credits, of which at least 2 shall be HOPE training
14 task credits.

15 (2) STATE PROGRAMS.—The Secretary may au-
16 thorize a State energy office to implement a pro-
17 gram to provide HOPE Qualifications in accordance
18 with this title.

19 **SEC. 104. GRANTS.**

20 (a) IN GENERAL.—The Secretary shall, to the extent
21 amounts are made available in appropriations Acts for
22 such purposes, provide grants to support the training of
23 individuals toward the completion of a HOPE Qualifica-
24 tion.

25 (b) PROVIDER ORGANIZATIONS.—

1 (1) IN GENERAL.—The Secretary may provide a
2 grant of up to \$20,000 under this section to an or-
3 ganization to provide training online, including es-
4 tablishing, modifying, or maintaining the online sys-
5 tems, staff time, and software and online program
6 management, through a course that meets the appli-
7 cable criteria established under section 102.

8 (2) CRITERIA.—In order to receive a grant
9 under this subsection, an organization shall be—

10 (A) a nonprofit organization;

11 (B) an educational institution; or

12 (C) an organization that has experience
13 providing training to contractors that work with
14 the weatherization assistance program imple-
15 mented under part A of title IV of the Energy
16 Conservation and Production Act (42 U.S.C.
17 6861 et seq.) or equivalent experience, as deter-
18 mined by the Secretary.

19 (3) ADDITIONAL CERTIFICATIONS.—In addition
20 to any grant provided under paragraph (1), the Sec-
21 retary may provide an organization up to \$5,000 for
22 each additional course for which a HOPE training
23 credit may be issued that is offered by the organiza-
24 tion.

1 (c) CONTRACTOR COMPANY.—The Secretary may
2 provide a grant under this section of \$1,000 per employee
3 to a contractor company, up to a maximum of \$10,000,
4 to reimburse the contractor company for training costs for
5 employees, and any home technology support needed for
6 an employee to receive training pursuant to this section.
7 Grant funds provided under this subsection may be used
8 to support wages of employees during training.

9 (d) TRAINEES.—The Secretary may provide a grant
10 of up to \$1,000 under this section to an individual who
11 receives a HOPE Qualification.

12 (e) STATE ENERGY OFFICE.—The Secretary may
13 provide a grant under this section to a State energy office
14 of up to \$25,000 to implement an authorized program
15 under section 103(b).

16 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to carry out
18 this title \$500,000,000 for the period of fiscal years 2022
19 through 2027.

1 **TITLE II—HOME ENERGY SAV-**
2 **INGS RETROFIT REBATE PRO-**
3 **GRAM**

4 **SEC. 201. ESTABLISHMENT OF HOME ENERGY SAVINGS**
5 **RETROFIT REBATE PROGRAM.**

6 The Secretary shall establish a program, to be known
7 as the Home Energy Savings Retrofit Rebate Program,
8 to—

9 (1) provide rebates in accordance with section
10 202; and

11 (2) provide grants to States to carry out pro-
12 grams to provide rebates in accordance this title.

13 **SEC. 202. PARTIAL SYSTEM REBATES.**

14 (a) AMOUNT OF REBATE.—In carrying out the Home
15 Energy Savings Retrofit Rebate Program, and subject to
16 the availability of appropriations for such purpose, the
17 Secretary shall provide a homeowner a rebate, to be known
18 as a partial system rebate, of, except as provided in section
19 206—

20 (1) up to \$800 for the purchase and installation
21 of insulation and air sealing within a home of the
22 homeowner; and

23 (2) up to—

24 (A) except as provided in subparagraph

25 (B), \$1,500 for—

1 (i) the purchase and installation of in-
 2 sulation and air sealing within a home of
 3 the homeowner; and

4 (ii) the replacement of—

5 (I) an HVAC system of such
 6 home;

7 (II) the heating component of an
 8 HVAC system of such home; or

9 (III) the cooling component of an
 10 HVAC system of such home; or

11 (B) \$2,500 for—

12 (i) the purchase and installation of in-
 13 sulation and air sealing within a home of
 14 the homeowner; and

15 (ii) the replacement of the heating
 16 component of an HVAC system of such
 17 home where the heating component in-
 18 stalled is an air source or ground source
 19 heat pump.

20 (b) SPECIFICATIONS.—

21 (1) COST.—The amount of a partial system re-
 22 bate provided under this section shall, except as pro-
 23 vided in section 206, not exceed 30 percent of cost
 24 of the purchase and installation of insulation and air
 25 sealing under subsection (a)(1), or the purchase and

1 installation of insulation and air sealing and replace-
2 ment of an HVAC system, the heating component of
3 an HVAC system, or the cooling component of an
4 HVAC system, under subsection (a)(2). Labor may
5 be included in such cost but may not exceed—

6 (A) in the case of a rebate under sub-
7 section (a)(1), 50 percent of such cost; and

8 (B) in the case of a rebate under sub-
9 section (a)(2), 25 percent of such cost.

10 (2) REPLACEMENT OF AN HVAC SYSTEM, THE
11 HEATING COMPONENT OF AN HVAC SYSTEM, OR THE
12 COOLING COMPONENT OF AN HVAC SYSTEM.—In
13 order to qualify for a partial system rebate described
14 in subsection (a)(2)—

15 (A) any HVAC system, heating component
16 of an HVAC system, or cooling component of
17 an HVAC system installed shall be Energy Star
18 Most Efficient certified;

19 (B) installation of such an HVAC system,
20 the heating component of an HVAC system, or
21 the cooling component of an HVAC system,
22 shall be completed in accordance with standards
23 specified by the Secretary that are at least as
24 stringent as the applicable guidelines of the Air

1 Conditioning Contractors of America that are in
2 effect on the date of enactment of this Act;

3 (C) if ducts are present, replacement of an
4 HVAC system, the heating component of an
5 HVAC system, or the cooling component of an
6 HVAC system shall include duct sealing; and

7 (D) the installation of insulation and air
8 sealing shall occur within 6 months of the re-
9 placement of the HVAC system, the heating
10 component of an HVAC system, or the cooling
11 component of an HVAC system.

12 (c) **ADDITIONAL INCENTIVES FOR CONTRACTORS.**—
13 In carrying out the Home Energy Savings Retrofit Rebate
14 Program, the Secretary may provide a \$250 payment to
15 a contractor per home for which—

16 (1) a partial system rebate is provided under
17 this section for the installation of insulation and air
18 sealing, or installation of insulation and air sealing
19 and replacement of an HVAC system, the heating
20 component of an HVAC system, or the cooling com-
21 ponent of an HVAC system, by the contractor;

22 (2) the applicable homeowner has signed and
23 submitted to the Secretary a release form made
24 available pursuant to section 210(b) authorizing the
25 contractor access, in accordance with guidelines es-

1 tablished under section 208(b), to information in the
2 utility bills of the homeowner; and

3 (3) the contractor inputs, into the Department
4 of Energy’s Building Performance Database or a
5 State database that has an agreement with the De-
6 partment of Energy—

7 (A) the energy usage for the home for the
8 13 months preceding, and the 24 months fol-
9 lowing, the installation of insulation and air
10 sealing or installation of insulation and air seal-
11 ing and replacement of an HVAC system, the
12 heating component of an HVAC system, or the
13 cooling component of an HVAC system;

14 (B) a description of such installation or in-
15 stallation and replacement; and

16 (C) the total cost to the homeowner for
17 such installation or installation and replace-
18 ment.

