

5888

2009-2010 Regular Sessions

I N S E N A T E

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Introduced by Sens. AUBERTINE, BRESLIN, FOLEY, HUNTLEY, C. JOHNSON, LAVALLE, MAZIARZ, MONSERRATE, MORAHAN, ONORATO, OPPENHEIMER, PARKER, PERKINS, SAMPSON, SAVINO, SCHNEIDERMAN, SERRANO, STACHOWSKI, STEWART-COUSINS, THOMPSON, VALESKY, VOLKER, WINNER -- (at request of the Legislative Commission on Rural Resources) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public authorities law, in relation to establishing the "green jobs-green New York act of 2009"; and to amend the state finance law, in relation to establishing the green jobs-green New York fund

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

1 Section 1. Legislative findings. The legislature finds and declares
2 that promoting widespread dissemination of energy conservation and clean
3 energy technologies represents a clear and cost-effective strategy for
4 communities in New York state to curtail the emission of greenhouse
5 gases and harmful air contaminants, reducing dependence on fossil fuels,
6 lowering housing costs, supporting community development and creating
7 green jobs to sustain and enhance our economy. These jobs will provide
8 meaningful employment opportunities for displaced workers, the long-term
9 unemployed and new workforce entrants. Installation of energy efficiency
10 improvements to reduce the loss or waste of energy will allow consumers
11 to pay for these improvements through energy savings over a reasonable
12 period of time. However, lack of affordable and accessible financing for
13 many owners of residential properties, small businesses and non-profit
14 organizations has hindered progress in fully realizing the promise of
15 these technologies. Therefore, it is the intent of the legislature to
16 enact a "Green Jobs-Green New York" program to perform energy-efficient
17 retrofits at no initial cost to residential property owners, with the
18 ultimate goals of improving at least one million residential units over
19 the next five years, creating thousands of new green jobs, training

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

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workers to fill them and demonstrating the effectiveness of innovative financing mechanisms in reaching this goal.

S 2. Article 8 of the public authorities law is amended by adding a new title 9-A to read as follows:

TITLE 9-A

GREEN JOBS-GREEN NEW YORK PROGRAM

SECTION 1890. SHORT TITLE.

1891. DEFINITIONS.

1892. PURPOSE.

1893. ADMINISTRATION BY THE AUTHORITY.

1894. COMPETITIVE GRANTS FOR OUTREACH, ENROLLMENT AND RELATED SERVICES.

1895. ENERGY AUDITS.

1896. GREEN JOBS-GREEN NEW YORK REVOLVING LOAN FUND.

1897. TRAINING SERVICES.

1898. ADVISORY COUNCIL.

1899. ANNUAL REPORTING.

1899-A. FUNDS, ADMINISTRATION AND EVALUATION AND COORDINATION.

S 1890. SHORT TITLE. THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE "GREEN JOBS-GREEN NEW YORK ACT OF 2009".

S 1891. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "APPLICANT" MEANS A PERSON WHO OWNS, LEASES OR MANAGES A STRUCTURE AND WHO HAS THE AUTHORITY TO CONTRACT FOR THE PROVISION OF QUALIFIED ENERGY EFFICIENCY SERVICES TO SUCH STRUCTURE.

2. "AUTHORITY" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION TWO OF SECTION EIGHTEEN HUNDRED FIFTY-ONE OF THIS ARTICLE.

3. "CONSTITUENCY-BASED ORGANIZATION" MEANS AN ORGANIZATION INCORPORATED FOR THE PURPOSE OF PROVIDING SERVICES OR OTHER ASSISTANCE TO ECONOMICALLY OR SOCIALLY DISADVANTAGED PERSONS WITHIN A SPECIFIED COMMUNITY, AND WHICH IS SUPPORTED BY, OR WHOSE ACTIONS ARE DIRECTED BY, MEMBERS OF THE COMMUNITY IN WHICH IT OPERATES.

