

11427

I N A S S E M B L Y

June 11, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cahill) --
read once and referred to the Committee on Energy

AN ACT to amend the public service law, the public authorities law, and
the real property law, in relation to green jobs-green New York
on-bill financing

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 2 of the public service law is amended by adding
2 three new subdivisions 28, 29 and 30 to read as follows:

3 28. THE TERM "CAPITAL IMPROVEMENTS AND FIXTURES TO PROMOTE ENERGY
4 EFFICIENCY," WHEN USED IN THIS CHAPTER, MEANS REPAIRS AND UPGRADES TO
5 BUILDINGS, BUILDING SYSTEMS, FIXTURES AND MAJOR APPLIANCES FOR THE
6 PURPOSE OF REDUCING THE CONSUMPTION OF ELECTRICITY, GAS, OIL AND OTHER
7 FUELS, AS DEEMED ELIGIBLE UNDER THE GREEN JOBS-GREEN NEW YORK PROGRAM BY
8 THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.

9 29. THE TERM "GREEN JOBS-GREEN NEW YORK ON-BILL CHARGE," WHEN USED IN
10 THIS CHAPTER, MEANS A CHARGE APPEARING ON THE MONTHLY UTILITY BILL OF A
11 UTILITY CUSTOMER WHO ELECTS TO PARTICIPATE IN THE GREEN JOBS-GREEN NEW
12 YORK PROGRAM AND TO FINANCE CAPITAL IMPROVEMENTS UNDER THAT PROGRAM
13 THROUGH SUCH A CHARGE.

14 30. THE TERM "NYSERDA," WHEN USED IN THIS CHAPTER, MEANS THE NEW YORK
15 STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, PURSUANT TO SECTION
16 EIGHTEEN HUNDRED FIFTY-TWO OF THE PUBLIC AUTHORITIES LAW.

17 S 2. Paragraph (a) of subdivision 2 of section 32 of the public
18 service law, as added by chapter 713 of the laws of 1981, is amended to
19 read as follows:

20 (a) fails to pay charges for any service rendered during the preceding
21 twelve months, INCLUDING ANY GREEN JOBS-GREEN NEW YORK ON-BILL CHARGE,
22 provided however that the commission by regulations may permit the
23 termination of service for bills due for service rendered during periods
24 in excess of twelve months where (i) there was a dispute between such
25 person and the utility corporation or municipality concerning the bill
26 during the twelve month period, (ii) delays in termination are not the

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

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1 fault of the utility or were due to the culpable conduct of such person,
2 or (iii) such bills are necessary to adjust estimated bills; or

3 S 3. Paragraph (b) of subdivision 6 of section 18-a of the public
4 service law, as added by section 4 of part NN of chapter 59 of the laws
5 of 2009, is amended to read as follows:

6 (b) The temporary state energy and utility service conservation
7 assessment shall be equal to two percentum of the utility entity's gross
8 operating revenues derived from intrastate utility operations in the
9 last preceding calendar year, minus the amount, if any, that such utili-
10 ty entity is assessed pursuant to subdivisions one and two of this
11 section for the corresponding state fiscal year period. With respect to
12 the Long Island power authority, the temporary state energy and utility
13 service conservation assessment shall be equal to one percentum of such
14 authority's gross operating revenues derived from intrastate utility
15 operations in the last preceding calendar year. THE TEMPORARY STATE
16 ENERGY AND UTILITY SERVICE CONSERVATION ASSESSMENT SHALL NOT BE APPLIED
17 TO THE GREEN JOBS-GREEN NEW YORK ON-BILL CHARGE BILLED AND COLLECTED
18 PURSUANT TO SECTION SIXTY-SIX-M OF THIS CHAPTER. No corporation or
19 person subject to the jurisdiction of the commission only with respect
20 to safety, or the power authority of the state of New York, shall be
21 subject to the temporary state energy and utility service conservation
22 assessment provided for under this subdivision. Utility entities whose
23 gross operating revenues from intrastate utility operations are five
24 hundred thousand dollars or less in the preceding calendar year shall
25 not be subject to the temporary state energy and utility service conser-
26 vation assessment. The minimum temporary state energy and utility
27 service conservation assessment to be billed to any utility entity whose
28 gross revenues from intrastate utility operations are in excess of five
29 hundred thousand dollars in the preceding calendar year shall be two
30 hundred dollars.