19 (d) PROCESS.—

20 (1) FORMS; REBATE PROCESSING SYSTEM.—

21 Not later than 90 days after the date of enactment
22 of this Act, the Secretary, in consultation with the
23 Secretary of the Treasury, shall—

1 (A) develop and make available rebate
 2 forms required to receive a partial system re-
 3 bate under this section;

4 (B) establish a Federal rebate processing
 5 system which shall serve as a database and in-
 6 formation technology system that will allow
 7 homeowners to submit required rebate forms;
 8 and

9 (C) establish a website that provides infor-
 10 mation on partial system rebates provided
 11 under this section, including how to determine
 12 whether particular measures qualify for a re-
 13 bate under this section and how to receive such
 14 a rebate.

15 (2) SUBMISSION OF FORMS.—In order to re-
 16 ceive a partial system rebate under this section, a
 17 homeowner shall submit the required rebate forms,
 18 and any other information the Secretary determines
 19 appropriate, to the Federal rebate processing system
 20 established pursuant to paragraph (1).

21 (e) FUNDING.—

22 (1) LIMITATION.—For each fiscal year, the Sec-
 23 retary may not use more than 40 percent of the
 24 amounts made available to carry out this title to
 25 carry out this section.

1 (2) ALLOCATION.—The Secretary shall, to the
2 extent practicable, allocate amounts made available
3 to carry out this section for partial system rebates
4 among the States using the same formula as is used
5 to allocate funds for States under part D of title III
6 of the Energy Policy and Conservation Act (42
7 U.S.C. 6321 et seq.).

8 **SEC. 203. STATE ADMINISTERED REBATES FOR HOME EN-**
9 **ERGY EFFICIENCY RETROFITS.**

10 (a) FUNDING.—In carrying out the Home Energy
11 Savings Retrofit Rebate Program, and subject to the
12 availability of appropriations for such purpose, the Sec-
13 retary shall provide grants to States to carry out programs
14 to provide rebates for home energy efficiency retrofits in
15 accordance with this section.

16 (b) STATE PARTICIPATION.—

17 (1) PLAN.—In order to receive a grant under
18 this section a State shall submit to the Secretary an
19 application that includes a plan to implement a
20 State program that meets the minimum criteria
21 under subsection (c).

22 (2) APPROVAL.—Not later than 60 days after
23 receipt of a completed application for a grant under
24 this section, the Secretary shall either approve the

1 application or provide to the applicant an expla-
2 nation for denying the application.

3 (c) MINIMUM CRITERIA FOR STATE PROGRAMS.—

4 Not later than 6 months after the date of enactment of
5 this Act, the Secretary shall establish and publish min-
6 imum criteria for a State program to meet to qualify for
7 funding under this section, including—

8 (1) that the State program be carried out by
9 the applicable State energy office or its designee;

10 (2) that a rebate be provided under a State pro-
11 gram only for a home energy efficiency retrofit
12 that—

13 (A) is completed by a contractor who
14 meets minimum training requirements, certifi-
15 cation requirements, and other requirements es-
16 tablished by the Secretary;

17 (B) includes installation of one or more
18 home energy efficiency retrofit measures that
19 together are modeled to achieve, or are shown
20 to achieve, the minimum reduction required
21 under this section—

22 (i) in home energy use; or

23 (ii) with respect to a portfolio of home
24 energy efficiency retrofits, in aggregated
25 home energy use for such portfolio;

1 (C) does not include installation of any
2 measure that the Secretary determines does not
3 improve whole building energy performance of
4 the home, such as a pool pump, pool heater, or
5 spa; and

6 (D) includes, after installation of the appli-
7 cable home energy efficiency retrofit measures,
8 a test-out procedure conducted in accordance
9 with guidelines issued by the Secretary of such
10 measures to ensure—

11 (i) the safe operation of all systems
12 post retrofit; and

13 (ii) that all improvements are included
14 in, and have been installed according to—

15 (I) manufacturers' installation
16 specifications; and

17 (II) all applicable State and local
18 codes or equivalent standards ap-
19 proved by the Secretary;

20 (3) that the State program utilize—

21 (A) for purposes of modeled performance
22 home rebates, modeling software, methods, and
23 procedures—

24 (i) for determining and documenting
25 the reductions in home energy use result-

1 ing from the implementation of a home en-
2 ergy efficiency retrofit that can be cali-
3 brated to historical energy usage for a
4 home consistent with BPI 2400;

5 (ii) that are approved by the Sec-
6 retary;

7 (iii) that can provide evidence for nec-
8 essary improvements to a State program;
9 and

10 (iv) that can help to calibrate models
11 for accuracy;

12 (B) for purposes of measured performance
13 home rebates, methods and procedures ap-
14 proved by the Secretary for determining and
15 documenting—

16 (i) the monthly and hourly (if avail-
17 able) weather-normalized baseline energy
18 use of a home; and

19 (ii) the reductions in monthly and
20 hourly (if available) weather-normalized
21 energy use of a home resulting from the
22 implementation of a home energy efficiency
23 retrofit; and

1 (C) open-source advanced measurement
2 and verification software approved by the Sec-
3 retary;

4 (4) that the State program include implementa-
5 tion of a quality assurance program—

6 (A) to ensure that home energy efficiency
7 retrofits are achieving the stated level of energy
8 savings, that efficiency measures were installed
9 correctly, and that work is performed in accord-
10 ance with procedures developed by the Sec-
11 retary, including through quality-control inspec-
12 tions for a portion of home energy efficiency
13 retrofits completed by each applicable con-
14 tractor; and

15 (B) under which a quality-control inspec-
16 tion of a home energy efficiency retrofit is per-
17 formed by a quality assurance provider who—

18 (i) is independent of the contractor
19 for such retrofit; and

20 (ii) will confirm that such contractor
21 is a contractor who meets the minimum re-
22 quirements described in paragraph (2);

23 (5) that, if the State program will provide
24 measured performance home rebates, the State pro-
25 gram—

1 (A) only provide such a measured perform-
2 ance home rebate with respect to a home energy
3 efficiency retrofit after collecting at least 13
4 months of data on home energy usage after
5 completion of such retrofit;

6 (B) establish and utilize, in accordance
7 with guidance issued by the Secretary, a max-
8 imum fractional savings uncertainty for any
9 portfolio of home energy efficiency retrofits; and

10 (C) publicly report annual aggregated re-
11 ductions in home energy use for homes for
12 which measured performance home rebates are
13 provided;

14 (6) that the State program include procedures
15 for a homeowner to transfer the right to claim a re-
16 bate to the contractor performing the applicable
17 home energy efficiency retrofit or to an aggregator,
18 if the State program will utilize aggregators;

19 (7) that if the State program will utilize
20 aggregators to facilitate delivery of rebates to home-
21 owners or contractors, that the State program in-
22 clude requirements for an entity to be eligible to
23 serve as an aggregator;

24 (8) that the State program include require-
25 ments for a homeowner, contractor, or aggregator to

1 claim a rebate, including that the homeowner, con-
2 tractor, or aggregator submit to the State any appli-
3 cable forms that are approved by the Secretary, in-
4 cluding a copy of the certificate provided by the ap-
5 plicable contractor certifying projected or measured
6 reduction of home energy use;

7 (9) that the State program provide that a
8 homeowner, contractor, or aggregator may claim
9 more than one rebate under the State program, and
10 may claim a rebate under the State program after
11 receiving a partial system rebate under section 202,
12 provided that no 2 rebates may be provided with re-
13 spect to a home using the same baseline energy use
14 of such home; and

15 (10) that the State program include a proce-
16 dure for providing, with respect to each home lo-
17 cated in an underserved community that receives a
18 home energy efficiency retrofit for which a rebate is
19 provided under the program, the contractor per-
20 forming such home energy efficiency retrofit, or an
21 aggregator who has the right to claim such rebate,
22 \$200.