4. "DISTRIBUTION UTILITY" MEANS ANY GAS OR ELECTRIC CORPORATION PROVIDING GAS OR ELECTRICITY TO END USE CONSUMERS THAT IS A PUBLIC UTILITY COMPANY, INCLUDING A MUNICIPALITY, OR A PUBLIC UTILITY AUTHORITY ORGANIZED PURSUANT TO ARTICLE FIVE OF THIS CHAPTER.

5. "ELIGIBLE PROJECT" MEANS QUALIFIED ENERGY EFFICIENCY SERVICES FOR A NON-RESIDENTIAL STRUCTURE, A RESIDENTIAL STRUCTURE OR A MULTI-FAMILY STRUCTURE.

6. "ENERGY AUDIT" MEANS A FORMAL EVALUATION OF A BUILDING'S ENERGY CONSUMPTION FOR THE PURPOSE OF IDENTIFYING METHODS TO IMPROVE ENERGY EFFICIENCY AND CONSERVE ENERGY, INCLUDING ASSOCIATED HEALTH AND SAFETY ISSUES, CONDUCTED PURSUANT TO STANDARDS ESTABLISHED BY THE AUTHORITY.

7. "GREEN JOBS-GREEN NEW YORK REVOLVING LOAN FUND" OR "REVOLVING LOAN FUND" MEANS THE GREEN JOBS-GREEN NEW YORK REVOLVING LOAN FUND CREATED BY SUBDIVISION ONE OF SECTION EIGHTEEN HUNDRED NINETY-SIX OF THIS TITLE.

8. "MULTI-FAMILY STRUCTURE" MEANS A MULTI-UNIT RESIDENTIAL BUILDING WITH FIVE OR MORE DWELLING UNITS.

9. "NON-RESIDENTIAL STRUCTURE" MEANS A BUILDING THAT IS USED OR OCCUPIED BY A SMALL BUSINESS OR A NOT-FOR-PROFIT CORPORATION.

10. "NOT-FOR-PROFIT CORPORATION" MEANS A CORPORATION DEFINED IN SUBDIVISION FIVE OF PARAGRAPH (A) OF SECTION ONE HUNDRED TWO OF THE NOT-FOR-PROFIT CORPORATION LAW.

11. "PROGRAM" MEANS THE GREEN JOBS-GREEN NEW YORK ENERGY CONSERVATION AND COMMUNITY SUSTAINABILITY PROGRAM CREATED BY THIS TITLE.

12. "QUALIFIED ENERGY EFFICIENCY SERVICES" MEANS A MODIFICATION TO A STRUCTURE, BASED ON RECOMMENDATIONS CONTAINED IN AN ENERGY AUDIT PERFORMED UNDER THE PROGRAM CREATED UNDER SECTION EIGHTEEN HUNDRED NINETY-TWO OF THIS TITLE OR AS OTHERWISE APPROVED BY THE AUTHORITY, WHICH IS CONSISTENT WITH STANDARDS ESTABLISHED BY THE AUTHORITY, THAT WILL INCREASE THE ENERGY EFFICIENCY AND CONSERVATION OF AN EXISTING STRUCTURE, INCLUDING BUT NOT LIMITED TO:

(A) APPLICATION OF WEATHERSTRIPPING, CAULKING, SEALANT AND OTHER MATERIALS AROUND DOORS, WINDOWS, AND OTHER AREAS OF A BUILDING FOR THE PURPOSE OF INSULATING OR SEALING OPENINGS IN THE BUILDING ENVELOPE AND WITHIN THE BUILDING TO MITIGATE ENERGY LOSS;

(B) TESTING, REPAIRING AND REPLACING HEATING OR COOLING SYSTEMS OR COMPONENTS OF SUCH SYSTEMS;

(C) THERMOSTAT UPGRADES;

(D) WATER HEATER REPAIR AND REPLACEMENT;

