

Calendar No. 593

111TH CONGRESS
2D SESSION**S. 1320****[Report No. 111–307]**

To provide assistance to owners of manufactured homes constructed before January 1, 1976, to purchase Energy Star-qualified manufactured homes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2009

Mr. TESTER (for himself, Mr. BEGICH, Mrs. GILLIBRAND, Mr. BAUCUS, Mr. MERKLEY, and Mr. BROWN of Ohio) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 27, 2010

Reported by Mr. BINGAMAN, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide assistance to owners of manufactured homes constructed before January 1, 1976, to purchase Energy Star-qualified manufactured homes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Energy-Efficient Man-
3 ufactured Housing Act of 2009”.

4 **SEC. 2. ENERGY-EFFICIENT MANUFACTURED HOMES.**

5 (a) **DEFINITIONS.**—In this section:

6 (1) **DATED MANUFACTURED HOME.**—The term
7 “dated manufactured home” means a manufactured
8 home constructed before January 1, 1976.

9 (2) **ENERGY STAR-QUALIFIED MANUFACTURED**
10 **HOME.**—The term “Energy Star-qualified manufac-
11 tured home” means a manufactured home that has
12 been designed, produced, and installed in accordance
13 with Energy Star guidelines by an Energy Star-cer-
14 tified entity.

15 (3) **MANUFACTURED HOME.**—The term “manu-
16 factured home” has the meaning given the term in
17 section 603 of the National Manufactured Housing
18 Construction and Safety Standards Act of 1974 (42
19 U.S.C. 5402).

20 (4) **SECRETARY.**—The term “Secretary” means
21 the Secretary of Energy.

22 (b) **PURPOSE.**—The purpose of this section is to as-
23 sist low-income households residing in dated manufactured
24 homes to save energy and energy expenditures by pro-
25 viding support toward the purchase of new Energy Star-
26 qualified manufactured homes.

1 ~~(c) GRANTS TO STATE AGENCIES.—~~

2 ~~(1) IN GENERAL.—~~The Secretary may provide
3 ~~grants under this section to—~~

4 ~~(A) the State agency responsible for devel-~~
5 ~~oping State energy conservation plans under~~
6 ~~section 362 of the Energy Policy and Conserva-~~
7 ~~tion Act (42 U.S.C. 6322) in each State; or~~

8 ~~(B) such other State agency carrying out~~
9 ~~a similar activity as the Governor of the State~~
10 ~~may designate.~~

11 ~~(2) ALLOCATION.—~~The Secretary shall provide
12 ~~grants to each State agency under paragraph (1)~~
13 ~~based on the proportion that, as determined using~~
14 ~~the most recent and accurate data available—~~

15 ~~(A) the number of dated manufactured~~
16 ~~homes occupied as primary residences in the~~
17 ~~State; bears to~~

18 ~~(B) the number of dated manufactured~~
19 ~~homes occupied as primary residences in all~~
20 ~~States.~~

21 ~~(3) USE OF FUNDS.—~~A State agency shall use
22 ~~a grant provided under paragraph (1) to provide to~~
23 ~~owners of dated manufactured homes in the State~~
24 ~~rebates to use toward the purchase of new Energy~~

1 ~~Star-qualified manufactured homes in the State in~~
2 ~~accordance with paragraph (4).~~

3 ~~(4) REBATES.—~~

4 ~~(A) PRIMARY RESIDENCE REQUIRE-~~
5 ~~MENT.—A rebate under this subsection may be~~
6 ~~made only to an owner of a dated manufactured~~
7 ~~home that is used on a year-round basis as a~~
8 ~~primary residence.~~

9 ~~(B) DESTRUCTION AND REPLACEMENT.—~~

10 ~~A rebate under this subsection may be made~~
11 ~~only if the applicable dated manufactured home~~
12 ~~will be—~~

13 ~~(i) destroyed (including appropriate~~
14 ~~recycling); and~~

15 ~~(ii) replaced, in the same general loca-~~
16 ~~tion (as determined by the applicable State~~
17 ~~agency), with an Energy Star-qualified~~
18 ~~manufactured home.~~

19 ~~(C) SINGLE REBATE.—A rebate under this~~
20 ~~subsection may not be provided to any owner of~~
21 ~~a dated manufactured home that was or is a~~
22 ~~member of a household for which any member~~
23 ~~of the household was provided a rebate pursu-~~
24 ~~ant to this subsection.~~

1 ~~(D) ELIGIBLE HOUSEHOLDS.—~~To be eligi-
2 ble to receive a rebate under this subsection, an
3 owner of a dated manufactured home shall
4 demonstrate to the applicable State agency that
5 the total income of all members of the house-
6 hold of the owner does not exceed 200 percent
7 of the Federal poverty level for income in the
8 applicable area.