23 (d) MODELED PERFORMANCE HOME REBATES.—

24 (1) IN GENERAL.—In carrying out a State pro-
25 gram under this section, a State may provide a

1 homeowner, contractor, or aggregator a rebate, to be
2 known as a modeled performance home rebate, for
3 an energy audit of a home and a home energy effi-
4 ciency retrofit that is projected, using modeling soft-
5 ware approved by the Secretary, to reduce home en-
6 ergy use by at least 20 percent.

7 (2) AMOUNT.—

8 (A) IN GENERAL.—Except as provided in
9 section 206, and subject to subparagraph (B),
10 the amount of a modeled performance home re-
11 bate provided under a State program shall be
12 equal to not more than 50 percent of the cost
13 of the applicable energy audit of a home and
14 home energy efficiency retrofit, including the
15 cost of diagnostic procedures, labor, reporting,
16 and modeling.

17 (B) LIMITATION.—Except as provided in
18 section 206, with respect to an energy audit
19 and home energy efficiency retrofit that is pro-
20 jected to reduce home energy use by—

21 (i) at least 20 percent, but less than
22 35 percent, the maximum amount of a
23 modeled performance home rebate shall be
24 \$2,000; and

- 1 (ii) at least 35 percent, the maximum
 2 amount of a modeled performance home
 3 rebate shall be \$4,000.

4 (e) MEASURED PERFORMANCE HOME REBATES.—

5 (1) IN GENERAL.—

6 (A) MINIMUM REDUCTION IN HOME EN-
 7 ERGY USE.—In carrying out a State program
 8 under this section, a State may provide a home-
 9 owner, contractor, or an aggregator a rebate, to
 10 be known as a measured performance home re-
 11 bate, for a home energy efficiency retrofit, or
 12 portfolio of home energy efficiency retrofits,
 13 where—

14 (i) for a home energy efficiency ret-
 15 rofit that is not part of a portfolio, there
 16 is reduction in home energy use of at least
 17 15 percent; and

18 (ii) for home energy efficiency retro-
 19 fits that are part of a portfolio, there is an
 20 aggregate reduction in home energy use of
 21 at least 15 percent.

22 (B) MEASURED REDUCTION.—For pur-
 23 poses of a measured performance home rebate,
 24 reductions in home energy use shall be meas-
 25 ured—

- 1 (i) at the meter;
- 2 (ii) in terms of reductions in kilowatt
- 3 hour, or kilowatt hour-equivalent, use; and
- 4 (iii) using methods and procedures ap-
- 5 proved by the Secretary.

6 (2) AMOUNT.—Except as provided in section
7 206—

8 (A) in the case of a home energy efficiency
9 retrofit—

10 (i) that is not part of a portfolio, the
11 amount of a measured performance home
12 rebate provided under a State program
13 shall be not more than 50 percent of the
14 direct costs of the home energy efficiency
15 retrofit to the homeowner; and

16 (ii) that is part of a portfolio, the ag-
17 gregated amount for measured perform-
18 ance home rebates provided for such port-
19 folio under a State program shall be not
20 more than 50 percent of the aggregated di-
21 rect costs of the home energy efficiency
22 retrofits that are part of the portfolio;

23 (B) the amount of a measured perform-
24 ance home rebate provided under a State pro-
25 gram shall be determined—

1 (i) in the case of a home energy effi-
 2 ciency retrofit that is not part of a port-
 3 folio, based on the amount that home en-
 4 ergy use for the home is reduced, provided
 5 such reduction is at least 15 percent; and

6 (ii) in the case of a home energy effi-
 7 ciency retrofit that is part of a portfolio,
 8 based on the amount that home energy use
 9 for the home is reduced, regardless of
 10 whether such reduction is at least 15 per-
 11 cent; and

12 (C) the amount of a measured performance
 13 home rebate provided under a State program
 14 shall be determined using a payment rate per
 15 kilowatt hour or kilowatt hour-equivalent of re-
 16 duction in home energy use that is—

17 (i) established by the State energy of-
 18 fice and approved by the Secretary; and

19 (ii) not more than a payment rate
 20 that would equal, for a 20 percent reduc-
 21 tion in average home energy use, based on
 22 State energy data, a rebate of not more
 23 than \$2000.

24 (f) OVERSIGHT.—If the Secretary determines that a
 25 State is not implementing a State program that was ap-

1 proved pursuant to subsection (b) and that meets the min-
 2 imum criteria under subsection (c), the Secretary may,
 3 after providing the State a period of at least 90 days to
 4 meet such criteria, withhold grant funds under this section
 5 from the State.

6 (g) ADMINISTRATIVE EXPENSES.—A State may use
 7 up to 10 percent of a grant received under this section
 8 for the costs of administering a State program approved
 9 pursuant to subsection (b) and that meets the minimum
 10 criteria under subsection (c).

11 **SEC. 204. STATE ADMINISTERED REBATES FOR REDUC-**
 12 **TIONS IN HOME ENERGY USE NOT MEASURED**
 13 **BY METERS.**

14 (a) FUNDING.—In carrying out the Home Energy
 15 Savings Retrofit Rebate Program, and subject to the
 16 availability of appropriations for such purpose, the Sec-
 17 retary shall provide grants to States to carry out programs
 18 that to provide rebates in accordance with this section for
 19 home energy efficiency retrofits for which the reductions
 20 in home energy use are not able to be modeled or meas-
 21 ured in a manner that would qualify for a rebate under
 22 section 203.

23 (b) STATE PARTICIPATION.—

24 (1) PLAN.—In order to receive a grant under
 25 this section a State shall submit to the Secretary an

1 application that includes a plan to implement a
2 State program that meets the minimum criteria
3 under subsection (c).

4 (2) APPROVAL.—Not later than 60 days after
5 receipt of a completed application for a grant under
6 this section, the Secretary shall either approve the
7 application or provide to the applicant an expla-
8 nation for denying the application.

9 (c) CRITERIA.—Not later than 6 months after the
10 date of enactment of this Act, the Secretary shall establish
11 and publish minimum criteria for a State program to meet
12 to qualify for funding under this section, including—

13 (1) that the State program be carried out by
14 the applicable State energy office or a designee with
15 an established history carrying out data-driven, eval-
16 uated, and verified programs;

17 (2) that a rebate be provided under a State pro-
18 gram only for a home energy efficiency retrofit
19 that—

20 (A) is completed by a contractor who
21 meets minimum training requirements, certifi-
22 cation requirements, and other requirements es-
23 tablished by the Secretary;

24 (B) includes installation of one or more
25 home energy efficiency retrofit measures for a

1 home that together are shown to achieve, a
2 minimum of a 20 percent reduction in home en-
3 ergy use from the baseline energy use of the
4 home, where such energy use is not measured
5 through a meter;

6 (C) does not include installation of any
7 measure that the Secretary determines does not
8 improve whole building energy performance of
9 the home, such as a pool pump, pool heater, or
10 spa; and

11 (D) includes, after installation of the appli-
12 cable home energy efficiency retrofit measures,
13 a test-out procedure conducted in accordance
14 with guidelines issued by the Secretary of such
15 measures to ensure—

16 (i) the safe operation of all systems
17 post retrofit; and

18 (ii) that all improvements are included
19 in, and have been installed according to—

20 (I) manufacturers' installation
21 specifications; and

22 (II) all applicable State and local
23 codes or equivalent standards ap-
24 proved by the Secretary;

1 (3) that the State program utilize methods and
2 procedures approved by the Secretary for deter-
3 mining and documenting—

4 (A) the baseline energy use of a home; and

5 (B) the reductions in weather-normalized
6 energy use of a home resulting from the imple-
7 mentation of a home energy efficiency retrofit;
8 and

9 (4) that the State program provide that a re-
10 bate may not be claimed with respect to a home for
11 a home energy efficiency retrofit if a rebate may be
12 provided for such home energy efficiency retrofit
13 under a State program under section 203.