(E) ROOF, CHIMNEY, FIREPLACE AND ROOF VENT REPAIR, INSOFAR AS SUCH REPAIRS ARE DETERMINED BY AN ENERGY AUDIT TO BE NECESSARY TO MITIGATE ENERGY LOSS OR RESOLVE ENERGY-SYSTEM RELATED HEALTH AND SAFETY ISSUES;

(F) REPAIR AND REPLACEMENT OF STORM WINDOWS, PERMANENT WINDOWS AND EXTERIOR DOORS;

(G) REPAIR OR REPLACEMENT OF MAJOR HOUSEHOLD APPLIANCES;

(H) INSTALLATION OF THERMAL SOLAR HEAT OR HOT WATER SYSTEMS;

(I) ADDITION OF INSULATION TO EXTERIOR WALLS OR CEILINGS;

(J) REPLACEMENT OF INEFFICIENT LIGHT BULBS AND LIGHTING FIXTURES AND SYSTEMS;

(K) MINOR REPAIRS THAT ARE NECESSARY TO ENSURE MAXIMUM EFFICIENCY FROM THE PROVISION OF QUALIFIED ENERGY EFFICIENCY SERVICES;

(L) INSTALLATION OF CARBON MONOXIDE DETECTORS AND INDOOR ENVIRONMENTAL TESTING AND MITIGATION DEEMED NECESSARY AS A RESULT OF THE PROVISION OF OTHER QUALIFIED ENERGY EFFICIENCY SERVICES; AND

(M) FUEL SWITCHING TO CONVERT AN ELECTRICALLY-HEATED BUILDING TO A MORE EFFICIENT HEATING SOURCE PROVIDED THAT SIGNIFICANT ENERGY COST-SAVINGS CAN BE DEMONSTRATED PURSUANT TO STANDARDS ESTABLISHED BY THE AUTHORITY.

13. "RESIDENTIAL STRUCTURE" MEANS A RESIDENTIAL BUILDING THAT HAS FOUR OR FEWER DWELLING UNITS.

14. "SMALL BUSINESS" SHALL HAVE THE SAME MEANING AS IN SECTION ONE HUNDRED THIRTY-ONE OF THE ECONOMIC DEVELOPMENT LAW.

15. "STRUCTURE" MEANS (A) A NON-RESIDENTIAL STRUCTURE, (B) A RESIDENTIAL STRUCTURE, AND (C) A MULTI-FAMILY STRUCTURE.

S 1892. PURPOSE. THERE IS HEREBY CREATED A GREEN JOBS-GREEN NEW YORK PROGRAM. THE PURPOSE OF THE PROGRAM IS TO:

1. PROMOTE ENERGY EFFICIENCY, ENERGY CONSERVATION AND THE INSTALLATION OF CLEAN ENERGY TECHNOLOGIES;

2. REDUCE ENERGY CONSUMPTION AND ENERGY COSTS;

3. REDUCE GREENHOUSE GAS EMISSIONS;

4. SUPPORT SUSTAINABLE COMMUNITY DEVELOPMENT;

5. CREATE GREEN JOB OPPORTUNITIES, INCLUDING OPPORTUNITIES FOR NEW ENTRANTS INTO THE STATE'S WORKFORCE, THE LONG-TERM UNEMPLOYED AND DISPLACED WORKERS; AND

6. USE INNOVATIVE FINANCING MECHANISMS TO FINANCE ENERGY EFFICIENCY IMPROVEMENTS THROUGH ENERGY COST SAVINGS.

S 1893. ADMINISTRATION BY THE AUTHORITY. WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS TITLE, THE AUTHORITY IS HEREBY AUTHORIZED AND DIRECTED TO ESTABLISH AND ADMINISTER THE GREEN JOBS-GREEN NEW YORK PROGRAM. THE AUTHORITY SHALL IMPLEMENT THE PROGRAM IN CONSULTATION WITH

