Every Californian has the right to an affordable and healthy home during and after the COVID-19 crisis

California Energy Efficiency for All's Pandemic Response Guidance & Recovery Recommendations

EEFA CA firmly believes that Black Lives Matter. These recommendations were written in the brief window between COVID-19 and the slaying of Ahmaud Arbery, Breonna Taylor, and George Floyd. We have not framed these activities in that important civil rights and justice context as of June 8. The deep-rooted issues of white supremacy embedded in our housing and energy efficiency policies must be addressed, and more analysis and planning from our group will be forthcoming.

California's recovery needs to be just and inclusive. In this letter, we offer a vision for California's recovery that is realistic about the deep needs of both housing affordability and energy transition through a lens centering racial equity and environmental justice. As we've seen already, shocks to our existing systems most threaten the employment, housing security, and energy security of low-income and disadvantaged communities across the state. Ensuring a California that works for *all* -- including rural communities, undocumented Californians, and environmental and social justice communities -- requires prioritizing those groups and their needs first in our recovery plans.

Energy Efficiency for All in California is a broad-based coalition of environmental justice, clean energy, affordable housing, and racial equity organizations that believe *together* we can strengthen housing security in the state and advance the state's ambitious climate goals. We are part of a national coalition which released Pandemic Response Guidance in early April based on the best thinking and examples collected from across our state coalitions and the nation.

We continue to support comprehensive implementation of our national recommendations across the state, as we also join others in thinking about how to plan for the recovery that is needed. Much like the Governor's evidence-based strategy to evaluate the right process and timeline for lifting the state's shelter in place policies, we urge the Governor, Legislature, executive agencies, and utilities to establish responsive metrics to evaluate the recovery's progress rather than setting a specific period of time to sunset protections for our most vulnerable communities. We anticipate this period to be at least 1 year, and recommend that period be a minimum for our following recommendations.

This document goes into detail on the following topics:
- Extending Emergency Responses and Funding for Access to Energy and Water
- Protecting All Renters and Affordable Housing Providers and Building and Upgrading Housing
- Protecting All Workers
- Investing in Climate Adaptation and Clean Energy to Build More Resilient Communities
- Strengthening Democracy and Promoting Equitable Public Participation
- Expanding Access to Internet and Phone Services

- Prioritizing Access to Healthcare to Compound Climate and Housing Investments

Extending emergency responses and funding for full access to energy and water to protect those impacted by the COVID-19 crisis for the duration of the recovery period.

- Strengthen and enact a comprehensive moratorium on utility disconnections for water, electricity, and gas services during the declared state of emergency and for the entire recovery period that applies to all providers, including municipal utilities, public utilities, investor-owned utilities, and community choice aggregators.
- Prioritize the immediate and safe reconnection of currently disconnected households and ensure the restoration of service continues for the duration of the recovery period.
- Enact debt relief throughout the recovery period for utility customers who are low-income or have lost their income due to crisis, including accessible debt relief for undocumented Californians who pay utility bills. Without cancellation of debt accrued during the crisis, the state will experience a wave of disconnections when billing resumes due to households' inability to develop savings during this time.
- Ensure that vulnerable populations are protected from any potential costs attributed to this relief. Any such debt relief plan should be paired with a complementary funding source, not derived from low-income or vulnerable communities, to address the reasonable costs that need to be recovered by utilities to ensure safe, affordable, and reliable energy or water services.
- Lift the cap on the LIHEAP emergency benefit from $1,000 to the total amount of the bills accrued during the COVID-19 crisis. Low-income communities pay disproportionately high amounts of their income on utility bills and unpaid balances will become debt that must be paid back once shutoff moratoriums are lifted. Working families will already be at risk as paying back utility debt may cause families to have to choose between rent, power, water, food or other necessities.
- Ease the LIHEAP application process. With offices being closed, the number of applicants are down in some locations even though many more ratepayers are eligible for LIHEAP. During the declared state of emergency and for the entire recovery period, allow ratepayers to self-certify hardship to qualify for LIHEAP. Additionally, consider automatic eligibility and outreach to ratepayers receiving benefits through unemployment insurance, SNAP, and similar public assistance programs.
- Ensure continued and reliable funding for the Multifamily Low-Income Weatherization Program (LIWP) which provides solar, energy efficiency, and decarbonization upgrades to low-income renters living in disadvantaged communities while reducing bills by 30% on average and reducing greenhouse gas emissions. LIWP has a waitlist of over 18,000 households who are low-income.
- Prioritize emergency environmental healthy housing repair and residential services for energy efficiency that remediate severe mold, lead, pest management, and temperature control issues that should be addressed to avoid respiratory illness that can exacerbate COVID-19 outcomes.