14 (d) OVERSIGHT.—If the Secretary determines that a
15 State is not implementing a State program that was ap-
16 proved pursuant to subsection (b) and that meets the min-
17 imum criteria under subsection (c), the Secretary may,
18 after providing the State a period of at least 90 days to
19 meet such criteria, withhold grant funds under this section
20 from the State.

21 (e) ADMINISTRATIVE EXPENSES.—A State may use
22 up to 10 percent of a grant received under this section
23 for the costs of administering a State program approved
24 pursuant to subsection (b) and that meets the minimum
25 criteria under subsection (c).

1 **SEC. 205. STATE ADMINISTERED REBATES FOR MULTI-**
2 **FAMILY BUILDING ENERGY EFFICIENCY RET-**
3 **ROFITS.**

4 (a) FUNDING.—In carrying out the Home Energy
5 Savings Retrofit Rebate Program, and subject to the
6 availability of appropriations for such purpose, the Sec-
7 retary shall provide grants to States to carry out programs
8 to provide rebates for multifamily building energy effi-
9 ciency retrofits in accordance with this section.

10 (b) STATE PARTICIPATION.—

11 (1) PLAN.—In order to receive a grant under
12 this section a State shall submit to the Secretary an
13 application that includes a plan to implement a
14 State program that meets the minimum criteria
15 under subsection (c).

16 (2) APPROVAL.—Not later than 60 days after
17 receipt of a completed application for a grant under
18 this section, the Secretary shall either approve the
19 application or provide to the applicant an expla-
20 nation for denying the application.

21 (c) MINIMUM CRITERIA FOR STATE PROGRAMS.—

22 Not later than 6 months after the date of enactment of
23 this Act, the Secretary shall establish and publish min-
24 imum criteria for a State program to meet to qualify for
25 funding under this section, including—

1 (1) that the State program be carried out by
2 the applicable State energy office or its designee;

3 (2) that a rebate be provided under a State pro-
4 gram only for a whole-building multifamily building
5 energy efficiency retrofit that—

6 (A) is completed by a contractor who
7 meets minimum training requirements, certifi-
8 cation requirements, and other requirements es-
9 tablished by the Secretary;

10 (B) includes installation of one or more
11 multifamily building energy efficiency retrofit
12 measures for the multifamily building that are
13 modeled to achieve, or are shown to achieve, the
14 minimum reduction required under this sec-
15 tion—

16 (i) in whole building energy use; or

17 (ii) with respect to a portfolio of mul-
18 tifamily energy efficiency retrofits, in ag-
19 gregated multifamily building energy use
20 for such portfolio;

21 (C) does not include installation of any
22 measure that the Secretary determines does not
23 improve the whole building energy performance
24 of the building, such as a pool pump, pool heat-
25 er, or spa; and

1 (D) includes, after installation of the appli-
2 cable whole building energy efficiency retrofit
3 measures, a test-out procedure conducted in ac-
4 cordance with guidelines issued by the Sec-
5 retary of such measures to ensure—

6 (i) the safe operation of all systems
7 post-retrofit; and

8 (ii) that all improvements are included
9 in, and have been installed according to—

10 (I) manufacturers' installation
11 specifications; and

12 (II) all applicable State and local
13 codes or equivalent standards ap-
14 proved by the Secretary;

15 (3) that the State program utilize—

16 (A) for purposes of modeled performance
17 multifamily building rebates, modeling software,
18 methods, and procedures—

19 (i) for determining and documenting
20 the reductions in multifamily building en-
21 ergy use resulting from the implementation
22 of a multifamily building energy efficiency
23 retrofit that can be calibrated to historical
24 energy usage for a multifamily building
25 consistent with BPI 2400;

1 (ii) that are approved by the Sec-
2 retary;

3 (iii) that can provide evidence for nec-
4 essary improvements to a State program;
5 and

6 (iv) that can help to calibrate models
7 for accuracy;

8 (B) for purposes of measured performance
9 multifamily building rebates, methods and pro-
10 cedures approved by the Secretary for deter-
11 mining and documenting—

12 (i) the monthly and hourly (if avail-
13 able) weather-normalized baseline energy
14 use of a multifamily building; and

15 (ii) the reductions in monthly and
16 hourly (if available) weather-normalized
17 energy use of a multifamily building result-
18 ing from the implementation of a multi-
19 family building efficiency retrofit; and

20 (C) open-source advanced measurement
21 and verification software approved by the Sec-
22 retary;

23 (4) that the State program include implementa-
24 tion of a quality assurance program—

1 (A) to ensure that multifamily building en-
2 ergy efficiency retrofits are achieving the stated
3 level of energy savings, that efficiency measures
4 were installed correctly, and that work is per-
5 formed in accordance with procedures developed
6 by the Secretary, including through quality-con-
7 trol inspections for a portion of multifamily
8 building energy efficiency retrofits completed by
9 each applicable contractor; and

10 (B) under which a quality-control inspec-
11 tion of a multifamily building energy efficiency
12 retrofit is performed by a quality assurance
13 provider who—

14 (i) is independent of the contractor
15 for such retrofit; and

16 (ii) will confirm that such contractor
17 is a contractor who meets the minimum re-
18 quirements described in paragraph (2);

19 (5) that, if the State program will provide
20 measured performance multifamily building rebates,
21 the State program—

22 (A) only provide such a measured perform-
23 ance multifamily building rebate with respect to
24 a multifamily building energy efficiency retrofit
25 after collecting at least 13 months of data on

1 multifamily building energy usage after comple-
2 tion of such retrofit;

3 (B) establish and utilize, in accordance
4 with guidance issued by the Secretary, a max-
5 imum fractional savings uncertainty for any
6 portfolio of multifamily building energy effi-
7 ciency retrofits;

8 (C) publicly report annual aggregated re-
9 ductions in multifamily building energy use for
10 homes for which measured performance multi-
11 family building rebates are provided;

12 (6) that the State program include require-
13 ments for a multifamily building owner, contractor,
14 or aggregator to claim a rebate, including that the
15 building owner, contractor, or aggregator submit to
16 the State any applicable forms approved by the Sec-
17 retary, including a copy of the certificate provided
18 by the applicable contractor certifying projected or
19 measured reduction of multifamily building energy
20 use;

21 (7) that the State program include procedures
22 for a multifamily building owner to transfer the
23 right to claim a rebate to the contractor performing
24 the applicable multifamily building energy efficiency

1 retrofit or to an aggregator, if the State program
2 will utilize aggregators;

3 (8) that if the State program will utilize
4 aggregators to facilitate delivery of rebates to multi-
5 family building owners or contractors, that the State
6 program include requirements for an entity to be eli-
7 gible to serve as an aggregator;

8 (9) that the State program provide that a mul-
9 tifamily building owner or contractor may claim
10 more than one rebate under the State program, pro-
11 vided that no 2 rebates may be provided with respect
12 to a multifamily building using the same baseline en-
13 ergy use of such multifamily building; and

14 (10) that the State program include a proce-
15 dure for providing, with respect to each multifamily
16 building located in an underserved community that
17 receives a multifamily building energy efficiency ret-
18 rofit for which a rebate is provided under the pro-
19 gram, the contractor performing such multifamily
20 building energy efficiency retrofit, or an aggregator
21 who has the right to claim such rebate, \$50 per
22 dwelling unit in the multifamily building.