1 THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, THE DEPARTMENT OF LABOR,
2 THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, THE DEPARTMENT OF
3 PUBLIC SERVICE, THE POWER AUTHORITY OF THE STATE OF NEW YORK, THE LONG
4 ISLAND POWER AUTHORITY, THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND THE
5 DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE AUTHORITY IS AUTHORIZED
6 AND DIRECTED TO:

7 1. USE MONIES MADE AVAILABLE FOR THE PROGRAM PURSUANT TO SECTION EIGH-
8 TEEN HUNDRED NINETY-NINE-A OF THIS TITLE TO ACHIEVE THE PURPOSES OF THE
9 PROGRAM;

10 2. ENTER INTO CONTRACTS WITH CONSTITUENCY-BASED ORGANIZATIONS AND
11 OTHER ENTITIES THROUGH THE COMPETITIVE GRANTS PROCESS AUTHORIZED BY THIS
12 TITLE;

13 3. ENTER INTO CONTRACTS WITH ONE OR MORE PROGRAM IMPLEMENTERS TO
14 PERFORM SUCH FUNCTIONS AS THE AUTHORITY DEEMS APPROPRIATE; AND

15 4. EXERCISE SUCH OTHER POWERS AS ARE NECESSARY FOR THE PROPER ADMINIS-
16 TRATION OF THE PROGRAM.

17 S 1894. COMPETITIVE GRANTS FOR OUTREACH, ENROLLMENT AND RELATED
18 SERVICES. 1. THE AUTHORITY SHALL ISSUE ONE OR MORE PROGRAM OPPORTUNITY
19 NOTICES OR REQUESTS FOR PROPOSALS TO SOLICIT APPLICATIONS FROM PARTNER-
20 SHIPS OR CONSORTIA COMPRISED OF CONSTITUENCY-BASED ORGANIZATIONS WHICH
21 CAN CONNECT COMMUNITY MEMBERS TO THE PROGRAM, INCLUDING FACILITATING
22 AWARENESS OF THE PROGRAM AND ENROLLMENT, AND (A) DISTRIBUTION UTILITIES,
23 (B) CONTRACTORS THAT HAVE SIGNED ENFORCEABLE AGREEMENTS TO MEET STAND-
24 ARDS SET BY THE AUTHORITY, INCLUDING STANDARDS FOR LOCAL HIRING AND
25 PRE-APPRENTICESHIP AND APPRENTICESHIP AND OTHER LABOR-MANAGEMENT TRAIN-
26 ING PROGRAM PARTICIPATION, (C) WORKFORCE DEVELOPMENT ORGANIZATIONS THAT
27 WILL RECRUIT UNEMPLOYED INDIVIDUALS, AND PROVIDE TRAINING AND JOB PLACE-
28 MENT IN CONJUNCTION WITH CONTRACTORS PURSUANT TO SECTION EIGHTEEN
29 HUNDRED NINETY-SEVEN OF THIS TITLE; AND/OR (D) ORGANIZED TRADES AND
30 THEIR CERTIFICATION OR APPRENTICESHIP PROGRAMS. THE AUTHORITY SHALL
31 SPECIFICALLY SOLICIT APPLICATIONS THAT PROPOSE TO DEMONSTRATE THE FEASI-
32 BILITY OF INNOVATIVE FINANCING MECHANISMS, INCLUDING BUT NOT LIMITED TO
33 APPLICATIONS UNDERTAKEN IN PARTNERSHIP WITH DISTRIBUTION UTILITIES THAT
34 PROPOSE TO DEMONSTRATE THE FEASIBILITY OF ON-BILL FINANCING. THE PUBLIC
35 SERVICE COMMISSION AND OTHER APPROPRIATE AGENCIES ARE AUTHORIZED TO
36 COORDINATE WITH THE AUTHORITY AND APPLICANTS IN DEVELOPING AND IMPE-
37 MENTING PROPOSED DEMONSTRATIONS OF INNOVATIVE FINANCING MECHANISMS.

