

STATE OF NEW YORK

9746--A

IN ASSEMBLY

April 3, 2024

Introduced by M. of A. CONRAD, McMAHON -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to enacting the "home utility weatherization jobs act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "home utility weatherization jobs act".

3 § 2. Legislative findings and intent. The legislature finds and
4 declares that:

5 (a) The Climate Leadership and Community Protection Act (CLCPA)
6 requires significant reductions in greenhouse gas emissions, including a
7 40% reduction in statewide greenhouse gas emissions by 2030 and an 85%
8 reduction in statewide greenhouse gas emissions by 2050;

9 (b) The Climate Action Council Final Scoping Plan (Plan) deems it
10 essential that buildings make significant investments in energy effi-
11 ciency, and the Plan's integration analysis demonstrates that widespread
12 improvements to building envelope will reduce energy demand from the
13 building sector by 30% to 50% by 2050;

14 (c) Energy efficiency is and will continue to be a key and necessary
15 component of achieving the CLCPA's greenhouse gas emissions targets and
16 has proven to be one of the most cost-effective strategies available;

17 (d) Weatherization efforts that prioritize a whole-building approach
18 to reducing energy needs, such as through building envelope enhance-
19 ments, are an effective way to reduce greenhouse gas emissions while at
20 the same time facilitating further emissions reduction measures such as
21 full electrification or hybrid heating systems by reducing heating load;

22 (e) Improving the integrity of the building envelope through upgrades
23 or retrofits may result in deep energy savings;

24 (f) While existing energy efficiency programs administered by the New
25 York state energy research and development authority are available for
26 low- to moderate-income (LMI) customers, there are some gaps in cover-
27 age, including LMI tenants who do not live in buildings covered by

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

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existing LMI programs, individuals who do not qualify as LMI customers, rental properties, and where existing programs do not remove or mitigate up-front financial burdens for customers;

(g) Weatherization efforts can provide significant benefits to disadvantaged and other communities through the reduction of energy usage and decreases in greenhouse gas emissions;

(h) Weatherization and energy efficiency projects can promote strong economic development and good jobs for local residents, including residents in disadvantaged communities;

(i) Utilities' access to capital and to a trusted workforce able to effectively execute projects, and experience with implementing energy efficiency programs specifically, positions them well to develop and implement programs to weatherize residential buildings; and

(j) It is therefore the intent of the legislature to remove legal barriers to utility development of weatherization programs and require the public service commission to authorize utilities to immediately commence piloting the development and implementation of targeted utility weatherization pilot programs to further the goals of the CLCPA.

§ 3. The public service law is amended by adding a new section 66-x to read as follows:

§ 66-x. Energy efficiency weatherization improvements. 1. As used in this section:

(a) "building envelope" means the assemblies, components and materials of a building that form the thermal barrier between the interior space of the building and the exterior environment, including but not limited to walls, floors, roofing, foundation, windows and doors;

(b) "weatherization improvement project" means a project implemented by a gas corporation, electric corporation or combination gas and electric corporation to improve the integrity of a building envelope or a series of contiguous building envelopes, including but not limited to locating and sealing air leaks, increasing insulation, weatherstripping windows and doors and moisture control such as installing attic vents;

(c) "weatherization pilot program" means a program developed by a gas corporation, electric corporation or combination gas and electric corporation for the purpose of implementing weatherization improvement projects in targeted pilot areas, for a series of contiguous properties which shall generally be no less than two hundred feet in the aggregate. To the extent possible, the program shall be developed in coordination with a utility non-pipe alternative project, including a thermal energy network project, and shall leverage all local, state, and federal funding available;

(d) "targeted pilot areas" means the specific geographic regions selected for the implementation of the weatherization pilot program. Targeted pilot areas shall include:

(i) single-family homes and multi-family buildings built before nineteen hundred eighty located within disadvantaged communities as identified by the climate justice working group; and

(ii) a mix of urban, suburban, and rural regions.

Each dwelling in the targeted pilot area shall be eligible for the weatherization pilot program;

(e) "energy audit" means a review of a series of contiguous dwellings for the purpose of building a weatherization strategy which includes, but is not limited to, sealing air leaks, examining insulation, inspecting all furnaces and ductwork, and upgrading heating and cooling systems. Documentation of denial of access to a dwelling to complete the review shall qualify as completion for purposes of this section; and

1 (f) "project labor agreement" shall mean a pre-hire collective
2 bargaining agreement between a gas corporation, electric corporation,
3 combination of gas and electric corporation or a third party on behalf
4 of such corporation or corporations, and a bona fide building and
5 construction trade labor organization establishing the labor organiza-
6 tion as the collective bargaining representative for all persons who
7 will perform work on a public work project, and which provides that only
8 contractors and subcontractors who sign a pre-negotiated agreement with
9 the labor organization can perform project work. All contractors and
10 subcontractors associated with this work shall be required to utilize an
11 apprenticeship agreement as defined in article twenty-three of the labor
12 law.