23 (d) MODELED PERFORMANCE MULTIFAMILY BUILD-
24 ING REBATES.—

1 (1) IN GENERAL.—In carrying out a State pro-
2 gram under this section, a State may provide a
3 building owner or contractor a rebate, to be known
4 as a modeled performance multifamily building re-
5 bate, for an energy audit of a multifamily building
6 and a multifamily building energy efficiency retrofit
7 that is projected, using modeling software approved
8 by the Secretary, to reduce whole building energy
9 use by at least 20 percent.

10 (2) AMOUNT.—

11 (A) IN GENERAL.—Except as provided in
12 section 206 and subject to subparagraph (B),
13 the amount of a modeled performance multi-
14 family building rebate provided under a State
15 program shall be equal to not more than 50
16 percent of the cost of the applicable energy
17 audit of a multifamily building and multifamily
18 building energy efficiency retrofit, including the
19 cost of diagnostic procedures, labor, reporting,
20 and modeling.

21 (B) LIMITATION.—Except as provided in
22 section 206, with respect to an energy audit
23 and multifamily building energy efficiency ret-
24 rofit that is projected to reduce multifamily
25 building energy use by—

(i) at least 20 percent, but less than 35 percent, the maximum amount of a modeled performance multifamily building rebate shall be \$2,000 per dwelling unit in the multifamily building, up to a maximum of \$200,000 per multifamily building or per complex, if such complex consists of multiple adjacent multifamily buildings owned by the same entity; and

(ii) at least 35 percent, the maximum amount of a modeled performance multifamily building rebate shall be \$4,000 per dwelling unit in the multifamily building, up to a maximum of \$400,000 per multifamily building or per complex, if such complex consists of multiple adjacent multifamily buildings owned by the same entity.

(e) MEASURED PERFORMANCE MULTIFAMILY BUILDING REBATES.—

(1) IN GENERAL.—

(A) MINIMUM REDUCTION IN MULTIFAMILY BUILDING ENERGY USE.—In carrying out a State program under this section, a State may provide a building owner, contractor, or

1 aggregator a rebate, to be known as a measured
2 performance multifamily building rebate, for a
3 multifamily building energy efficiency retrofit,
4 or portfolio of multifamily energy efficiency ret-
5 rofits, where—

6 (i) for a multifamily building energy
7 efficiency retrofit that is not part of a
8 portfolio, there is reduction in multifamily
9 building energy use of at least 15 percent;
10 and

11 (ii) for multifamily building energy ef-
12 ficiency retrofits that are part of a port-
13 folio, there is an aggregate reduction in
14 multifamily building energy use of at least
15 15 percent.

16 (B) MEASURED REDUCTION.—For pur-
17 poses of a measured performance multifamily
18 building rebate, reductions in multifamily build-
19 ing energy use shall be measured—

20 (i) at the meter;

21 (ii) in terms of reductions in kilowatt
22 hour, or kilowatt hour-equivalent, use; and

23 (iii) using methods and procedures ap-
24 proved by the Secretary.

1 (2) AMOUNT.—Except as provided in section
2 206—

3 (A) in the case of a multifamily building
4 energy efficiency retrofit—

5 (i) that is not part of a portfolio, the
6 amount of a measured performance multi-
7 family building rebate provided under a
8 State program shall be not more than 50
9 percent of the direct costs of the multi-
10 family building energy efficiency retrofit to
11 the owner; and

12 (ii) that is part of a portfolio, the ag-
13 gregated amount for measured perform-
14 ance multifamily building rebates provided
15 for such portfolio under a State program
16 shall be not more than 50 percent of the
17 aggregated direct costs of the multifamily
18 building energy efficiency retrofits that are
19 part of the portfolio;

20 (B) the amount of a measured perform-
21 ance multifamily building rebate provided under
22 a State program shall be determined—

23 (i) in the case of a multifamily build-
24 ing energy efficiency retrofit that is not
25 part of a portfolio, based on the amount

1 that energy use for the multifamily build-
 2 ing is reduced, provided such reduction is
 3 at least 15 percent; and

4 (ii) in the case of a multifamily build-
 5 ing energy efficiency retrofit that is part of
 6 a portfolio, based on the amount that en-
 7 ergy use for the multifamily building is re-
 8 duced, regardless of whether such reduc-
 9 tion is at least 15 percent; and

10 (C) the amount of a measured performance
 11 multifamily building rebate provided under a
 12 State program shall be determined using a pay-
 13 ment rate per kilowatt hour or kilowatt hour-
 14 equivalent of reduction in multifamily building
 15 energy use that is—

16 (i) established by the State energy of-
 17 fice and approved by the Secretary; and

18 (ii) not more than a payment rate
 19 that would equal, for a 20 percent reduc-
 20 tion in average multifamily building energy
 21 use, based on State energy data, a rebate
 22 of not more than \$2000 per dwelling unit
 23 in the multifamily building.

24 (f) OVERSIGHT.—If the Secretary determines that a
 25 State is not implementing a State program that was ap-

1 proved pursuant to subsection (b) and that meets the min-
2 imum criteria under subsection (c), the Secretary may,
3 after providing the State a period of at least 90 days to
4 meet such criteria, withhold grant funds under this section
5 from the State.

6 (g) ADMINISTRATIVE EXPENSES.—A State may use
7 up to 10 percent of a grant received under this section
8 for the costs of administering a State program approved
9 pursuant to subsection (b) and that meets the minimum
10 criteria under subsection (c).

11 (h) CONTRACTING REQUIREMENTS.—The minimum
12 requirements described in subsection (c)(2) for contractors
13 shall include a requirement that a contractor certify that
14 all laborers and mechanics employed by the contractor or
15 subcontractor thereof in the performance of construction,
16 alteration, or repair work for which a rebate is provided
17 under a State program under this section shall be paid
18 wages at rates not less than those prevailing on similar
19 construction in the locality as determined by the Secretary
20 of Labor in accordance with subchapter IV of chapter 31
21 of title 40, United States Code. With respect to the labor
22 standards in this subsection, the Secretary of Labor shall
23 have the authority and functions set forth in Reorganiza-
24 tion Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C.
25 App.) and section 3145 of title 40, United States Code.

1 **SEC. 206. SPECIAL PROVISIONS FOR MODERATE INCOME**
2 **HOUSEHOLDS AND MULTIFAMILY BUILD-**
3 **INGS.**

4 (a) CERTIFICATIONS.—The Secretary shall establish
5 procedures for certifying as moderate income for purposes
6 of this section—

- 7 (1) the household of a homeowner; or
8 (2) a multifamily building.