9 ~~(5) LIMITATION.—~~

10 ~~(A) IN GENERAL.—~~Subject to subpara-
11 graph (B), the amount of a rebate provided by
12 a State agency under this subsection shall not
13 exceed, for a single manufactured home, \$7,500
14 of the amount provided to the State agency
15 pursuant to this subsection.

16 ~~(B) USE OF STATE FUNDS.—~~A State agen-
17 cy may supplement the amount of a rebate pro-
18 vided under this subsection using State or other
19 funds (including private donations and grants
20 from charitable foundations) by such amount as
21 the State agency determines to be appropriate.

22 ~~(6) SIMILAR PROGRAMS.—~~

23 ~~(A) STATE PROGRAMS.—~~Subject to the
24 limitation described in paragraph ~~(5)(A)~~, a
25 State agency conducting a program the purpose

of which is to replace dated manufactured homes with Energy Star-qualified manufactured homes may use the amounts provided under this subsection to support the program.

(B) FEDERAL PROGRAMS.—The Secretary shall seek to achieve the purpose of this section through similar Federal programs, including—

(i) the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); and

(ii) the program under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(7) ADMINISTRATION.—

(A) CONTROLS AND PROCEDURES.—

(i) IN GENERAL.—Each State agency that receives funding under this subsection shall establish such fiscal controls and accounting procedures as are sufficient, as determined by the Secretary, to ensure proper accounting for disbursements made from the funds and fund balances.

1 (ii) REQUIREMENT.—The controls and
 2 procedures established under clause (i)
 3 shall conform to generally accepted Fed-
 4 eral accounting principles, as determined
 5 by the Secretary.

6 (B) COORDINATION WITH OTHER STATE
 7 AGENCIES.—A State agency that receives fund-
 8 ing under this subsection may coordinate efforts
 9 and share funds for administration with other
 10 State agencies involved in low-income housing
 11 programs.

12 (C) ADMINISTRATIVE EXPENSES.—A State
 13 agency may use not more than 10 percent of
 14 the funds provided to the State agency under
 15 this subsection for administrative expenses in
 16 carrying out a program under this subsection.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—There are authorized to be
 19 appropriated to the Secretary such sums as are nec-
 20 essary to carry out this section.

21 (2) ADMINISTRATIVE EXPENSES.—Of the
 22 amounts available for each fiscal year to carry out
 23 this section, the Secretary may use not more than
 24 5 percent to pay administrative expenses.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Energy-Efficient Manu-*
 3 *factured Housing Act of 2010”.*

4 **SEC. 2. ENERGY-EFFICIENT MANUFACTURED HOMES.**

5 (a) *DEFINITIONS.—In this section:*

6 (1) *DATED MANUFACTURED HOME.—The term*
 7 *“dated manufactured home” means a manufactured*
 8 *home constructed before January 1, 1976.*

9 (2) *ENERGY STAR-QUALIFIED MANUFACTURED*
 10 *HOME.—*

11 (A) *IN GENERAL.—The term “Energy Star-*
 12 *qualified manufactured home” means a manu-*
 13 *factured home that has been designed, produced,*
 14 *and installed in accordance with Energy Star*
 15 *guidelines by an Energy Star-certified entity.*

16 (B) *INCLUSION.—The term “Energy Star-*
 17 *qualified manufactured home” includes single-*
 18 *and multi-section manufactured homes.*

19 (3) *MANUFACTURED HOME.—The term “manu-*
 20 *factured home” has the meaning given the term in*
 21 *section 603 of the National Manufactured Housing*
 22 *Construction and Safety Standards Act of 1974 (42*
 23 *U.S.C. 5402).*

24 (4) *SECRETARY.—The term “Secretary” means*
 25 *the Secretary of Energy.*

1 (b) *PURPOSE.*—*The purpose of this section is to assist*
 2 *low-income households residing in dated manufactured*
 3 *homes to save energy and energy expenditures by providing*
 4 *support toward the purchase of new Energy Star-qualified*
 5 *manufactured homes.*

6 (c) *GRANTS TO STATE AGENCIES.*—

7 (1) *IN GENERAL.*—*The Secretary may provide*
 8 *grants under this section to—*

9 (A) *the State agency responsible for devel-*
 10 *oping State energy conservation plans under sec-*
 11 *tion 362 of the Energy Policy and Conservation*
 12 *Act (42 U.S.C. 6322) in each State; or*

13 (B) *such other State agency carrying out a*
 14 *similar activity as the Governor of the State*
 15 *may designate.*

16 (2) *REQUIREMENTS.*—

17 (A) *PRIORITY.*—*In providing grants under*
 18 *this section, the Secretary shall give priority to*
 19 *States that, as determined by the Secretary—*

20 (i) *have a high percentage of dated*
 21 *manufactured homes relative to the existing*
 22 *manufactured housing stock of the State;*

23 (ii) *would experience substantial en-*
 24 *ergy gains and returns on investment on re-*
 25 *placement of dated manufactured homes;*

- 1 (iii) have a high percentage of counties
- 2 with fewer than 6 residents per square mile;
- 3 (iv) have the infrastructure or planned
- 4 infrastructure necessary to replace dated
- 5 manufactured homes in the State; or
- 6 (v) act in partnership with providers
- 7 of affordable lending products that enable
- 8 buyers to build wealth.