31 S 4. Subdivision 6 of section 65 of the public service law, as
32 amended by chapter 713 of the laws of 1981 and paragraph (b-1) as added
33 by chapter 534 of the laws of 1982, is amended to read as follows:

34 6. Service charges prohibited. Every gas corporation shall charge for
35 gas supplied a fair and reasonable price. No such corporation shall make
36 or impose an additional charge or fee for service or for the installa-
37 tion of apparatus or the use of apparatus installed, except that a
38 charge may be made:

39 (a) where entry, inspection or examination as authorized by subdivi-
40 sion nine of this section is denied;

41 (b) for reconnecting the service to a person or corporation if the
42 service to such person or corporation was disconnected, in accordance
43 with applicable legal requirements, for non-payment of bills for
44 service; [or]

45 (b-1) for expenses reasonably incurred as determined by the commission
46 in cases of meter tampering and theft of service. Such expenses shall
47 include, but not be limited to, the cost of investigating, repairing and
48 replacing meters and pipes, and the cost of moving a meter and install-
49 ing it in a secure location[.];

50 (c) for a remote meter reading device upon the request and consent of
51 the customer; OR

52 (D) FOR CAPITAL IMPROVEMENTS AND FIXTURES TO PROMOTE ENERGY EFFICIENCY
53 PURSUANT TO THE PROGRAM ESTABLISHED IN PARAGRAPH (D) OF SUBDIVISION ONE
54 OF SECTION EIGHTEEN HUNDRED NINETY-FOUR OF THE PUBLIC AUTHORITIES LAW.

55 S 5. The public service law is amended by adding a new section 66-m to
56 read as follows:

1 S 66-M. GREEN JOBS-GREEN NEW YORK ON-BILL CHARGE. 1. THE COMMISSION
2 SHALL REQUIRE ELECTRIC AND GAS CORPORATIONS TO FILE TARIFFS TO PROVIDE
3 FOR THE BILLING AND COLLECTION OF GREEN JOBS-GREEN NEW YORK ON-BILL
4 CHARGES UTILIZED TO COLLECT PAYMENT OF OBLIGATIONS TO THE NYSEDA RETRO-
5 FIT INVESTMENT FUND THAT CUSTOMERS UNDERTAKE THROUGH THE GREEN
6 JOBS-GREEN NEW YORK PROGRAM "PROGRAM", ESTABLISHED PURSUANT TO TITLE
7 NINE-A OF ARTICLE EIGHT OF THE PUBLIC AUTHORITIES LAW. ELECTRIC AND GAS
8 CORPORATIONS SHALL SEEK FUNDING OPPORTUNITIES PROVIDED UNDER THE AMERI-
9 CAN RECOVERY AND REINVESTMENT ACT OF TWO THOUSAND NINE TO FUND OR OFFSET
10 COSTS ASSOCIATED WITH IMPLEMENTING THE PROGRAM. ELECTRIC AND GAS CORPO-
11 RATIONS SHALL UTILIZE EXISTING ELECTRONIC DATA INTERCHANGE INFRASTRUC-
12 TURE OR OTHER EXISTING BILLING INFRASTRUCTURE TO IMPLEMENT THE PROGRAM.
13 ELECTRIC AND GAS CORPORATIONS WILL BE PERMITTED TO DEFER THE COSTS OF
14 ANY NECESSARY AND PRUDENT ELECTRONIC DATA INTERCHANGE IMPROVEMENTS TO
15 EACH SUCH CORPORATION'S NEXT RATE CASE.

16 (A) THE COMMISSION SHALL WITHIN FIFTEEN DAYS OF THE EFFECTIVE DATE OF
17 THIS SECTION REQUIRE ALL GAS CORPORATIONS TO FILE TARIFFS TO IMPLEMENT
18 THE PROGRAM FOR ALL RESIDENTIAL CUSTOMERS WITHIN THEIR RESPECTIVE
19 SERVICE TERRITORIES AND ISSUE A NOTICE OF PROPOSED RULE-MAKING ON SUCH
20 TARIFFS. THE COMMISSION SHALL ACT EXPEDITIOUSLY, WITHIN THE MINIMUM TIME
21 PERIOD CONSISTENT WITH THE REQUIREMENTS OF THE STATE ADMINISTRATIVE
22 PROCEDURE ACT, TO ISSUE A FINAL DECISION REGARDING THE GREEN JOBS-GREEN
23 NEW YORK TARIFFS.