- For low-income residents and property owners of deed-restricted affordable housing participating in energy efficiency and renewable energy programs, allow for progress payments to be received upfront so projects are not stalled and much needed upgrades can continue happening. Also, temporarily pause incentive step downs for key programs through 2021.
- Commit to improving the health and safety of the state's existing buildings by combining deep energy efficiency and electrification measures. Efforts to decarbonize buildings lock in public health and safety for residents and businesses, lower risk for high gas prices in the future, and support recovery of the local workforce and economy. Structure health and safety electrification funding deployment to begin with low- and moderate-income residents, affordable housing, small businesses, and buildings that provide services for vulnerable populations and environment and social justice (ESJ) communities. Consider dedicated programs to ensure these communities can access and receive the health and resiliency benefits of electrification first, not last.

For more recommendations on providing equitable access to utility and state energy assistance, arrearage forgiveness, and late fees and penalties, refer to our Pandemic Response Guidance for [Ensuring Access to Essential Energy and Water Services](#). Additional recommendations on ensuring we keep Californians housed can be found in our guidance on [Preventing Eviction and Preserving Affordable Housing](#).

Protect all renters and affordable housing providers for the duration of the recovery period, and continue building and upgrading housing to address our homelessness and housing crises.

- Immediately suspend all eviction filings, hearings, and enforcements currently in process and impose an eviction moratorium going forward that [covers every type of eviction case and applies to every stage of eviction proceedings](#). Ensure that this suspension lasts for as long as the entire state of recovery, which should be assessed through a comprehensive set of metrics.
- Provide sufficient levels of rent payment assistance to ensure that all renters can afford their housing costs without taking on additional debt. Eviction moratoria without rent relief or cash assistance will put renters in a deeper crisis in the future while harming rental housing providers. States and localities should create emergency relief funds to provide immediate rental assistance to people who risk losing their homes because of sickness, inability to work, or any other factors related to COVID-19. This rental assistance fund should be accessible regardless of immigration status. This fund should launch immediately, without barriers to entry such as lengthy paperwork or application fees.
- Expand actions under Project Roomkey to convert all vacant hotel and motel rooms into homes for people experiencing homelessness. In addition, provide services such as case managers, counselors, physicians, nurses, caseworkers, food delivery, and security with a priority on highest-risk populations including seniors, those with underlying health conditions and those experiencing mental illness. Provide sufficient personal protective equipment (PPE) for all workers involved.

- If Federal funds do not become available, create a time-limited subsidy pool to provide breakeven operating assistance to affordable housing developments facing foreclosure as a result of rent non-payment and forgive tenant rent nonpayment during the time of assistance. Foreclosure wipes out affordability restrictions that otherwise would last for up to 55 more years.
- Ensure that affordable housing providers have the resources needed to build, rehabilitate and maintain sustainable housing while meeting state and local building codes and other requirements.
- Use affordable housing development as a job creation tool. Invest in affordable housing developments, and high-road training partnerships to create jobs and train building management staff dedicated to advancing public health, and maintaining building electrical and efficiency systems.
- Jurisdictions seeking to enact zero net energy or zero net carbon local reach codes must create a working group of affordable housing providers and renters to seek input so as to not increase existing barriers to developing multifamily affordable housing units. Funds available for new construction and preserving existing buildings are declining (Low-Income Housing Tax Credit housing production and preservation in California declined by 13% overall from 2016 due to federal tax reform), and all-electric code requirements must be passed with adequate technical and financial resources so as to not further exacerbate the affordable housing crisis.

Protect all workers, especially those most vulnerable, for the duration of the recovery period.

This unprecedented moment requires swift action to ensure lasting protections for the state's most vulnerable communities. The need to shelter in home and temporarily close businesses is driving an economic crisis alongside the health crisis. Financial hardships and a lack of access to healthcare during this crisis will deepen the vulnerabilities of many communities. If we want to see change in one sector, we must ensure the change is structural and fosters positive protections for the most vulnerable workers across all sectors. We recommend the following for all workers during, and the recovery period following, the crisis:

- Sick Leave and Family Leave: Support people at risk of choosing between their health and their livelihoods. Close the gap of the Families First Coronavirus Response Act (FFCRA) by requiring up to 80 hours of paid sick leave for employers with more than 500 employees and other employers exempted under FFCRA. Add protections for workers whose place of employment is reopening but is unwilling or unable to return to work for health or family-care reasons.
- Contractors/Program Implementers: Establish an emergency fund for small contractors--with a priority on those owned or managed by women, minorities, and veterans--to bridge this period of work stoppage so that they can continue to pay their employees and stabilize their businesses.
- Underemployment: Secure Emergency Support Benefits, distinct from family or sick leave, and make accessible to all workers, regardless of classification. Enforce Assembly Bill 5 (Gonzalez,

2019) anywhere workers are being denied sick leave or access to benefits as a result of being misclassified.