38 2. IN AWARDING GRANTS, THE AUTHORITY SHALL:

39 (A) TARGET COMMUNITIES IN AREAS WHERE ENERGY COSTS ARE PARTICULARLY
40 HIGH IN RELATION TO A MEASURE OF MEDIAN HOUSEHOLD INCOME AS DETERMINED
41 BY THE AUTHORITY; OR WHICH HAVE BEEN DESIGNATED AS A NONATTAINMENT AREA
42 FOR ONE OR MORE POLLUTANTS PURSUANT TO SECTION 107 OF THE FEDERAL CLEAN
43 AIR ACT (42 U.S.C. SECTION 4207);

44 (B) GIVE PREFERENCE IN AWARDS TO APPLICANTS THAT INCLUDE SIGNIFICANT
45 PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES AND/OR TO
46 APPLICATIONS TO SERVE ECONOMICALLY DISTRESSED COMMUNITIES;

47 (C) ENSURE THAT THE AWARDS AS A WHOLE REFLECT THE GEOGRAPHIC DIVERSITY
48 OF THE STATE; AND

49 (D) AWARD A SUFFICIENT NUMBER OF GRANTS TO MAKE IT POSSIBLE TO FULLY
50 COMMIT THE RESOURCES ALLOCATED DURING THE INITIAL PHASE OF THE PROGRAM.

51 3. (A) THE AUTHORITY IS AUTHORIZED TO CONSULT WITH THE DEPARTMENT OF
52 PUBLIC SERVICE, THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, THE
53 DEPARTMENT OF LABOR AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AS
54 APPROPRIATE, IN MAKING ANY DETERMINATIONS CONTEMPLATED BY THIS SECTION.

55 (B) THE AUTHORITY SHALL CONSULT WITH REPRESENTATIVES OF BUSINESSES WHO
56 PROVIDE HOME HEATING OIL, PROPANE AND OTHER PETROLEUM-BASED HEATING

1 PRODUCTS TO DEVELOP INNOVATIVE FINANCING MECHANISMS FOR ENERGY EFFICIEN-
2 CY RETROFITS.

3 (C) THE AUTHORITY SHALL CONSULT WITH THE DIVISION OF HOUSING AND
4 COMMUNITY RENEWAL AND THE COUNCIL ESTABLISHED PURSUANT TO SECTION EIGH-
5 TEEN HUNDRED NINETY-EIGHT OF THIS TITLE TO DEVELOP STRATEGIES TO MITI-
6 GATE ANY ADVERSE ECONOMIC IMPACT OF THE PROGRAM ON TENANTS, INCLUDING
7 BUT NOT LIMITED TO RESIDENTS OF IN RENT-REGULATED HOUSING OR RECIPIENTS
8 OF HOUSING SUBSIDIES.

9 S 1895. ENERGY AUDITS. 1. THE PROGRAM SHALL MAKE AVAILABLE TO APPLI-
10 CANTS WHO WOULD BE ELIGIBLE TO APPLY FOR FINANCIAL ASSISTANCE UNDER THIS
11 SECTION ENERGY AUDITS PERFORMED BY CERTIFIED AUDITORS OR AUDITORS USING
12 COMMONLY-EMPLOYED ENERGY AUDITING TOOLS AND TECHNOLOGIES, AS DETERMINED
13 APPROPRIATE BY THE AUTHORITY. THE AUTHORITY SHALL BE AUTHORIZED TO DEDI-
14 CATE AN APPROPRIATE PORTION OF PROGRAM FUNDS ALLOCATED FOR THE FUNDING
15 OF ENERGY AUDITS PURSUANT TO SECTION EIGHTEEN HUNDRED NINETY-NINE-A OF
16 THIS TITLE TO NON-RESIDENTIAL PROPERTIES THAT ARE OCCUPIED OR USED BY A
17 SMALL BUSINESS OR NOT-FOR-PROFIT CORPORATION WITH TEN OR FEWER EMPLOY-
18 EES.