24 (B) THE COMMISSION SHALL WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF
25 THIS SECTION REQUIRE THAT ALL ELECTRIC CORPORATIONS FILE TARIFFS TO
26 IMPLEMENT THE PROGRAM FOR ALL RESIDENTIAL CUSTOMERS WITHIN THEIR RESPEC-
27 TIVE SERVICE TERRITORIES AND ISSUE A NOTICE OF PROPOSED RULE-MAKING. THE
28 COMMISSION SHALL ACT EXPEDITIOUSLY, WITHIN THE MINIMUM TIME PERIOD
29 CONSISTENT WITH THE REQUIREMENTS OF THE STATE ADMINISTRATIVE PROCEDURE
30 ACT, TO ISSUE A FINAL DECISION REGARDING THE GREEN JOBS-GREEN NEW YORK
31 TARIFFS.

32 2. THE TARIFFS SHALL PROVIDE:

33 (A) THAT FULL ACCESS TO THE BENEFITS OF THE PROGRAM BE AVAILABLE TO
34 ALL CUSTOMERS THAT MEET STANDARDS FOR RELIABLE UTILITY BILL PAYMENT AND
35 CURRENT GOOD STANDING ON ANY MORTGAGE OBLIGATIONS ON THE PREMISES AS
36 DETERMINED BY NYSEDA IN ITS CAPACITY AS MANAGER OF THE RETROFIT INVEST-
37 MENT FUND, AND WHO HOLD PRIMARY OWNERSHIP OR REPRESENT THE PRIMARY OWNER
38 OR OWNERS OF ALL METERS TO WHICH AN ON-BILL REPAYMENT OBLIGATION IS
39 ATTACHED.

40 (B) THAT THE GREEN JOBS-GREEN NEW YORK ON-BILL CHARGES FOR ANY
41 SERVICES PROVIDED AT THE CUSTOMER'S PREMISES SURVIVE CHANGES IN OWNER-
42 SHIP, TENANCY, OR UTILITY ACCOUNT RESPONSIBILITY, WITH ARREARS AT TIME
43 OF METER ACCOUNT CLOSURE OR METER TRANSFER REMAINING THE RESPONSIBILITY
44 OF THE INCURRING CUSTOMER.

45 (C) FOR THE DISCONNECTION OF SERVICE FOR NON-PAYMENT OF PROGRAM OBLI-
46 GATIONS, SUBJECT TO REQUIREMENTS OF ARTICLE TWO OF THIS CHAPTER.

47 (D) THAT ELECTRIC AND GAS CORPORATIONS SHALL ONLY BE RESPONSIBLE FOR
48 BILLING AND COLLECTION OF GREEN JOBS-GREEN NEW YORK ON-BILL CHARGES FOR
49 SPECIFIC CUSTOMERS IN THE AMOUNTS AND TIME PERIODS DIRECTED BY NYSEDA,
50 AND FOR SUCCESSOR CUSTOMERS AT THE SAME PREMISES, WHEN ADVISED BY NYSEDA
51 THAT:

52 (I) THE SPECIFIC CUSTOMER HAS ENTERED INTO A WRITTEN REPAYMENT AGREE-
53 MENT WITH NYSEDA TO PAY SUCH AMOUNTS FOR SUCH TIME PERIODS.

54 (II) THE REPAYMENT AGREEMENT IS CONSISTENT WITH THE PROVISIONS OF
55 TITLE NINE-A OF ARTICLE EIGHT OF THE PUBLIC AUTHORITIES LAW AND WITH
56 REGULATIONS PROMULGATED PURSUANT TO SUCH TITLE.

1 (III) THE PROGRAM INCLUDES A SUBSTANTIVE PLAN TO PROVIDE FOR CUSTOMER
2 SERVICE AND RESOLUTION OF CUSTOMER COMPLAINTS, AND TO ACCOUNT FOR DELAYS
3 AND DEFAULTS IN CUSTOMER PAYMENTS.

4 (E) THAT THE UTILITY'S OBLIGATION TO COLLECT GREEN JOBS-GREEN NEW YORK
5 CUSTOMER REPAYMENTS DOES NOT RESTRICT THE UTILITY'S DISCRETION TO ESTAB-
6 LISH THE TERMS OF DEFERRED PAYMENT AGREEMENTS OR TO DEFER TERMINATION OF
7 SERVICE FOR DELINQUENT CUSTOMERS.