13 2. The commission shall initiate a proceeding within three months of
14 the effective date of this section to support the development of weath-
15 erization pilot programs for the purpose of meeting the greenhouse gas
16 emissions and equity goals of the Climate Leadership and Community
17 Protection Act (CLCPA).

18 3. Within six months of the effective date of this section, each gas
19 corporation, electric corporation, or combination gas and electric
20 corporation shall submit to the commission for review and approval a
21 weatherization pilot program plan. The weatherization pilot program
22 plans shall be made publicly available on the commission's website and
23 be subject to a public comment period of no less than sixty days. All
24 plans submitted to the commission shall include, but not be limited to,
25 the following: (a) the buildings and customers eligible for the proposed
26 program, which shall include a description of how the proposed program
27 fills existing gaps related to low- to moderate-income (LMI) customers
28 and other customers in targeted pilot areas; (b) a description of the
29 weatherization improvement projects to be included in the proposed
30 program; (c) a staffing plan identifying the workforce and specific work
31 to be performed; (d) maps of the locations of these projects, which
32 should target contiguous properties over entire street blocks; (e) a
33 description of job training or workforce development efforts necessary
34 to implement the proposed plan; (f) proposed total annual costs of the
35 program; (g) projected annual greenhouse gas emissions reductions
36 resulting from the proposed program; and (h) the projected savings on
37 pipeline and other equipment repair or replacement from the reduction in
38 usage. In developing weatherization pilot program plans, a gas corpo-
39 ration, electric corporation, or combination electric and gas corpo-
40 ration shall coordinate with other utility participants and the New York
41 state energy research and development authority.

42 4. Within one year of the effective date of this section, the commis-
43 sion shall determine whether it is in the public interest to approve or
44 modify such weatherization pilot program plans and shall issue an order
45 directing each gas, electric, or combination gas and electric corpo-
46 ration to implement such weatherization pilot programs. In determining
47 whether a weatherization pilot program is in the public interest, the
48 commission shall consider whether the program: (a) facilitates energy
49 reliability and reduces energy costs for customers in targeted pilot
50 areas; (b) supports the state's achievement of the greenhouse gas emis-
51 sions reduction goals of the CLCPA; and (c) promotes job training and
52 workforce development.

53 5. The gas corporation, electric corporation, or combination gas and
54 electric corporation shall collect data to inform strategies for the
55 weatherization pilot program. Such data shall include:

1 (a) for every eligible housing unit: (i) if applicable, the number of
2 vacant units in a building and reason for vacancy; and (ii) whether an
3 energy audit was agreed to (possible answers include: yes, no: owner
4 refused, no: tenant refused, no: owner could not be reached, no: tenant
5 could not be reached, and no: other).

6 (b) for housing units that have undergone energy audits: (i) age,
7 type, and estimated retirement date of heating source or heating system;
8 (ii) any deferred maintenance, including, but not limited to: roof
9 repairs, vermiculite in attic, knob-and-tube wiring, mold in attic,
10 water in basement, asbestos tape in basement, and asbestos shingles; and
11 (iii) the results of the energy audit. Such data shall be anonymized
12 and aggregated by zip code and be made available on such gas corpo-
13 ration, electric corporation, or combination gas and electric corpo-
14 ration's website.

15 6. The commission shall authorize each gas corporation, electric
16 corporation or combination gas and electric corporation to fully recover
17 in the context of rate or other duly authorized proceedings the costs
18 associated with each such corporation's weatherization pilot program.
19 Each gas corporation, electric corporation or combination gas and elec-
20 tric corporation shall defer any unrecovered expenses associated with an
21 approved or modified weatherization pilot program as a regulatory asset
22 pending a subsequent rate or other duly authorized proceeding. All unre-
23 covered expense balances shall accrue carrying charges at such corpo-
24 ration's pre-tax approved rate of return.

25 7. Each gas, electric, or combination gas and electric corporation
26 shall report to the commission, on a quarterly basis, and until
27 completion of the weatherization pilot programs as determined by the
28 commission, the status of each weatherization pilot program. The commis-
29 sion shall post and make publicly available such reports on its website.
30 The report shall include, but not be limited to: (a) projects completed
31 pursuant to the program; (b) barriers to implementation, if any; (c)
32 costs of the program; (d) number of jobs retained, created or enhanced
33 by the program; and (e) any other such information the commission deems
34 to be in the public interest.

35 8. Any weatherization pilot program approved or modified under this
36 section shall require that energy audits are conducted by employees of
37 the gas corporation, electric corporation, or combination gas and elec-
38 tric corporation represented by a bona fide labor organization of juris-
39 isdiction that is actively engaged in representing the gas corporation,
40 electric corporation, and combination gas and electric corporation
41 employees. The use of contractors is prohibited except as necessary for
42 training or implementation of the program.

43 9. Every weatherization improvement project shall be subject to a
44 project labor agreement.

45 § 4. This act shall take effect immediately.