19 2. THE AUTHORITY SHALL ESTABLISH STANDARDS FOR ENERGY AUDITS BASED ON
20 BUILDING TYPE AND OTHER RELEVANT CONSIDERATIONS.

21 3. THE AUTHORITY SHALL ESTABLISH A SCHEDULE OF FEES FOR ENERGY AUDITS
22 BASED ON THE TYPE AND NATURE OF THE ENERGY AUDIT AND OTHER RELEVANT
23 CONSIDERATIONS. THE SCHEDULE SHALL INCLUDE A SLIDING SCALE WHICH
24 PROVIDES THAT AUDIT FEES SHALL BE WAIVED FOR RESIDENTIAL APPLICANTS
25 WHOSE DEMONSTRATED INCOME IS LESS THAN TWO TIMES THE MEDIAN COUNTY
26 HOUSEHOLD INCOME, AND THE FULL FEES SHALL BE PAID BY APPLICANTS WHOSE
27 MEDIAN COUNTY HOUSEHOLD INCOME IS NOT LESS THAN FOUR TIMES THE MEDIAN
28 COUNTY HOUSEHOLD INCOME. APPLICANTS WHOSE DEMONSTRATED INCOMES FALL
29 BETWEEN THESE LEVELS SHALL PAY A PRO RATA PERCENTAGE OF THE AUDIT FEES.
30 THE AUTHORITY MAY PROVIDE FOR DISCOUNTED FEES FOR SMALL BUSINESSES OR
31 NOT-FOR-PROFIT CORPORATIONS WITH TEN OR FEWER EMPLOYEES.

32 S 1896. GREEN JOBS-GREEN NEW YORK REVOLVING LOAN FUND. 1. (A) THERE IS
33 HEREBY CREATED A GREEN JOBS-GREEN NEW YORK REVOLVING LOAN FUND. THE
34 REVOLVING LOAN FUND SHALL CONSIST OF:

35 (I) ALL MONEYS MADE AVAILABLE FOR THE PURPOSE OF THE REVOLVING LOAN
36 FUND PURSUANT TO SECTION EIGHTEEN HUNDRED NINETY-NINE-A OF THIS TITLE;

37 (II) PAYMENTS OF PRINCIPAL AND INTEREST MADE PURSUANT TO LOAN OR
38 FINANCING AGREEMENTS ENTERED INTO WITH THE AUTHORITY OR ITS DESIGNEE
39 PURSUANT TO THIS SECTION; AND

40 (III) ANY INTEREST EARNED BY THE INVESTMENT OF MONEYS IN THE REVOLVING
41 LOAN FUND.

42 (B) THE REVOLVING LOAN FUND SHALL CONSIST OF TWO ACCOUNTS:

43 (I) ONE ACCOUNT WHICH SHALL BE MAINTAINED FOR MONIES TO BE MADE AVAIL-
44 ABLE TO PROVIDE LOANS TO FINANCE THE COST OF APPROVED QUALIFIED ENERGY
45 EFFICIENCY SERVICES FOR RESIDENTIAL STRUCTURES AND MULTI-FAMILY STRUC-
46 TURES, AND

47 (II) ONE ACCOUNT WHICH SHALL BE MAINTAINED FOR MONIES MADE AVAILABLE
48 TO PROVIDE LOANS TO FINANCE THE COST OF APPROVED QUALIFIED ENERGY EFFI-
49 CIENCY SERVICES FOR NON-RESIDENTIAL STRUCTURES. THE INITIAL BALANCE OF
50 THE RESIDENTIAL ACCOUNT ESTABLISHED IN CLAUSE (I) OF THIS PARAGRAPH
51 SHALL REPRESENT AT LEAST FIFTY PERCENT OF THE TOTAL BALANCE OF THE TWO
52 ACCOUNTS. THE AUTHORITY SHALL NOT COMMINGLE THE MONIES OF THE REVOLVING
53 LOAN FUND WITH ANY OTHER MONIES OF THE AUTHORITY OR HELD BY THE AUTHORI-
54 TY, NOR SHALL THE AUTHORITY COMMINGLE THE MONIES BETWEEN ACCOUNTS.
55 PAYMENTS OF PRINCIPAL, INTEREST AND FEES SHALL BE DEPOSITED INTO THE