9 (B) *FAILURE BY STATES TO ACT.*—If a
 10 State agency fails to use any portion of grant
 11 provided under this subsection during the 1-year
 12 period beginning on the date of receipt of the
 13 grant—

- 14 (i) the unused amount of the grant
- 15 shall revert to the Secretary; and
- 16 (ii) the Secretary may distribute the
- 17 amount to any individual or entity on a
- 18 first-come, first-served basis.

19 (3) *USE OF FUNDS.*—A State agency shall use a
 20 grant provided under paragraph (1) to provide to
 21 owners of dated manufactured homes in the State in
 22 accordance with paragraph (4)—

- 23 (A) grants or loans to use toward the pur-
- 24 chase of new Energy Star-qualified manufac-
- 25 tured homes in the State; and

1 (B) rebates or grants for the decommission
2 of dated manufactured homes.

3 (4) *REBATES, GRANTS, AND LOANS.*—

4 (A) *AMOUNT.*—

5 (i) *GRANT OR LOAN.*—Subject to clause
6 (iii), the amount of a grant or loan pro-
7 vided to an owner by a State agency under
8 this subsection shall not exceed, for a single
9 manufactured home, \$7,500 of the amount
10 provided to the State agency pursuant to
11 this subsection.

12 (ii) *DECOMMISSION ASSISTANCE.*—
13 Subject to clause (iii), the amount of decom-
14 mission assistance rebate or grant provided
15 to an owner by a State agency under this
16 subsection shall not exceed, for a single
17 manufactured home, \$2,500 of the amount
18 provided to the State agency pursuant to
19 this subsection.

20 (iii) *USE OF STATE FUNDS.*—A State
21 agency may supplement the amount of a re-
22 bate, grant, or loan provided under this
23 subsection using State or other funds (in-
24 cluding private donations and grants or

1 *loans) by such amount as the State agency*
 2 *determines to be appropriate.*

3 *(B) PRIMARY RESIDENCE REQUIREMENT.—*

4 *A rebate, grant, or loan under this subsection*
 5 *may be made only to an owner of a dated manu-*
 6 *factured home that has been used as the primary*
 7 *residence of the owner on a year-round basis for*
 8 *at least the 12 previous months.*

9 *(C) DESTRUCTION AND REPLACEMENT.—*

10 *(i) IN GENERAL.—A grant or loan*
 11 *under this subsection may be made only if*
 12 *the applicable dated manufactured home*
 13 *will be—*

14 *(I) destroyed (including appro-*
 15 *priate recycling); and*

16 *(II) replaced, in an appropriate*
 17 *area (as determined by the applicable*
 18 *State agency), with an Energy Star-*
 19 *qualified manufactured home.*

20 *(ii) VERIFICATION.—The Secretary*
 21 *shall establish such third-party verification*
 22 *requirements as are necessary to ensure that*
 23 *the requirements of clause (i) are met.*

24 *(D) SINGLE GRANT OR LOAN.—A grant or*
 25 *loan under this subsection may not be provided*

1 to any owner of a dated manufactured home that
 2 was or is a member of a household for which any
 3 member of the household was provided a grant or
 4 loan pursuant to this subsection.

5 (E) *DECOMMISSION REBATE OR GRANT.*—A
 6 decommission rebate or grant under this sub-
 7 section may be made only if—

8 (i) the applicable dated manufactured
 9 home will be destroyed (including appro-
 10 priate recycling);

11 (ii) proof of decommission is shown be-
 12 fore the rebate or grant funds are paid; and

13 (iii) no member of the applicable
 14 household was provided a grant or loan
 15 pursuant to this subsection.

16 (F) *ELIGIBLE HOUSEHOLDS.*—To be eligible
 17 to receive a rebate, grant, or loan under this sub-
 18 section, an owner of a dated manufactured home
 19 shall demonstrate to the applicable State agency
 20 that the total income of all members of the house-
 21 hold of the owner does not exceed the greater of,
 22 as determined by the Secretary—

23 (i) 200 percent of the most recent an-
 24 nual Federal Poverty Income Guidelines

published by the Department of Health and Human Services; or

(ii) 80 percent of the area median income in the applicable area, as determined by the Secretary.