8 (F) THAT UNDERPAYMENTS OF BILLS BY CUSTOMERS WITH GREEN JOBS-GREEN NEW
9 YORK ON-BILL CHARGES SHALL BE APPORTIONED BETWEEN THE GREEN JOBS-GREEN
10 NEW YORK ON-BILL CHARGES AND ALL OTHER CHARGES ON THE BILL, WITH THE
11 PERCENTAGE OF THE UNDERPAYMENT APPORTIONED TO THE GREEN JOBS-GREEN NEW
12 YORK ON-BILL CHARGE EQUAL TO THE PERCENTAGE THE GREEN JOBS-GREEN NEW
13 YORK ON-BILL CHARGE REPRESENTS OF THE TOTAL BILL. THAT WITH CUSTOMER
14 CONSENT, THE UTILITY SHALL PROVIDE PRIOR YEAR CUSTOMER BILLING AND
15 CONSUMPTION DATA TO NYSERDA. IN CASES WHERE CUSTOMER CONSENT IS NOT
16 OBTAINED, THE UTILITY MAY PROVIDE AGGREGATE CENSUS TRACT DATA THAT
17 INCLUDES THE CUSTOMER'S ADDRESS.

18 (G) THAT NYSERDA SHALL BE RESPONSIBLE FOR THE RESOLUTION OF ANY
19 CUSTOMER COMPLAINTS REGARDING WORK PERFORMED PURSUANT TO THE PROGRAM AND
20 THE DETERMINATION OF WHETHER GREEN JOBS-GREEN NEW YORK ON-BILL CHARGES
21 SHOULD BE MODIFIED.

22 (H) THAT UTILITIES WILL PROVIDE ON THE CUSTOMER'S BILL AN EXPLANATION
23 OF THE BENEFIT OF THE GREEN JOBS-GREEN NEW YORK RETROFIT THAT INCLUDES A
24 CALCULATION OF THE AVOIDED COST OF FUEL BASED ON NYSERDA'S PROJECTION OF
25 SAVINGS OVER PRIOR USAGE ASSOCIATED WITH THE RETROFIT, THE CURRENT UNIT
26 COST OF THE UTILITY FUEL, AND AN EXPLANATION THAT BILL LEVELS VARY BASED
27 ON ACTUAL USAGE EVEN WHEN HOMES ARE UPGRADED TO USE ENERGY MORE EFFI-
28 CIENTLY.

29 (I) THAT UTILITIES WILL INFORM CUSTOMERS AT THE TIME OF ACCOUNT OPEN-
30 ING AND AT LEAST ANNUALLY OF THE AMOUNT AND DURATION OF ANY GREEN JOBS-
31 GREEN NEW YORK ON-BILL CHARGES AT THE PREMISES FOR PREVIOUSLY INSTALLED
32 ENERGY EFFICIENCY MEASURES, INCLUDING NYSERDA PROCEDURES FOR DISPUTING
33 SUCH CHARGES.

34 (J) THAT FOR CUSTOMERS WITH A LEVELIZED BILLING PLAN, A GREEN
35 JOBS-GREEN NEW YORK RETROFIT SHALL TRIGGER AN IMMEDIATE RECALCULATION OF
36 MONTHLY PAYMENTS UNDER SUCH PLAN, BASED ON NYSERDA PROJECTIONS OF ENERGY
37 SAVINGS RESULTING FROM THE INSTALLED MEASURES AND EFFECTIVE ON THE
38 CUSTOMER'S FIRST BILL WITHIN SIXTY DAYS OF COMPLETION OF THE RETROFIT.

39 (K) THAT UTILITIES SHALL OFFER DEFERRED PAYMENT AGREEMENTS TO GREEN
40 JOBS-GREEN NEW YORK CUSTOMERS ON THE SAME TERMS AS TO OTHER CUSTOMERS,
41 REGARDLESS OF THE APPORTIONMENT OF COLLECTED PAYMENTS TO BOTH UTILITY
42 AND GREEN JOBS-GREEN NEW YORK CHARGES.

43 (L) THAT UTILITIES MAY SIMULTANEOUSLY OFFER TO GREEN JOBS-GREEN NEW
44 YORK ON-BILL REPAYMENT CUSTOMERS ANY AVAILABLE REBATES FOR INDIVIDUAL
45 RETROFIT MEASURES, REGARDLESS OF WHETHER SUCH MEASURES ARE PERFORMED IN
46 THE COURSE OF A GREEN JOBS-GREEN NEW YORK RETROFIT.

