



Massachusetts Energy Efficiency Advisory Council  
c/o Chair Maggie McCarey  
Massachusetts Department of Energy Resources  
100 Cambridge Street, Suite 1020  
Boston MA 02114

July 15, 2020

Dear Councilors,

It is difficult to express our sentiments at this moment in time, as our society, to some degree, finally confronts the stain of systemic racism that has tarnished us all for centuries. It is increasingly clear that what may have seemed like minor flaws and weaknesses to some, in fact form an insidious maze of obstacles that- when aggregated across communities, classes, races and lifetimes- constitute systems that entrench white supremacy and the economic and political power of the wealthy at severe costs to the poor, working class and communities of color: in sum, a perverse inheritance passed down through generations.

For a solid decade now, the Green Justice Coalition's member groups- representing workers, communities of color, immigrants, poor and working class people, and simply those who care about fixing what is wrong- have described structural barriers playing out in the state's vaunted energy efficiency ecosystem. We have testified, offered original research, put forward solutions, submitted comments upon comments. As you know, recently the state Department of Public Utilities forced the release of program data via the EEAC's 'Residential Nonparticipant Customer Profile Study', so there is no escaping what has been apparent to impartial observers for years: the Mass Save program has serious problems that requires immediate and proportional action to repair.

Now that Program Administrators have acknowledged entire communities and customer segments have not been served through existing efforts, they must be required to address this stain on the program with effective solutions targeted at excluded groups and geographies. We urge both immediate steps through a mid-term modification (or other short-term vehicle) and assiduous efforts in the upcoming planning period for the 2022-24 Three Year Energy Efficiency Investment Plan. These solutions, articulated perhaps through your new Equity Working Group, must go beyond token measures and initiatives, and most importantly must allow for the PAs to sustain significant financial penalties if they fail yet again to deliver tangible improvements. It is high time that in addition to aggregate climate emissions reductions, the Mass Save program's success be measured also by its degree of geographic saturation and general equitability across communities.

While we maintain that universal access to clean and reliable energy, being critical to health and community stability, should be incorporated into a broader social equity agenda, in the immediate term we suggest the following strategies be considered seriously for implementation as soon as feasible:

1. Expansion of the 'moderate-income' customer category to 120% of State Median Income (SMI)
2. Increased subsidies for moderate-income customers, including creating new strata and subsidy levels up to 120% SMI
3. Assigning funding adequate to serve moderate-income customers, whether they are served via LEAN or otherwise- meaning minimal delay and no extended waiting list
4. Landlord mandates requiring all cost-effective measures be implemented, perhaps via building code upgrades, or Council-supported legislation if necessary
5. Targeting small landlords below specified thresholds, perhaps with an owner-occupancy requirement, for 0% interest and forgivable loans (financial instruments that already exist in HUD and/or other government programs) that do not require income qualification, to cover the cost of EE work needed as determined by the site assessment
6. Accelerating Mass Save advertising in local, regional and non-English media
7. Dedicated staff support through all stages of the Mass Save process to assist customers speaking the main non-English languages in the state
8. Expanded incentives, including full subsidies for qualified customers, for heat pumps or at least highly efficient air conditioners, including at retail points of sale, as a strategy to deal with increasing summer heat, which affects marginalized communities disproportionately
9. Ongoing standardization, collection and publishing of customer participation data across PAs at a level of geographic granularity sufficient to determine progress or weaknesses- specifically including race, income level and renter status.
10. Developing 'sticks' alongside PAs' ample 'carrots' to hold them accountable, including listing performance incentives for each customer category, including all of the acknowledged 'hard-to-reach/hard-to-serve' categories
11. Allowing for robust participation by advocates and stakeholders to help develop these solutions. For example, during the COVID-19 period of remote meetings, open meeting law should be read broadly and the Department should reinstate live public comment during EEAC meetings, as limiting public input to advance written comments and making Council review of these voluntary creates the unfortunate perception that concerns like these are not being taken seriously.

Some of these ideas may seem departures from established practice, but it cannot be more obvious that novel approaches are required to repair a program that has been allowed to remain broken for too long. For example, stratification of PA performance incentives can help focus PA attention on problem areas, and create a minimal degree of accountability with these ratepayer funds meant to benefit all ratepayers fairly. The DPU's refusal to allow for an added renter incentive when considering the Council's draft of the current 3 Year Plan (due to concerns about 'double payment') should pose no barrier to simply dividing the existing performance incentive according to its constituent parts, and allowing for deduction of specific segments if progress in those areas is unsatisfactory.

Likewise, it is critical that the program solve the problem of serving renters: leaving their fate entirely to the whims of landlords with no incentive to participate is utterly unacceptable, especially when renters constitute sometimes vast majorities of communities where people of color and less-affluent residents are concentrated. Landlord mandates to provide EE services to tenants creates an even playing field, preventing competitive disadvantages for those taking responsible steps to facilitate these benefits reaching tenants paying for them. In conjunction with increased financial incentives to landlords, up to full subsidies for small non-developer landlords meeting certain thresholds such as owner occupancy, these changes may well solve a significant equity barrier and provide a template to programs in other states facing similar challenges. The EEAC and PAs should consult with legal and other experts to establish viable paths forward in this regard.

If we are to rise to the challenge of confronting climate disruption, we must recognize the critical importance of this decade. We must avoid catastrophe, which will again penalize marginalized communities, and cost everyone dearly. The smart and equitable strategy is to take measures now and avoid far worse costs later. Common sense tells us that these include expanding energy efficiency to serve all ratepayers fairly and actually implement all cost-effective measures.

On behalf of our more than 100,000 members across the Commonwealth, we thank you for taking prompt action to address these long-standing program failures. Please feel free to reach Alex Papali at Clean Water Action ([apapali@cleanwater.org](mailto:apapali@cleanwater.org)) or Lee Matsueda at Community Labor United with further questions ([lee@massclu.org](mailto:lee@massclu.org)).

- Steering Committee members of the Green Justice Coalition -