- Healthcare, emergency and essential service workers: Dedicate resources to supporting emergency and essential service workers with free childcare and hazard pay. Dedicate additional resources to ensure retail, warehousing, distribution, and delivery workers are eligible for overtime pay.
- Returning to Work: Right of Recall and Worker Retention: Require hardest hit industries, such as hotels, airport hospitality, event centers and building services, guarantee that jobs will still be there when businesses re-open – and that COVID-19-related layoffs will not be used as an excuse to engage in discrimination or retaliation. Workers in these industries are overwhelmingly people of color and immigrants, who are already economically and physically hit hardest by COVID-19. Ensuring Right of Recall and Worker Retention policies will guarantee laid-off workers that once their employer begins re-hiring after the crisis, the laid-off workers will be recalled with adequate time to respond as their jobs become available, and be retained even if their place of employment changes ownership. Right of Recall and Worker Retention policies with no sunset clause, California can ensure people have jobs to come back to once their workplaces re-open, laying a vital foundation for collective economic recovery.

Invest in climate adaptation and clean energy for vulnerable and environmental justice communities to reduce greenhouse gases, lower energy bills, protect local jobs, and build community resilience to future climate and economic disasters.

As we recover from this pandemic, it is urgent we take the necessary and proactive measures that will make our state cleaner and healthier in the immediate- and longer- term. Increasing our commitment to climate adaptation and clean energy will not only help our state meet its climate goals and protect local clean energy jobs, but also make our communities more resilient to future economic and climate shocks. Furthermore, prioritizing vulnerable communities means we begin to reverse energy inequities that have historically locked people out of the clean energy economy. We recommend that policymakers:

- Provide opportunities for clean energy and energy efficiency workers to continue certain work operations safely including virtual inspections and online training.
- Provide workforce development opportunities in the climate adaptation and clean energy policies that create permanent high-road careers that pay family-sustaining wages and paid apprenticeships, promote high workforce standards, and support targeted populations that have been underrepresented in the workforce such as (but not limited to) individuals who have been involved in the criminal justice system and/or have been formerly incarcerated, those receiving public assistance, and/or those are freed from juvenile dependency, juvenile delinquency, and/or foster care system.
- Immediately prioritize AB 1232 (Gloria. Affordable housing: weatherization.), and go one step further from what APEN, CEJA, and EEFA have won in this, to expand LIWP into non-deed-restricted housing populations, attaching strong tenant protections to the investment.

- Make a serious state-wide investment to streamline clean energy and energy efficiency and affordability programs, and increase their capacity to deliver integrated benefits to vulnerable populations. Ensure there is clear communication, available in multiple languages, about new programs and policies.
- Enact proactive rental inspection programs in state and local governments, to launch after the state of emergency has ended, with provisions that allow renters to trigger inspection and remediation while preventing retaliation against those renters.
- Invest in clean, zero-emission, and community-led microgrids involving the integration of energy efficiency, renewable distributed generation, energy storage, and demand response technology delivery in low-income housing and community facilities to prepare for the upcoming wildfire season and protect communities disproportionately impacted by wildfires and power outages.
- Ensure insulation materials used for weatherization and efficiency programs are free of asthmagens and respiratory sensitizers (such substances should not be intentionally added or present at greater than 0.1 percent [1,000 parts per million] by weight in the product).
- Ensure investments in collective procurement opportunities for electric appliances and systems by providing technical assistance, coordination and funding to make bulk purchase orders of electric systems and other green building materials at heavily discounted prices for affordable housing developments serving low-income and disadvantaged communities.
- Enact hiring preferences from populations impacted by poor air quality as determined by those residing in areas that are in the top 25th percentile of the CalEnviroScreen 3.0 score, those with jobs in local fossil-fuel based and/or related industries, as well as the aforementioned populations.
- Prioritize equity and environmental justice communities in climate adaptation and clean energy policies through intentional and ongoing outreach that centers the needs of people of color, immigrants, and refugees.

Strengthen democracy and promote equitable public participation in local, regional and state decision-making processes, in an inclusive and transparent manner.