47 S 6. Paragraph (d) of subdivision 1 of section 1894 of the public
48 authorities law, as added by chapter 487 of the laws of 2009, is amended
49 and a new paragraph (e) is added to subdivision 1 to read as follows:

50 (d) organized trades and their certification or apprenticeship
51 programs. The authority shall specifically solicit applications that
52 propose to demonstrate the feasibility of innovative financing mech-
53 anisms, including but not limited to applications undertaken in partner-
54 ship with distribution utilities that propose to demonstrate the feasi-
55 bility of on-bill financing. The public service commission and other
56 appropriate agencies are authorized to coordinate with the authority and

1 applicants in developing and implementing proposed demonstrations of
2 innovative financing mechanisms. AN ON-BILL FINANCING MECHANISM FOR
3 INSTALLATION OF ENERGY EFFICIENCY MEASURES AND IMPROVEMENTS SHALL BE
4 ESTABLISHED AS FOLLOWS:

5 (1) GREEN JOBS-GREEN NEW YORK PROGRAM "PROGRAM" RETROFITS SHALL BE
6 PERFORMED IN ACCORDANCE WITH RESEARCH-BASED, INDUSTRY STANDARDS AS
7 DETERMINED BY THE AUTHORITY;

8 (2) PERFORMANCE OF RETROFIT WORK SHALL MEET STANDARDS FOR CONTRACTING
9 AS DETERMINED BY THE AUTHORITY;

10 (3) THE AUTHORITY SHALL ONLY PROVIDE ON-BILL FINANCING FOR PACKAGES OF
11 ENERGY EFFICIENCY MEASURES THAT IT DETERMINES TO BE COST-EFFECTIVE.
12 PACKAGES OF ENERGY EFFICIENCY MEASURES SHALL BE DEEMED COST-EFFECTIVE
13 IF:

14 (A) BASED UPON THE MOST RECENT CUSTOMER DATA AVAILABLE, ON AN ANNUAL-
15 IZED BASIS THE MONTHLY ON-BILL REPAYMENT AMOUNT FOR A PACKAGE OF MEAS-
16 URES DOES NOT EXCEED ONE-TWELFTH OF THE SAVINGS PROJECTED TO RESULT FROM
17 THOSE MEASURES; AND

18 (B) THE SAVINGS PROJECTIONS ARE BASED UPON STANDARDS SET BY THE
19 AUTHORITY AND THE ESTABLISHED CALCULATIONS FOR PROJECTING ENERGY SAVINGS
20 DURING AN ENERGY AUDIT ARE ADJUSTED BY THE AUTHORITY NO LESS THAN BIAN-
21 NNUALLY USING DATA FROM AUTHORITY EXPERIENCE WITH ITS ENERGY EFFICIENCY
22 PROGRAMS AND OTHER COMPARABLE PROGRAMS;

23 A PORTION OF THE SAVINGS ACHIEVED BY THE RETROFIT, NOT NECESSARILY ALL
24 SAVINGS, WILL BE SAVINGS ON THE BILL PROVIDED BY THE UTILITY BILLING AND
25 COLLECTING THE MONTHLY ON-BILL REPAYMENT;

26 (4) THE ON-BILL REPAYMENT PERIOD IS LIMITED SO THAT THE CUSTOMER IS
27 NOT PAYING FOR MEASURES FOR WHICH THE USEFUL LIFE HAS EXPIRED;

28 (5) COST-EFFECTIVE RETROFITS SHALL NOT BE LIMITED TO MEASURES THAT
29 SAVE ON THE FUEL DELIVERED BY THE UTILITY THAT IS PROVIDING THE BILLING
30 AND COLLECTION SERVICES; AND

31 (6) CALCULATIONS OF COST-EFFECTIVENESS WITH USE PRICES REASONABLY
32 AVAILABLE TO THE CUSTOMER, AND COSTS AND SAVINGS TO PARTIES OTHER THAN
33 THE CUSTOMER WILL NOT BE USED TO DETERMINE COST-EFFECTIVENESS.

34 (E) FOR DETERMINING THE COST-EFFECTIVENESS OF THE PROGRAM, CALCU-
35 LATIONS SHALL CONSIST OF PROGRAM EXPENDITURES SUCH AS ADMINISTRATIVE
36 COSTS, INTEREST SUBSIDIES, MARKETING, AND OTHER COSTS EXCLUSIVE OF
37 CUSTOMER PAYMENTS, AS COMPARED WITH THE VALUE OF SOCIETAL AND ENVIRON-
38 MENTAL BENEFITS, SUCH AS POLLUTION AVOIDED, JOBS CREATED, ENERGY SAVED,
39 IMPROVED NATIONAL SECURITY AND OTHER SOCIETAL BENEFITS.