9 (b) PERCENTAGES.—Subject to subsection (c), for
10 households of homeowners and multifamily buildings that
11 are certified pursuant to the procedures established under
12 subsection (a) as moderate income the—

13 (1) amount of a partial system rebate under
14 section 202 shall not exceed 60 percent of the appli-
15 cable purchase and installation and replacement
16 costs described in section 202(b)(1); and

17 (2) amount of—

18 (A) a modeled performance home rebate
19 provided under section 203 shall be not more
20 than 80 percent of the applicable costs de-
21 scribed in section 203(d)(2)(A);

22 (B) a modeled performance multifamily
23 building rebate provided under section 205 shall
24 be not more than 80 percent of the applicable
25 costs described in section 205(d)(2)(A);

1 (C) a measured performance home rebate
2 provided under section 203 shall be not more
3 than 80 percent of the applicable costs de-
4 scribed in section 203(e)(2)(A); and

5 (D) a measured performance multifamily
6 building rebate provided under section 205 shall
7 be not more than 80 percent of the applicable
8 costs described in section 205(e)(2)(A).

9 (c) MAXIMUM AMOUNTS.—

10 (1) PARTIAL SYSTEM REBATES.—For house-
11 holds of homeowners that are certified pursuant to
12 the procedures established under subsection (a) as
13 moderate income, the maximum amount of a partial
14 system rebate—

15 (A) under section 202(a)(1) for the pur-
16 chase and installation of insulation and air seal-
17 ing within a home of the homeowner shall be
18 \$1,600;

19 (B) except as provided in subparagraph
20 (C), under section 202(a)(2) for the purchase
21 and installation of insulation and air sealing
22 within a home of the homeowner and replace-
23 ment of an HVAC system, the heating compo-
24 nent of an HVAC system, or the cooling compo-

1 nent of an HVAC system, of such home, shall
2 be \$3,000; and

3 (C) under section 202(a)(2)(B) for the
4 purchase and installation of insulation and air
5 sealing within a home of the homeowner and re-
6 placement of the heating component of an
7 HVAC system of such home, where the heating
8 component installed is an air source or ground
9 source heat pump, shall be \$5000.

10 (2) MODELED PERFORMANCE HOME REBATE.—

11 For households of homeowners that are certified
12 pursuant to the procedures established under sub-
13 section (a) as moderate income, the maximum
14 amount of a modeled performance home rebate
15 under section 203 for an energy audit and home en-
16 ergy efficiency retrofit that is projected to reduce
17 home energy use as described in—

18 (A) section 203(d)(2)(B)(i) shall be
19 \$4,000; and

20 (B) section 203(d)(2)(B)(ii) shall be
21 \$8,000.

22 (3) MODELED PERFORMANCE MULTIFAMILY
23 BUILDING REBATE.—For multifamily buildings that
24 are certified pursuant to the procedures established
25 under subsection (a) as moderate income, the max-

imum amount of a modeled performance multifamily building rebate under section 205 for an energy audit and multifamily building energy efficiency retrofit that is projected to reduce building energy as described in—

(A) section 205(d)(2)(B)(i) shall be \$4,000 per dwelling unit in the multifamily building, up to a maximum of \$400,000 per multifamily building or per complex, if such complex consists of multiple adjacent multifamily buildings owned by the same entity; and

(B) section 205(d)(2)(B)(ii) shall be \$8,000 per dwelling unit in the multifamily building, up to a maximum of \$800,000 per multifamily building or per complex, if such complex consists of multiple adjacent multifamily buildings owned by the same entity.

(4) MEASURED PERFORMANCE HOME REBATE.—For households of homeowners that are certified pursuant to the procedures established under subsection (a) as moderate income, the maximum amount of a measured performance home rebate under section 203 for a home energy efficiency retrofit shall be determined using a payment rate per kilowatt hour or kilowatt hour-equivalent of reduc-

tion in home energy use that is equal to twice the payment rate described in section 203(e)(2).

(5) MEASURED PERFORMANCE MULTIFAMILY BUILDING.—For multifamily buildings that are certified pursuant to the procedures established under subsection (a) as moderate income, the maximum amount of a measured performance multifamily building rebate under section 205 for a multifamily building energy efficiency retrofit shall be determined using a payment rate per kilowatt hour or kilowatt hour-equivalent of reduction in multifamily building energy use that is equal to twice the payment rate described in section 205(e)(2).

(d) OUTREACH.—The Secretary shall establish procedures to—

(1) provide information to households of homeowners, and households in multifamily buildings, that are certified pursuant to the procedures established under subsection (a) as moderate income regarding other programs and resources relating to assistance for energy efficiency upgrades of homes and dwelling units of multifamily buildings, including the weatherization assistance program implemented under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); and

1 (2) refer such households, as applicable, to such
2 other programs and resources.

3 (e) REQUIREMENTS FOR MULTIFAMILY BUILD-
4 INGS.—

5 (1) ALL MULTIFAMILY BUILDINGS.—A rebate
6 may not be made in accordance with this section
7 with respect to a multifamily building unless the
8 owner of the building demonstrates to the satisfac-
9 tion of the Secretary that, at the time the rebate is
10 made, not less than $\frac{2}{3}$ of all dwelling units in such
11 multifamily building—

12 (A) are occupied by households having in-
13 comes not exceeding 80 percent of median in-
14 come for the area in which the multifamily
15 building is located; and

16 (B) have monthly rental prices that are
17 equal to, or less than, an amount that is equal
18 to 30 percent of the monthly household income
19 of a household having an income at 80 percent
20 of median household income for the area in
21 which the multifamily building is located.

22 (2) ASSISTED MULTIFAMILY BUILDINGS.—A re-
23 bate may not be made in accordance with this sec-
24 tion with respect to a multifamily building for which
25 Federal rental assistance is provided unless the

1 owner of such multifamily building demonstrates to
2 the satisfaction of the Secretary that the remaining
3 term of the affordability agreement for such building
4 relating to such assistance is 5 years or longer.

5 (3) UNASSISTED MULTIFAMILY BUILDINGS.—

6 (A) REQUIREMENTS FOR RENT IN-
7 CREASES.—

8 (i) LIMITATION.—A rebate may not
9 be made in accordance with this section
10 with respect to a multifamily building for
11 which, during the 5-year period beginning
12 on the date of issuance of such a rebate,
13 no Federal rental assistance is provided,
14 unless the owner of such multifamily build-
15 ing enters into such binding commitments
16 as the Secretary shall require to ensure
17 that any rent increase for any dwelling
18 unit in the multifamily building made after
19 the completion of any energy efficiency ret-
20 rofit for which such rebate is made shall
21 not exceed the amount of the existing rent
22 as increased in accordance with any per-
23 centage increase in the Consumer Price
24 Index for All Urban Consumers (CPI-U)

1 for the applicable period, as determined by
2 the Secretary.

3 (ii) EXEMPTION.—A rent increase for
4 dwelling units subject to the limitation
5 under clause (i) may exceed the amount
6 provided under such clause if the owner of
7 the multifamily building in which such
8 dwelling units are located requests such ex-
9 emption and provides to the applicable
10 State documentation demonstrating actual,
11 documented increases in specific operating
12 expenses, which may include property taxes
13 and maintenance costs, that meet such re-
14 quirements as the Secretary shall establish.