Public participation is a critical part of our democratic process and includes the ability for all residents to engage in public board, commission, and legislative meetings and hearings and to provide public comment. Although the COVID-19 pandemic poses specific challenges to the democratic process as residents shelter-in-place, decision-makers must rise to the challenge and refuse to allow democracy to falter in the face of this pandemic. This is also an opportunity to deepen community engagement in a way that lasts through and after the recovery phase. We recommend the following guidelines to decision-makers to increase public participation during and after this pandemic:

- Adopt equitable remote participation processes to ensure that all Californians—including non-English speaking individuals, people with hearing loss, and people unable to travel to in-person meetings and hearings—are able to access the democratic process.
    - This includes reaching out to community-based organizations and other stakeholders who may be in direct communication with residents early to help make sure that

residents are informed and notified through multiple channels about remote options for public meetings.

- Invest in technological tools, infrastructure, and grassroots community education and outreach to support effective remote participation for all Californians.
- Adopt policies requiring effective outreach and engagement to increase access to state programs and resources, and to enhance public health in disadvantaged communities (DACs).
- Ensure adequate DAC representation and decision-making power in state, regional, and local task forces, initiatives, planning and investments that address the COVID-19 crisis and recovery.
- Ensure there is clear communication and outreach, available in multiple languages, to all Californians about new policies and programs.

Expand access to internet and phone services, especially for under-resourced communities, communities of color, and undocumented people, during and after the COVID-19 crisis.

(These recommendations are based on internet/phone policies and guidance emerging across the country, including the FCC Pledge, Closing the Digital Divide guidance from Human Rights Watch, The Greenlining Institute, and other individual company policies.)

During this crisis, telephone and broadband access have proven critical to Californians, ranging from pandemic response to emergency measures, working remotely, educating students, and obtaining tele-healthcare services. However, we know that a disproportionate number of households of color across the state lack access to affordable, reliable internet services to support these critical needs. In fact, approximately one in five students in California lacks high-speed internet or an appropriate computing device at home. Households without telephone and broadband access are often families struggling to make ends meet, rural workers, families of color, immigrants, non-English speakers, elders, and people with disabilities. Given this digital divide, these same households and families then face additional barriers applying for unemployment benefits, registering for low-income programs, or attending classes. For these reasons, we recommend the following:

- Increase and expand access to internet and phone services for all households.
- Protect, fund, and expand the LifeLine program, which provides low-income households with discounted communications services. Increase outreach to low-income households, eliminate barriers to enrollment, and ensure that every Californian can stay connected.
- Suspend disconnections, expedite reconnections, and forego late payment penalties.
- Fund a statewide all-fiber infrastructure project to bridge the digital divide and offer jobs to soften the economic downturn. While the Governor had previously pledged $50 million for broadband deployment in this year's budget, these funds face significant risk of elimination. California must fund significant investment in statewide broadband infrastructure upgrades and buildout.
- Dedicate funding to telephone and internet assistance for undocumented ratepayers who are ineligible for LIHEAP emergency benefits.

- Offer free wi-fi hotspots. Some private companies have offered these to certain school districts, but many offers have expired, leaving our most vulnerable disconnected from available relief and recovery options.
- Eliminate data plan charges and data caps; offer expanded and unlimited data.
- Offer free or discounted services and equipment to under-resourced households.
- Protect Californians of color from discriminatory predatory practices. Our coalition members have already reported predatory lenders using targeted online advertising to offer loans to households of color. These lenders often charge borrowers of color interest rates six or seven points higher than rates charged to similarly credit-worthy white borrowers.

Prioritize access to healthcare to compound investments in climate adaptation and clean energy infrastructure.

In the immediate-term, especially in light of the higher impacts of extended time in the home due to "shelter in place" orders:
- Expedite access to full-scope Medi-Cal for elders (65+) regardless of immigration status: this Health4Elders proposal would provide an estimated 27,000 low-income undocumented elders with care, by eliminating immigration status as an eligibility exclusion. Having regular access to health care services will help improve residents' health and improve the chances of recovering from COVID-19.
- Expand access to free telehealth and internet services for low-income families, as these telehealth services offer health screenings while reducing the burden of in-person patient visits. Waive telehealth medical fees and copays during this time, especially for vulnerable and essential workers, to encourage preventative screening and consultation.
- Expand access to behavioral health services, including mental health care and treatment for substance use, especially for vulnerable communities. Many communities who have already been experiencing stress, grief, isolation, and depression have seen these issues exacerbated by the current crisis.