40 S 7. Section 1005 of the public authorities law is amended by adding a
41 new subdivision 17 to read as follows:

42 17. TO PROVIDE ITS MUNICIPAL CUSTOMERS WITH ACCESS TO FINANCING FOR
43 ENERGY EFFICIENCY CAPITAL IMPROVEMENTS, BY ESTABLISHING AN ON-BILL
44 FINANCING MECHANISM FOR INSTALLATION OF ENERGY EFFICIENCY MEASURES AND
45 IMPROVEMENTS IN COOPERATION WITH THE NEW YORK STATE ENERGY RESEARCH AND
46 DEVELOPMENT AUTHORITY'S ("NYSERDA") IMPLEMENTATION OF THE GREEN
47 JOBS-GREEN NEW YORK PROGRAM PURSUANT TO NYSERDA'S AUTHORITY UNDER TITLE
48 NINE-A OF ARTICLE EIGHT OF THIS CHAPTER. THE ON-BILL FINANCING MECHANISM
49 SHALL BE ESTABLISHED AS FOLLOWS:

50 (A) GREEN JOBS-GREEN NEW YORK PROGRAM "PROGRAM" RETROFITS SHALL BE
51 PERFORMED IN ACCORDANCE WITH RESEARCH-BASED, INDUSTRY STANDARDS AS
52 DETERMINED BY THE AUTHORITY;

53 (B) PERFORMANCE OF RETROFIT WORK SHALL MEET STANDARDS FOR CONTRACTING
54 AS DETERMINED BY THE AUTHORITY;

55 (C) THE AUTHORITY SHALL ONLY PROVIDE ON-BILL FINANCING FOR PACKAGES OF
56 ENERGY EFFICIENCY MEASURES THAT IT DETERMINES TO BE COST-EFFECTIVE.

1 PACKAGES OF ENERGY EFFICIENCY MEASURES SHALL BE DEEMED COST-EFFECTIVE
2 IF:

3 (1) BASED UPON THE MOST RECENT CUSTOMER DATA AVAILABLE, ON AN ANNUAL-
4 IZED BASIS THE MONTHLY ON-BILL REPAYMENT AMOUNT FOR A PACKAGE OF MEAS-
5 URES DOES NOT EXCEED ONE-TWELFTH OF THE SAVINGS PROJECTED TO RESULT FROM
6 THOSE MEASURES; AND

7 (2) THE SAVINGS PROJECTIONS ARE BASED UPON STANDARDS SET BY THE
8 AUTHORITY AND THE ESTABLISHED CALCULATIONS FOR PROJECTING ENERGY SAVINGS
9 DURING AN ENERGY AUDIT ARE ADJUSTED BY THE AUTHORITY NO LESS THAN BIAN-
10 NNUALLY USING DATA FROM AUTHORITY EXPERIENCE WITH ITS ENERGY EFFICIENCY
11 PROGRAMS AND OTHER COMPARABLE PROGRAMS;

12 (D) A PORTION OF THE SAVINGS ACHIEVED BY THE RETROFIT, NOT NECESSARILY
13 ALL SAVINGS, WILL BE SAVINGS ON THE BILL PROVIDED BY THE AUTHORITY OR
14 OTHER ENTITY BILLING AND COLLECTING THE MONTHLY ON-BILL REPAYMENT;

15 (E) THE ON-BILL REPAYMENT PERIOD IS LIMITED SO THAT THE CUSTOMER IS
16 NOT PAYING FOR MEASURES FOR WHICH THE USEFUL LIFE HAS EXPIRED;

17 (F) COST-EFFECTIVE RETROFITS SHALL NOT BE LIMITED TO MEASURES THAT
18 SAVE ON THE FUEL DELIVERED BY THE AUTHORITY OR OTHER ENTITY PROVIDING
19 THE BILLING AND COLLECTION SERVICES; AND

20 (G) IN TESTS OF COST-EFFECTIVENESS, CALCULATIONS OF COSTS AND SAVINGS
21 WILL USE PRICES REASONABLY AVAILABLE TO THE CUSTOMER, AND COSTS AND
22 SAVINGS TO PARTIES OTHER THAN THE CUSTOMER WILL NOT BE USED TO DETERMINE
23 COST-EFFECTIVENESS.

24 (H) MUNICIPAL UTILITIES PROVIDING THIS SERVICE SHALL ADHERE TO CONSUM-
25 ER PROTECTION PROVISIONS PURSUANT TO ARTICLE TWO OF THE PUBLIC SERVICE
26 LAW.

27 (I) STANDARDS FOR THE BILLING, COLLECTION AND CONDITIONS OF SERVICE
28 RELATED TO GREEN JOBS-GREEN NEW YORK REPAYMENTS WILL ADHERE TO THE STAN-
29 DARDS ESTABLISHED IN SUBDIVISION TWO OF SECTION SIXTY-SIX-M OF THE
30 PUBLIC SERVICE LAW.

31 (J) THE AUTHORITY SHALL ESTABLISH SUCH ON-BILL FINANCING MECHANISM
32 WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION.

