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COMMUNITY SOLAR GARDENS: THE FUTURE OF ENERGY ASSISTANCE PROGRAMS?

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Over 50 years ago Lyndon B. Johnson declared an “unconditional war on poverty” in an effort to “end the plague of poverty in the United States.”^[i] This “war” is still being waged today, and as a result, there are at least 92 federal programs purposed with aiding low-income families in America.^[ii] One of these programs is the Low Income House Energy Assistance Program (LIHEAP), managed by the U.S. Department of Health and Human Services and implemented at the local level by the individual states.^[iii] As codified in the United States Code, “the Secretary is authorized to make grants to States to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for home energy, primarily in meeting their immediate home energy needs”; these immediate home energy costs include heating and cooling costs.^[iv] This is a vital program, considering that energy costs for low-income households can be up to three times more expensive (as a percentage of respective income) than energy costs of households at other income levels.^[v] Heating and cooling costs pose a higher burden for low-income households for a variety of reasons aside from having a lower income, including living in less efficient housing options and having limited access to energy efficiency programs.^[vi]

While the circumstances of those categorized as low-income households in regards to energy costs have historically been and currently are less than ideal, there could be hope for a brighter future. Last month, five groupings of solar panels, as part of a community solar garden near Lake Leech Indian Reservation in Minnesota, started producing electricity that will ultimately provide energy to low-income tribal households.^[vii] The Leech Lake community solar garden is the first solar garden to not only be dedicated to helping low-income tribal households in Minnesota, but also the first community solar garden in the nation to be “formally integrated with an energy assistance program.”^[viii] In the past, solar energy has typically been perceived as a clean energy choice that is only available to affluent communities; this project has the potential to show that environmentally friendly energy can be incorporated into energy assistance programs, which is a choice that low-income households receiving energy assistance have not been able to enjoy in the past.^[ix]





<https://www.dnvgl.com/energy/feature-articles/bright-ideas-global-trends-in-solar-finance.html>

If the Leech Lake community solar garden's connection integration with the Leech Lake Energy Assistance Program proves to be successful, there are many potential positive impacts that could result.^[x] First, the integration of the community solar garden with the local energy assistance program has the potential of benefitting and assisting roughly 100 local low-income households.^[xi] Further, this integration exemplifies a fiscally responsible model of energy assistance, unlike the current practice of LIHEAP states, which involves simply paying a low-income household's energy costs: the community solar garden offers a return on investment to the taxpayer, which could prove to be a more appropriate way to deliver energy assistance to those in need.^[xii] Finally, federal government officials have told the Rural Renewable Energy Alliance (RREAL), the entity behind making this project become a reality, that states will be permitted to add a carve-out within their energy assistance programs for solar energy.^[xiii] If this ends up being the case, there is reason to believe that other states will pick up on the community solar garden concept and implement it in their own energy assistance programs.^[xiv] While there are many potential positive impacts of this project, there are also some potential barriers that may surface if implementation of this type of project spread. These barriers include the issue of cooperation and buy-in of established utility companies as well as community action agency networks being resistant to change how energy assistance programs are run and administered.^[xv]

Ultimately, while the success of this integration of community solar gardens with energy assistance programs is still yet to be determined, the odds favor solar energy being a more nationally widespread energy option for low-income households in the future. If the Leech Lake community solar garden proves to be successful in Minnesota, a state whose energy assistance program mainly focuses on assisting with heating costs, this model could be used in other heating states, as well as translated and used in cooling states, across the nation.^[xvi] As Jason Edens, director of RREAL, stated, "By integrating solar energy into energy assistance, we can create both a fiscally responsible and environmentally appropriate solution to energy poverty."^[xvii]

[i] Wes Moore, *The War on Poverty Has Become a War on the Poor*, Time (July 4, 2017), <http://time.com/4842822/war-on-poverty-wes-moore/>.

[ii] House Budget Committee Majority Staff, *The War on Poverty: 50 Years Later*, A House Budget Committee Rep. (March 3, 2014), https://budget.house.gov/uploadedfiles/war_on_poverty.pdf.

[iii] *Id.* at 79.

[iv] 42 U.S.C. § 8621 (LEXIS through PL 115-55).

[v] Adam Chandler, *Where the Poor Spend More Than 10 Percent of Their Income on Energy*, The Atlantic (June 8, 2016), <https://www.theatlantic.com/business/archive/2016/06/energy-poverty-low-income-households/486197/>.

[vi] *Id.*

[vii] Pam Louwagie, *Leech Lake Solar Garden is First in Nation Linked to Energy Assistance Program*, The StarTribune (August 26, 2017), <http://www.startribune.com/leech-lake-solar-garden-is-first-in-nation-linked-to-energy-assistance-program/441815673/>.

[viii] *Id.*

[ix] *Id.*

[x] Frank Jossi, *Q&A: How Solar Could Change the Face of Low-Income Energy Assistance*, Midwest Energy News (August 15, 2016), <http://midwestenergynews.com/2016/08/15/qa-how-solar-could-change-the-face-of-low-income-energy-assistance/>.

[xi] Louwagi, *supra* note vi.

[xii] Jossi, *supra* note x.

[xiii] *Id.*

[xiv] *Id.*

[xv] *Id.*

[xvi] *Id.*

[xvii] Louwagi, *supra* note vii.

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