(G) *ELIGIBLE FINANCING.*—

(i) *IN GENERAL.*—As a condition on receipt of a grant or loan under this subsection, a homeowner shall—

(I) assume a mortgage or personal property loan that maximizes the ability of the homeowner to stay in the new manufactured home, minimize default, and build equity; and

(II)(aa) own the land on which the manufactured home is sited; or

(bb) have a land-lease on the land on which the manufactured home is sited of not less than the longer of 10 years or the length of the mortgage term.

(ii) *OTHER LEASES.*—A homeowner shall be considered to have satisfied clause (i)(II)(bb) if the homeowner has—

1 (I) a lease from a community
2 land trust or nonprofit housing cor-
3 poration; or

4 (II) a proprietary lease (perpetual
5 or renewable as a matter of right) by
6 a cooperative or homeowner association
7 that is owned or controlled by the
8 homeowners.

9 (5) *SIMILAR PROGRAMS.*—

10 (A) *STATE PROGRAMS.*—Subject to the limi-
11 tation described in paragraph (4)(A), a State
12 agency conducting a program the purpose of
13 which is to replace dated manufactured homes
14 with Energy Star-qualified manufactured homes
15 may use the amounts provided under this sub-
16 section to support the program.

17 (B) *FEDERAL PROGRAMS.*—

18 (i) *IN GENERAL.*—The Secretary shall
19 seek to achieve the purpose of this section
20 through similar Federal programs, includ-
21 ing the American Recovery and Reinvest-
22 ment Act of 2009 (Public Law 111–5; 123
23 Stat. 115).

24 (ii) *CONFORMING AMENDMENTS.*—Sec-
25 tion 407 of the American Recovery and Re-

1 *investment Act of 2009 (Public Law 111–5;*
 2 *123 Stat. 145) is amended by adding at the*
 3 *end the following:*

4 “(f) *ENERGY-EFFICIENT MANUFACTURED HOMES.—*
 5 *Notwithstanding any restrictions in part A of title IV of*
 6 *the Energy Conservation and Production Act (42 U.S.C.*
 7 *6861 et seq.), any amount made available under this Act*
 8 *for the Weatherization Assistance Program for Low-Income*
 9 *Persons established under part A of title IV of the Energy*
 10 *Conservation and Production Act (42 U.S.C. 6861 et seq.)*
 11 *may be used for the replacement of pre-1976 substandard*
 12 *manufactured homes with Energy Star-qualified manufac-*
 13 *tured homes under the Energy-Efficient Manufactured*
 14 *Housing Act of 2010.”.*

15 (6) *ADMINISTRATION.—*

16 (A) *CONTROLS AND PROCEDURES.—*

17 (i) *IN GENERAL.—Each State agency*
 18 *that receives funding under this subsection*
 19 *shall establish such fiscal controls and ac-*
 20 *counting procedures as are sufficient, as de-*
 21 *termined by the Secretary, to ensure proper*
 22 *accounting for disbursements made from the*
 23 *funds and fund balances.*

24 (ii) *REQUIREMENT.—The controls and*
 25 *procedures established under clause (i) shall*

1 *conform to generally accepted Federal ac-*
 2 *counting principles, as determined by the*
 3 *Secretary.*

4 *(B) COORDINATION WITH OTHER STATE*
 5 *AGENCIES.—A State agency that receives fund-*
 6 *ing under this subsection may coordinate efforts*
 7 *and share funds for administration with other*
 8 *State agencies involved in low-income housing*
 9 *programs.*

10 *(C) ADMINISTRATIVE EXPENSES.—A State*
 11 *agency may use not more than 10 percent of the*
 12 *funds provided to the State agency under this*
 13 *subsection for administrative expenses of the*
 14 *agency or nonprofit organizations in carrying*
 15 *out a program under this subsection.*

16 *(d) AUTHORIZATION OF APPROPRIATIONS.—*

17 *(1) IN GENERAL.—There are authorized to be ap-*
 18 *propriated to the Secretary such sums as are nec-*
 19 *essary to carry out this section.*

20 *(2) ADMINISTRATIVE EXPENSES.—Of the*
 21 *amounts available for each fiscal year to carry out*
 22 *this section, the Secretary may use not more than 5*
 23 *percent to pay administrative expenses.*

Amend the title so as to read: “To provide assist-
 ance to owners of substandard manufactured homes con-

structed before January 1, 1976, to purchase Energy Star-qualified manufactured homes.”.

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11TH CONGRESS
2^D Session

S. 1320

[Report No. 111-307]

A BILL

To provide assistance to owners of manufactured homes constructed before January 1, 1976, to purchase Energy Star-qualified manufactured homes.

Reported with an amendment and an amendment to the title