33 S 8. Sections 1020-hh, 1020-ii and 1020-jj of the public authorities
34 law, such sections as renumbered by chapter 433 of the laws of 2009, are
35 renumbered sections 1020-ii, 1020-jj and 1020-kk, and a new section
36 1020-hh is added to read as follows:

37 S 1020-HH. GREEN JOBS-GREEN NEW YORK PROGRAM. THE AUTHORITY SHALL
38 PROVIDE ITS CUSTOMERS WITH ACCESS TO FINANCING FOR ENERGY EFFICIENCY
39 CAPITAL IMPROVEMENTS, BY ESTABLISHING AN ON-BILL FINANCING MECHANISM FOR
40 INSTALLATION OF ENERGY EFFICIENCY MEASURES AND IMPROVEMENTS IN COOPER-
41 ATION WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORI-
42 TY'S ("NYSERDA") IMPLEMENTATION OF THE GREEN JOBS-GREEN NEW YORK PROGRAM
43 PURSUANT TO NYSERDA'S AUTHORITY UNDER TITLE NINE-A OF ARTICLE EIGHT OF
44 THIS CHAPTER. THE ON-BILL FINANCING MECHANISM SHALL BE ESTABLISHED AS
45 FOLLOWS:

46 (A) GREEN JOBS-GREEN NEW YORK PROGRAM "PROGRAM" RETROFITS SHALL BE
47 PERFORMED IN ACCORDANCE WITH RESEARCH-BASED, INDUSTRY STANDARDS AS
48 DETERMINED BY THE AUTHORITY;

49 (B) PERFORMANCE OF RETROFIT WORK SHALL MEET STANDARDS FOR CONTRACTING
50 AS DETERMINED BY THE AUTHORITY;

51 (C) THE AUTHORITY SHALL ONLY PROVIDE ON-BILL FINANCING FOR PACKAGES OF
52 ENERGY EFFICIENCY MEASURES THAT IT DETERMINES TO BE COST-EFFECTIVE.
53 PACKAGES OF ENERGY EFFICIENCY MEASURES SHALL BE DEEMED COST-EFFECTIVE
54 IF:

55 (1) BASED UPON THE MOST RECENT CUSTOMER DATA AVAILABLE, ON AN ANNUAL-
56 IZED BASIS THE MONTHLY ON-BILL REPAYMENT AMOUNT FOR A PACKAGE OF MEAS-

URES DOES NOT EXCEED ONE-TWELFTH OF THE SAVINGS PROJECTED TO RESULT FROM THOSE MEASURES; AND THE SAVINGS PROJECTIONS ARE BASED UPON STANDARDS SET BY THE AUTHORITY AND THE ESTABLISHED CALCULATIONS FOR PROJECTING ENERGY SAVINGS DURING AN ENERGY AUDIT ARE ADJUSTED BY THE AUTHORITY NO LESS THAN BIANNUALLY USING DATA FROM AUTHORITY EXPERIENCE WITH ITS ENERGY EFFICIENCY PROGRAMS AND OTHER COMPARABLE PROGRAMS;

(2) A PORTION OF THE SAVINGS ACHIEVED BY THE RETROFIT, NOT NECESSARILY ALL SAVINGS, WILL BE SAVINGS ON THE BILL PROVIDED BY THE AUTHORITY OR OTHER ENTITY BILLING AND COLLECTING THE MONTHLY ON-BILL REPAYMENT;

(3) THE ON-BILL REPAYMENT PERIOD IS LIMITED SO THAT THE CUSTOMER IS NOT PAYING FOR MEASURES FOR WHICH THE USEFUL LIFE HAS EXPIRED;

(4) COST-EFFECTIVE RETROFITS SHALL NOT BE LIMITED TO MEASURES THAT SAVE ON THE FUEL DELIVERED BY THE AUTHORITY OR OTHER ENTITY PROVIDING THE BILLING AND COLLECTION SERVICES; AND

(5) IN TESTS OF COST-EFFECTIVENESS, CALCULATIONS OF COSTS AND SAVINGS WILL USE PRICES REASONABLY AVAILABLE TO THE CUSTOMER, AND COSTS AND SAVINGS TO PARTIES OTHER THAN THE CUSTOMER WILL NOT BE USED TO DETERMINE COST-EFFECTIVENESS.

(D) STANDARDS FOR THE BILLING, COLLECTION AND CONDITIONS OF SERVICE RELATED TO GREEN JOBS-GREEN NEW YORK REPAYMENTS WILL ADHERE TO THE STANDARDS ESTABLISHED IN SUBDIVISION TWO OF SECTION SIXTY-SIX-M OF THE PUBLIC SERVICE LAW.

