

STATE OF NEW YORK

3996--C

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. HUNTER, LUPARDO, CLARK, BURDICK, MITAYNES, MAMDANI, KELLES, PHEFFER AMATO, FAHY, CARROLL, ANDERSON, FORREST, J. D. RIVERA, GALEF, REYES, McDONALD, GLICK, EPSTEIN, GOTTFRIED, L. ROSENTHAL, ENGLEBRIGHT, SIMON, NIOU, HEVESI, JACOBSON, ABINANTI, BURGOS, WALKER, DICKENS, COLTON, FERNANDEZ -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Energy in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law and the public authorities law, in relation to establishing energy efficiency measures by the public service commission and the New York energy research and development authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public service law is amended by adding a new section
2 66-t to read as follows:

3 § 66-t. Energy efficiency program. 1. As used in this section, the
4 following terms shall have the following meanings:

5 (a) "energy efficiency" means the reduction in overall energy use,
6 expressed as a percentage against a prior baseline of historical use, or
7 in British thermal units (BTUs). Energy efficiency shall include envi-
8 ronmentally beneficial electrification;

9 (b) "energy efficiency measure" means a particular good or practice
10 that provides an energy efficiency benefit;

11 (c) "environmentally beneficial electrification" means a replacement
12 of direct fossil fuel use with electricity such that the replacement
13 reduces overall emissions;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD05989-14-2

1 (d) "disadvantaged communities" shall have the same meaning as subdivi-
2 sion five of section 75-0101 of the environmental conservation law;

3 (e) "residential building" means a building having primary use as a
4 domicile;

5 (f) "small commercial building" means a building operated by a busi-
6 ness or not-for-profit organization with one hundred employees or fewer;
7 provided they (i) own their building or (ii) lease or manage all or part
8 of the building and have a release from the building owner to apply for
9 financing through the program; and

10 (g) "priority populations" means groups that include veterans, indi-
11 viduals with disabilities, low-income individuals, unemployed power
12 plant workers, previously incarcerated individuals, persons aged eigh-
13 teen through twenty-four participating in work preparedness training
14 programs, or residents of disadvantaged communities.

15 2. In order to stimulate the growth and adoption of a more efficient
16 use of energy in disadvantaged communities and to promote the hiring and
17 training of employees from disadvantaged communities and priority popu-
18 lations, the commission shall develop, oversee and issue guidelines to
19 be used as part of any energy efficiency proceeding or utility program,
20 which shall include the following elements:

21 (a) any job training funding administered by utilities for energy
22 efficiency implementation shall serve individuals from priority popu-
23 lations or trainees living in disadvantaged communities, at a minimum
24 proportional to these areas' percentage share of the total residential
25 housing and small commercial building stock within the state;

26 (b) beginning three years after the effective date of this paragraph,
27 installers, technicians, crew leaders, construction workers and appren-
28 tices hired for implementation of utility energy efficiency programs
29 shall be from priority populations or disadvantaged communities, at a
30 minimum proportional to these areas' percentage share of the total resi-
31 dential housing and small commercial building stock within the state, or
32 from other priority populations and disadvantaged communities within one
33 hundred miles of target work sites; and

34 (c) beginning three years after the effective date of this paragraph,
35 require that any residential and/or small business energy efficiency
36 program funding used directly for energy efficiency measures adminis-
37 tered by utilities shall be allocated to disadvantaged communities,
38 proportional to these areas' percentage share of the total residential
39 housing and small commercial building stock within the state.

40 3. (a) In any calendar year that a utility is unable to meet the job
41 training or hiring requirements pursuant to subdivision two of this
42 section, such utility shall file with the public service commission a
43 detailed report describing the activities and efforts made to
44 comply with such requirements, including but not limited to information
45 about outreach conducted in disadvantaged communities and among priori-
46 ty populations and areas where the utility publicized job and training
47 opportunities. The utility shall also include a draft plan for how it
48 will work with community partners and stakeholders to build up the qual-
49 ified applicant pool to comply with such requirements during the next
50 calendar year. The plan will be subject to a sixty-day public
51 comment period after which a final plan that incorporates the public
52 comments will be filed with the commission.

53 (b) The commission shall conduct a periodic performance audit ensuring
54 that disadvantaged communities have access to the utility workforce
55 development training, jobs, and opportunities pursuant to this section.

1 The commission shall publish the results of each performance audit on
2 the commission's website.

3 (c) The commission shall have the authority to adjudicate complaints
4 and conduct investigations for violation of this section in the manner
5 provided by the provisions of this article and shall have the authority
6 to enforce the provisions of this section in accordance with section
7 twenty-six of this chapter.