15 (B) EVICTION PROTECTIONS.—A rebate
16 may not be provided in accordance with this
17 section with respect to a multifamily building
18 for which no Federal rental assistance is pro-
19 vided unless the owner of such multifamily
20 building enters into such binding commitments
21 as the Secretary shall require to ensure that,
22 during a period prescribed by the Secretary,
23 any moderate income household residing in a
24 dwelling unit in the multifamily building may
25 not be evicted, have their lease terminated, or

1 fail to have their lease renewed for any reason
2 other than breach of the lease or good cause, as
3 defined by the jurisdiction in which the multi-
4 family building is located.

5 (C) REGULATORY AGREEMENTS; SALE.—

6 Any requirement under this paragraph or bind-
7 ing commitment required under this paragraph
8 with respect to a multifamily building shall be
9 set forth in a regulatory agreement entered into
10 by the owner of the multifamily building and
11 the State administering the rebate program
12 under this title. Such regulatory agreement
13 shall contain appropriate subordination provi-
14 sions that allow for reasonable purchaser fi-
15 nancing, shall be recorded, and shall apply not-
16 withstanding any change in ownership of the
17 building.

18 (D) TENANT NOTIFICATION.—To provide

19 rebates with respect to multifamily buildings in
20 accordance with this section, a State shall de-
21 velop and carry out a specific and verifiable
22 mechanism for providing tenants of multifamily
23 buildings for which such rebates are provided
24 with written notice of their rights and their

1 landlord's obligations pursuant to this para-
2 graph.

3 (E) ENFORCEMENT.—

4 (i) PARTNERING WITH HFAS.—States
5 receiving grants to carry out rebate pro-
6 grams under this title are encouraged to
7 partner with housing finance agencies to
8 monitor compliance with and enforce the
9 requirements under this paragraph, includ-
10 ing developing and providing to owners of
11 multifamily buildings with respect to which
12 rebates are provided a standard regulatory
13 agreement and lease addendum that sets
14 forth the restrictions and requirements
15 under this paragraph.

16 (ii) PENALTIES FOR NONCOMPLI-
17 ANCE.—To provide rebates with respect to
18 multifamily buildings in accordance with
19 this section, a State shall—

20 (I) establish and carry out a
21 compliance procedure for the require-
22 ments of this paragraph that provides
23 specific response and resolution dead-
24 lines and utilizes standard and trans-

parent criteria to resolve alleged violations;

(II) establish penalties that are sufficient, in the determination of such State, to deter violations of the requirements of this paragraph and the agreements entered into pursuant to this paragraph; and

(III) provide that tenants of multifamily buildings may bring an civil action to enforce the lease requirements under this paragraph and pursue restitution for violations of the applicable regulatory agreement, and provide that in such an action such tenants may recover damages and attorney's fees.

(4) FEDERAL RENTAL ASSISTANCE DEFINED.—

In this subsection, the term “Federal rental assistance” means, with respect to a multifamily building, project-based assistance provided to the owner of the multifamily building pursuant to—

(A) section 202 of the Housing Act of 1959 (12 U.S.C. 17012);

1 (B) section 811 of the Cranston-Gonzalez
 2 National Affordable Housing Act (42 U.S.C.
 3 8013);

4 (C) section 8 of the United States Housing
 5 Act of 1937 (42 U.S.C. 1437f); or

6 (D) section 538 of the Housing Act of
 7 1949 (42 U.S.C. 1490).

8 **SEC. 207. COORDINATION OF REBATE AND EXISTING**
 9 **STATE-SPONSORED OR UTILITY-SPONSORED**
 10 **PROGRAMS.**

11 A State that receives a grant under this title is en-
 12 couraged to work with State agencies, electric utilities, gas
 13 utilities, nonprofits, and other entities—

14 (1) to assist in marketing the availability of the
 15 rebates under the applicable State program;

16 (2) to coordinate with utility or State managed
 17 financing programs;

18 (3) to assist in implementation of the applicable
 19 State program, including installation of energy effi-
 20 ciency retrofits; and

21 (4) to coordinate with existing quality assur-
 22 ance programs.

1 **SEC. 208. CONSUMER ACCESS TO ELECTRIC ENERGY AND**
2 **NATURAL GAS INFORMATION.**

3 (a) ELIGIBILITY FOR STATE ENERGY PLANS.—Sec-
4 tion 362(d) of the Energy Policy and Conservation Act
5 (42 U.S.C. 6322(d)) is amended—

6 (1) in paragraph (16), by striking “and” after
7 the semicolon at the end;

8 (2) by redesignating paragraph (17) as para-
9 graph (18); and

10 (3) by inserting after paragraph (16) the fol-
11 lowing:

12 “(17) programs—

13 “(A) to enhance consumer access to and
14 understanding of electric energy and natural
15 gas usage and cost information, including con-
16 sumers’ own residential and commercial retail
17 electric energy information (as defined in sec-
18 tion 2 of the HOPE for HOMES Act of 2021)
19 and retail natural gas information (as defined
20 in section 2 of the HOPE for HOMES Act of
21 2021); and

22 “(B) to facilitate the development and
23 adoption of innovative products and services to
24 assist consumers in managing energy consump-
25 tion and expenditures; and”.

1 (b) GUIDELINES FOR ELECTRIC CONSUMER AND GAS
2 CONSUMER ACCESS.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this Act and subject
5 to paragraph (2), the Secretary shall issue guidelines
6 that establish model data sharing standards and
7 policies for States to provide electric consumers and
8 gas consumers, and third-party designees of such
9 electric consumers and gas consumers, with access
10 to retail electric energy information and retail nat-
11 ural gas information.

12 (2) CONSULTATION.—Before issuing the guide-
13 lines under paragraph (1), the Secretary shall—

14 (A) consult with—

15 (i) State and local regulatory authori-
16 ties;

17 (ii) other appropriate Federal agen-
18 cies, including the National Institute of
19 Standards and Technology;

20 (iii) consumer and privacy advocacy
21 groups;

22 (iv) electric utilities and gas utilities;

23 (v) the National Association of State
24 Energy Officials; and

1 (vi) other appropriate entities, includ-
 2 ing groups representing public utility com-
 3 missions, commercial and residential build-
 4 ing owners, residential contractors, and
 5 groups that represent demand response
 6 and electricity data devices and services;
 7 and

8 (B) provide notice and opportunity for
 9 comment.

10 (3) STATE AND LOCAL REGULATORY ACTION.—

11 In issuing the guidelines under paragraph (1), the
 12 Secretary shall, to the maximum extent practicable,
 13 be guided by actions taken by State and local regu-
 14 latory authorities to ensure electric consumer and
 15 gas consumer access to retail electric energy infor-
 16 mation and retail natural gas information, including
 17 actions taken after consideration of the standard es-
 18 tablished under section 111(d)(19) of the Public
 19 Utility Regulatory Policies Act of 1978 (16 U.S.C.
 20 2621(d)(19)).