1 ACCOUNT CREATED AND MAINTAINED FOR THE APPROPRIATE TYPE OF ELIGIBLE
2 PROJECT.

3 (C) IN ADMINISTERING SUCH PROGRAM, THE AUTHORITY IS AUTHORIZED AND
4 DIRECTED TO:

5 (I) USE MONIES MADE AVAILABLE FOR THE REVOLVING LOAN FUND TO ACHIEVE
6 THE PURPOSES OF THIS SECTION BY SECTION EIGHTEEN HUNDRED NINETY-NINE-A
7 OF THIS TITLE, INCLUDING BUT NOT LIMITED TO MAKING LOANS AVAILABLE FOR
8 ELIGIBLE PROJECTS;

9 (II) ENTER INTO CONTRACTS WITH ONE OR MORE PROGRAM IMPLEMENTERS TO
10 PERFORM SUCH FUNCTIONS AS THE AUTHORITY DEEMS APPROPRIATE; AND

11 (III) EXERCISE SUCH OTHER POWERS AS ARE NECESSARY FOR THE PROPER
12 ADMINISTRATION OF THE PROGRAM.

13 2. (A) THE AUTHORITY SHALL PROVIDE FINANCIAL ASSISTANCE IN THE FORM OF
14 LOANS FOR THE PERFORMANCE OF QUALIFIED ENERGY EFFICIENCY SERVICES FOR
15 ELIGIBLE PROJECTS ON TERMS AND CONDITIONS ESTABLISHED BY THE AUTHORITY.

16 (B) LOANS MADE BY THE AUTHORITY PURSUANT TO THIS SECTION SHALL BE
17 SUBJECT TO THE FOLLOWING LIMITATIONS:

18 (I) ELIGIBLE PROJECTS SHALL MEET COST EFFECTIVENESS STANDARDS DEVEL-
19 OPED BY THE AUTHORITY;

20 (II) LOANS SHALL NOT EXCEED THIRTEEN THOUSAND DOLLARS PER APPLICANT
21 FOR APPROVED QUALIFIED ENERGY EFFICIENCY SERVICES FOR RESIDENTIAL STRUC-
22 TURES, AND TWENTY-SIX THOUSAND DOLLARS PER APPLICANT FOR APPROVED QUALI-
23 FIED ENERGY EFFICIENCY SERVICES FOR NON-RESIDENTIAL STRUCTURES, AND FOR
24 MULTI-FAMILY STRUCTURES LOANS SHALL BE IN AMOUNTS DETERMINED BY THE
25 AUTHORITY, PROVIDED, HOWEVER, THAT THE AUTHORITY SHALL ASSURE THAT A
26 SIGNIFICANT NUMBER OF RESIDENTIAL STRUCTURES ARE INCLUDED IN THE
27 PROGRAM; AND

28 (III) LOANS SHALL BE AT INTEREST RATES DETERMINED BY THE AUTHORITY TO
29 BE NO HIGHER THAN NECESSARY TO MAKE THE PROVISION OF THE QUALIFIED ENER-
30 GY EFFICIENCY SERVICES FEASIBLE.

31 IN DETERMINING WHETHER TO MAKE A LOAN, AND THE AMOUNT OF ANY LOAN THAT
32 IS MADE, THE AUTHORITY IS AUTHORIZED TO CONSIDER WHETHER THE APPLICANT
33 OR BORROWER HAS RECEIVED, OR IS ELIGIBLE TO RECEIVE, FINANCIAL ASSIST-
34 ANCE AND OTHER INCENTIVES FROM ANY OTHER SOURCE FOR THE QUALIFIED ENERGY
35 EFFICIENCY SERVICES WHICH WOULD BE THE SUBJECT OF THE LOAN.