8 § 2. The public authorities law is amended by adding a new section
9 1885 to read as follows:

10 § 1885. Efficiency requirements. 1. As used in this section, the
11 following terms shall have the following meanings:

12 (a) "energy efficiency" means the reduction in overall energy use,
13 expressed as a percentage against a prior baseline of historical use, or
14 in British Thermal Units (BTUs). Energy efficiency shall include envi-
15 ronmentally beneficial electrification;

16 (b) "environmentally beneficial electrification" means a replacement
17 of direct fossil fuel use with electricity such that the replacement
18 reduces overall emissions;

19 (c) "disadvantaged communities" shall have the same meaning as subdi-
20 vision five of section 75-0101 of the environmental conservation law;

21 (d) "authority" means the New York state energy research and develop-
22 ment authority;

23 (e) "small commercial building" means a building operated by a busi-
24 ness or not-for-profit organization with one hundred employees or fewer,
25 provided such business or not-for-profit organization (i) own the build-
26 ing; or (ii) lease or manage all or part of the building and have a
27 release from the building owner to apply for financing through the
28 authority;

29 (f) "priority population" means groups that include veterans, Native
30 Americans, individuals with disabilities, low-income individuals, unem-
31 ployed power plant workers, previously incarcerated individuals, persons
32 aged eighteen through twenty-four participating in work preparedness
33 training programs, or residents of disadvantaged communities.

34 2. In order to stimulate the growth and adoption of a more efficient
35 use of energy in disadvantaged communities and to promote the equitable
36 distribution of energy efficiency benefits, the authority may allocate
37 funds to the non-energy related interventions in conjunction with energy
38 interventions, including but not limited to mold, lead, and asbestos
39 remediation pursuant to the recommendations of an integrated physical
40 needs assessment performed by the division of housing and community
41 renewal or other qualified agency; the authority shall further require
42 that:

43 (a) any program funding for the installation of end-use energy effi-
44 ciency measures administered by the authority with the goal of achieving
45 the one hundred eighty-five trillion BTUs of end-use energy below the
46 year two thousand twenty-five energy use forecast goal shall be allo-
47 cated to disadvantaged communities at a minimum proportional to such
48 areas' share of the state housing and small commercial building stock;
49 and

50 (b) any job training program funding administered by the authority
51 for energy efficiency implementation serve individuals from priority
52 populations or trainees living in disadvantaged communities proportional
53 to such areas' share of the state housing and small commercial building
54 stock; and

55 (c) employees hired for implementation of authority programs for ener-
56 gy efficiency implementation are from disadvantaged communities propor-

1 tional to these areas' share of the state housing and small commercial
2 building stock.

3 3. The authority shall include resource impacts, non-energy impacts,
4 distribution impacts and economic development impacts in any cost-bene-
5 fit analysis utilized in designing or implementing any energy efficiency
6 program initiated, updated, or revised subsequent to the effective date
7 of this section.

8 4. The authority shall publish on its website data on non-energy bene-
9 fits (NEBs) of home and building-scale energy efficiency programming as
10 evaluated by the authority in cost-benefit analyses.

11 5. The authority shall perform a geographic analysis within disadvan-
12 tagged communities to map and identify where workforce opportunities and
13 gaps exist in energy efficiency and shall work with the existing work-
14 force development programs, union apprenticeships, community organiza-
15 tions and regional hubs to fund pre-apprenticeship programs and communi-
16 ty training for energy efficiency jobs based on the findings of such
17 analysis.

18 6. The authority shall measure tenant displacement rates and rent
19 increases incurred as a result of any energy efficiency funding received
20 under this section. The authority shall publish any findings on its
21 website and shall recommend to the legislature any necessary actions to
22 avoid the displacement of tenants as a result of the energy efficiency
23 funding received pursuant to this section.

24 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
25 sion, section or part of this act shall be adjudged by any court of
26 competent jurisdiction to be invalid, such judgment shall not affect,
27 impair, or invalidate the remainder thereof, but shall be confined in
28 its operation to the clause, sentence, paragraph, subdivision, section
29 or part thereof directly involved in the controversy in which such judg-
30 ment shall have been rendered. It is hereby declared to be the intent of
31 the legislature that this act would have been enacted even if such
32 invalid provisions had not been included herein.

33 § 4. This act shall take effect one year after it shall have become a
34 law. Effective immediately, the addition, amendment and/or repeal of any
35 rule or regulation necessary for the implementation of this act on its
36 effective date are authorized to be made and completed on or before such
37 effective date.