(E) THE AUTHORITY SHALL ESTABLISH SUCH ON-BILL FINANCING MECHANISM WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

S 9. Subparagraphs (ii) and (iii) of paragraph (c) of subdivision 1 of section 1896 of the public authorities law, as added by chapter 487 of the laws of 2009, are amended to read as follows:

(ii) enter into contracts with one or more program implementers to perform such functions as the authority deems appropriate; [and]

(iii) ENTER INTO AGREEMENTS WITH CUSTOMERS AND WITH SUCH STATE OR FEDERAL AGENCIES AS NECESSARY TO DIRECTLY CAPTURE REBATES AND GRANTS AVAILABLE FOR INDIVIDUAL RETROFIT PROJECTS, AND APPLY SUCH FUNDS TO REPAYMENT OF CUSTOMER LOAN OBLIGATIONS; AND

(IV) exercise such other powers as are necessary for the proper administration of the program.

S 10. Subparagraphs (ii) and (iii) of paragraph (b) of subdivision 2 of section 1896 of the public authorities law, as added by chapter 487 of the laws of 2009, are amended to read as follows:

(ii) loans [shall not exceed thirteen thousand dollars per applicant] for approved qualified energy efficiency services for residential structures SHALL BE LIMITED TO THE COST OF A PROJECT DEEMED COST-EFFECTIVE WITHIN A PERIOD OF FIFTEEN YEARS PLUS THE AMOUNT OF ANY GRANT OR REBATE DIRECTLY RECEIVABLE BY THE AUTHORITY FOR SUCH PROJECT, and SHALL NOT EXCEED twenty-six thousand dollars per applicant for approved qualified energy efficiency services for non-residential structures, and for multi-family structures loans shall be in amounts determined by the authority, provided, however, that the authority shall assure that a significant number of residential structures are included in the program; [and]

(iii) THE CAPITAL AMOUNT TO BE REPAYED BY THE CUSTOMER SHALL BE CALCULATED AS THE TOTAL LOAN AMOUNT LESS ANY GRANT OR REBATE FROM ANY STATE OR FEDERAL AGENCY DUE TO THE CUSTOMER PURSUANT TO THE RETROFIT UNDERTAKEN THROUGH THE PROGRAM, AND FOR WHICH NYSERDA HAS SECURED THE CUSTOMER'S PERMISSION TO COLLECT FUNDS DIRECTLY FROM THE ISSUING AGENCY; AND

1 (IV) loans shall be at interest rates determined by the authority to
2 be no higher than necessary to make the provision of the qualified ener-
3 gy efficiency services feasible.

4 S 11. Section 242 of the real property law is amended by adding a new
5 subdivision 4 to read as follows:

6 4. DISCLOSURE PRIOR TO THE SALE OF REAL PROPERTY TO WHICH A GREEN
7 JOBS-GREEN NEW YORK ON-BILL CHARGE APPLIES. ANY PERSON, FIRM, COMPANY,
8 PARTNERSHIP OR CORPORATION OFFERING TO SELL REAL PROPERTY TO WHICH AN
9 ELECTRIC OR GAS GREEN JOBS-GREEN NEW YORK ON-BILL CHARGE APPLIES PURSU-
10 ANT TO SECTION SIXTY-SIX-M OF THE PUBLIC SERVICE LAW SHALL PROVIDE WRIT-
11 TEN NOTICE TO THE PROSPECTIVE PURCHASER OR THE PROSPECTIVE PURCHASER'S
12 AGENT, STATING AS FOLLOWS: "THIS PROPERTY IS SUBJECT TO A GREEN
13 JOBS-GREEN NEW YORK ON-BILL CHARGE." THE NOTICE SHALL BE PROVIDED PRIOR
14 TO THE ACCEPTANCE OF AN OFFER TO PURCHASE SUCH REAL PROPERTY AND MUST
15 STATE THAT THE PURCHASER MUST ACCEPT THE OBLIGATION TO PAY THE GREEN
16 JOBS-GREEN NEW YORK ON-BILL CHARGE BEFORE THE SALE CAN BE COMPLETED. IN
17 ADDITION, SUCH NOTICE SHALL ALSO STATE THE AMOUNT, TERM, AND PURPOSE OF
18 THE ON-BILL CHARGE.

19 S 12. This act shall take effect immediately; provided, however, the
20 amendments to subdivision 6 of section 18-a of the public service law,
21 made by section three of this act shall not affect the repeal of such
22 subdivision and shall be deemed repealed therewith.