

BILL ANALYSIS

Senate Research Center
81R6679 ACP-D

S.B. 1861
By: Ellis
Intergovernmental Relations
4/14/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many Texans who would qualify for federal Weatherization Assistance Program benefits do not qualify because their homes have structural damage, such as a hole in the roof or a wall. The American Recovery and Reinvestment Act brought the level of weatherization funding to more than \$300 million, up from only \$13 million.

As proposed, S.B. 1861 requires the Texas Department of Housing and Community Affairs (TDHCA) to establish a program to provide weatherization assistance to fix structural damage that would allow certain homeowners to then receive federal assistance for residential weatherization. The bill authorizes TDHCA to fund existing pilot programs or create new pilot programs as appropriate using federal supplemental appropriations under the American Recovery and Reinvestment Act of 2009.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Housing and Community Affairs in SECTION 1 (Section 2306.0971, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 2306, Government Code, by adding Sections 2306.0971 and 2306.0972, as follows:

Sec. 2306.0971. SUPPLEMENTAL WEATHERIZATION ASSISTANCE PROGRAM.

(a) Requires the Texas Department of Housing and Community Affairs (TDHCA), in addition to the Energy Services Program for Low-Income Individuals established under Section 2306.097 (Energy Services Program for Low-Income Individuals), to establish a program that provides financial assistance for residential weatherization measures that do not qualify for the state's allocation of federal funds under the Low Income Home Energy Assistance Program but that, if performed, would allow a person to receive that federal assistance.

(b) Requires TDHCA by rule to establish eligibility criteria for a person to receive financial assistance for residential weatherization measures under this section. Requires that the criteria ensure that any weatherization measures performed will allow a person to receive federal assistance under the Low Income Home Energy Assistance Program.

(c) Requires TDHCA to collaborate with the state energy conservation office and the Energy Systems Laboratory at the Texas Engineering Experiment Station of The Texas A&M University System to identify cost-effective residential weatherization measures that allow persons to qualify for the Low Income Home Energy Assistance Program.

Sec. 2306.0972. WEATHERIZATION PILOT PROGRAM. (a) Requires TDHCA to establish a pilot program to study the effectiveness of weatherization measures in increasing residential energy efficiency for individuals and families of low income.

(b) Requires TDHCA, if TDHCA establishes a pilot program under this section, to submit not later than December 1, 2010, a report to the legislature regarding its findings and recommendations under the pilot program.

(c) Provides that this section expires September 1, 2011.

SECTION 2. Amends Subchapter K, Chapter 2306, Government Code, by adding Section 2306.260, as follows:

Sec. 2306.260. USE OF CERTAIN FEDERAL ASSISTANCE TO FUND PILOT PROGRAMS. Authorizes TDHCA to fund existing pilot programs or create new pilot programs as appropriate using federal supplemental appropriations under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) or any other similar federal legislation that is enacted on or after January 1, 2009. Provides that this section expires December 31, 2011.

SECTION 3. Requires TDHCA to adopt the rules required by Section 2306.0971, Government Code, as added by this Act, not later than December 1, 2009.

SECTION 4. Effective date: September 1, 2009.