21 (4) CONTENTS.—The guidelines issued under
 22 paragraph (1) shall include guidelines—

23 (A) specifying that retail electric energy in-
 24 formation and retail natural gas information of
 25 an electric consumer or a gas consumer should

1 be made available to the electric consumer or
2 gas consumer (or a third-party designee of the
3 electric consumer or gas consumer) by the elec-
4 tric utility or gas utility of the electric con-
5 sumer or gas consumer (or such other entity as
6 may be designated by the utility), in consulta-
7 tion with, or with approval from, as applicable,
8 the utility's applicable retail regulatory author-
9 ity;

10 (B) regarding the timeliness and specificity
11 of retail electric energy information and retail
12 natural gas information to be made available to
13 an electric consumer or a gas consumer (or a
14 third-party designee of such an electric con-
15 sumer or such a gas consumer), including that
16 such retail electric energy information and re-
17 tail natural gas information should be made
18 available to consumer-authorized entities—

19 (i) in an electronic machine readable
20 form, without additional charge, in con-
21 formity with nationally recognized open
22 standards and best practices;

23 (ii) through a website or other elec-
24 tronic access authorized by the electric

- 1 consumer or gas consumer, including at
2 least 13 months of historical information;
3 (iii) in as close to real-time as is rea-
4 sonably practicable;
5 (iv) at the level of specificity that the
6 data is transmitted by the meter or as is
7 reasonably practicable; and
8 (v) in a manner that provides ade-
9 quate protections for the security of the in-
10 formation and the privacy of the electric
11 consumer or gas consumer;
12 (C) regarding appropriate nationally recog-
13 nized open standards for data exchange;
14 (D) regarding access of retail electric en-
15 ergy information and retail natural gas infor-
16 mation for owners and managers of multitenant
17 commercial and residential buildings;
18 (E) regarding consumer consent require-
19 ments such that an electric consumer or gas
20 consumer can conveniently and securely author-
21 ize a third-party designee access to the retail
22 electric energy information or retail natural gas
23 information of such electric consumer or gas
24 consumer, including standardized authorization
25 language to which an electric consumer or gas

1 consumer will agree prior to such electric con-
2 sumer or gas consumer authorizing, or the ap-
3 plicable electric utility or gas utility sharing, re-
4 tail electric energy information or retail natural
5 gas information of such electric consumer or
6 gas consumer;

7 (F) specifying that electric utilities and gas
8 utilities should, when a capable meter is serv-
9 icing an electric consumer or gas consumer,
10 communicate usage and other information to a
11 device or network of the electric consumer or
12 gas consumer or a device or network of a third-
13 party designee of such electric consumer or gas
14 consumer, and where feasible should provide to
15 the electric consumer or gas consumer or third-
16 party designee, at a minimum, access to usage
17 information (not including price information) of
18 the electric consumer or gas consumer directly
19 from the meter in as close to real-time as is
20 reasonably practicable;

21 (G) with respect to the terms and condi-
22 tions, which shall be reasonable and non-dis-
23 criminatory, to be agreed to by a third-party
24 designee of an electric consumer or of a gas
25 consumer and an electric utility or gas utility

1 for access to the retail electric energy informa-
2 tion or retail natural gas information of such
3 electric consumer or gas consumer, including
4 that—

5 (i) due process be afforded to such
6 third-party by the applicable regulatory au-
7 thority, including giving such third-party
8 an opportunity to rebut allegations of
9 wrongdoing by such third-party prior to
10 any enforcement action being taken by the
11 applicable regulatory authority;

12 (ii) the consumer's online authentica-
13 tion match that used by the applicable gas
14 utility or electric utility for the consumer-
15 facing website of such gas utility or electric
16 utility; and

17 (iii) such third-party may receive re-
18 tail electric energy information and retail
19 natural gas information from an electric
20 utility or gas utility with consumer con-
21 sent, except if otherwise prohibited by Fed-
22 eral law or by a finding of a State court
23 or other State adjudicatory body; and

24 (H) addressing appropriate circumstances
25 in which analysis of retail electric energy infor-

1 mation and retail natural gas information may
2 be released publicly, without a consumer's con-
3 sent, by protecting individual consumers pri-
4 vacy, including—

5 (i) with mathematical methods known
6 as differential privacy, in which consumers
7 privacy can be ensured with provable guar-
8 antees; and

9 (ii) detailed descriptions and sample
10 calculations by which the results of statis-
11 tical analysis can be made differentially
12 private.

13 (5) REVISIONS.—The Secretary shall periodi-
14 cally review and, as necessary, revise the guidelines
15 issued under paragraph (1) to reflect changes in
16 technology, privacy needs, and the market for elec-
17 tric energy and natural gas and related services.

18 **SEC. 209. EVALUATION REPORTS TO CONGRESS.**

19 (a) IN GENERAL.—Not later than 3 years after the
20 date of enactment of this Act and annually thereafter until
21 the termination of the Home Energy Savings Retrofit Re-
22 bate Program, the Secretary shall submit to Congress a
23 report on the use of funds made available to carry out
24 this title.

1 (b) CONTENTS.—Each report submitted under sub-
2 section (a) shall include—

3 (1) how many home energy efficiency retrofits
4 and multifamily building energy efficiency retrofits
5 have been completed during the previous year under
6 the Home Energy Savings Retrofit Rebate Program;

7 (2) an estimate of how many jobs have been
8 created through the Home Energy Savings Retrofit
9 Rebate Program, directly and indirectly;

10 (3) a description of what steps could be taken
11 to promote further deployment of energy efficiency
12 and renewable energy retrofits;

13 (4) a description of the quantity of verifiable
14 energy savings, homeowner energy bill savings, and
15 other benefits of the Home Energy Savings Retrofit
16 Rebate Program;

17 (5) a description of any waste, fraud, or abuse
18 with respect to funds made available to carry out
19 this title; and

20 (6) any other information the Secretary con-
21 sidered appropriate.

22 **SEC. 210. ADMINISTRATION.**

23 (a) IN GENERAL.—The Secretary shall provide such
24 administrative and technical support to contractors,

1 aggregators, States, and Indian Tribes as is necessary to
2 carry out this title.

3 (b) INFORMATION COLLECTION.—The Secretary
4 shall establish, and make available to a homeowner, multi-
5 family building owner, or the homeowner’s or multifamily
6 building owner’s designated representative, seeking a re-
7bate under this title, release forms authorizing, in accord-
8ance with guidelines issued under section 208(b), access
9 by the Secretary, or a designated third-party representa-
10 tive to information in the utility bills of the homeowner
11 or the multifamily building owner.

12 **SEC. 211. TREATMENT OF REBATES.**

13 For purposes of the Internal Revenue Code of 1986,
14 gross income shall not include any rebate received under
15 this title.

16 **SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There are authorized to be appro-
18 priated to the Secretary to carry out this title
19 \$1,400,000,000 for each of fiscal years 2022 through
20 2027, to remain available until expended.

21 (b) TRIBAL ALLOCATION.—Of the amounts made
22 available pursuant to subsection (a) for a fiscal year, the
23 Secretary shall work with Indian Tribes and use 2 percent
24 of such amounts to carry out a program or programs that
25 as close as possible reflect the goals, requirements, and

1 provisions of this title, taking into account any factors
2 that the Secretary determines to be appropriate.

3 **TITLE III—GENERAL** 4 **PROVISIONS**

5 **SEC. 301. APPOINTMENT OF PERSONNEL.**

6 Notwithstanding the provisions of title 5, United
7 States Code, regarding appointments in the competitive
8 service and General Schedule classifications and pay rates,
9 the Secretary may appoint such professional and adminis-
10 trative personnel as the Secretary considers necessary to
11 carry out this Act.

12 **SEC. 302. MAINTENANCE OF FUNDING.**

13 Each State receiving Federal funds pursuant to this
14 Act shall provide reasonable assurances to the Secretary
15 that it has established policies and procedures designed
16 to ensure that Federal funds provided under this Act will
17 be used to supplement, and not to supplant, State and
18 local funds.

○