36 (C) APPLICATIONS FOR FINANCIAL ASSISTANCE PURSUANT TO THIS SECTION
37 SHALL BE REVIEWED AND EVALUATED BY THE AUTHORITY OR ITS DESIGNEE PURSU-
38 ANT TO ELIGIBILITY AND QUALIFICATION REQUIREMENTS AND CRITERIA ESTAB-
39 LISHED BY THE AUTHORITY. THE AUTHORITY SHALL ESTABLISH STANDARDS FOR (I)
40 QUALIFIED ENERGY EFFICIENCY SERVICES, AND (II) MEASUREMENT AND VERIFICA-
41 TION OF ENERGY SAVINGS. SUCH STANDARDS SHALL MEET OR EXCEED THE STAND-
42 ARDS USED BY THE AUTHORITY FOR SIMILAR PROGRAMS IN EXISTENCE ON THE
43 EFFECTIVE DATE OF THIS SECTION.

44 (D) THE AMOUNT OF A FEE PAID FOR AN ENERGY AUDIT PROVIDED UNDER
45 SECTION EIGHTEEN HUNDRED NINETY-FIVE OF THIS TITLE MAY BE ADDED TO THE
46 AMOUNT OF A LOAN THAT IS MADE UNDER THIS SECTION TO FINANCE THE COST OF
47 AN ELIGIBLE PROJECT CONDUCTED IN RESPONSE TO SUCH ENERGY AUDIT. IN SUCH
48 A CASE, THE AMOUNT OF THE FEE MAY BE REIMBURSED FROM THE FUND TO THE
49 BORROWER.

50 S 1897. TRAINING SERVICES. 1. THE AUTHORITY, IN CONSULTATION WITH THE
51 DEPARTMENT OF LABOR, SHALL ENTER INTO CONTRACTS WITH CONSTITUENCY-BASED
52 ORGANIZATIONS, WORKFORCE DEVELOPMENT ORGANIZATIONS, LABOR ORGANIZATIONS,
53 AND OTHER TRAINING-RELATED ORGANIZATIONS, FOR THE PURPOSE OF SUPPORTING
54 THE "GREEN JOBS-GREEN NEW YORK PROGRAM" WITH EMPLOYMENT AND TRAINING
55 SERVICES. SUCH CONTRACTS SHALL PROVIDE FOR (A) TRAINING OF INDIVIDUALS
56 TO PARTICIPATE IN OUTREACH AND MARKETING ACTIVITIES, PERFORM ENERGY

1 AUDITS AND PROVIDE QUALIFIED ENERGY EFFICIENCY SERVICES AND (B)
2 PROVISION OF JOB PLACEMENT SERVICES TO SUCH INDIVIDUALS. TO THE EXTENT
3 PERMITTED BY STATUTE, REGULATION OR FEDERAL GRANT A PREFERENCE SHALL BE
4 GIVEN FOR TRAINING AND PLACEMENT OF WOMEN, MINORITIES, LOW-INCOME INDI-
5 VIDUALS AND POPULATIONS WITH BARRIERS TO EMPLOYMENT.

6 2. TRAINING SERVICES AUTHORIZED PURSUANT TO THIS SUBDIVISION SHALL
7 INCLUDE, AS APPROPRIATE, BUT NOT BE LIMITED TO:

8 (A) INCREMENTAL OCCUPATIONAL TRAINING TO UNEMPLOYED WORKERS WITH GOOD
9 WORK HISTORIES;

10 (B) WORK-READINESS AND ENTRY-LEVEL TECHNICAL TRAINING TO INDIVIDUALS
11 WITH WEAK WORK HISTORIES;

12 (C) APPRENTICESHIP QUALIFYING, APPRENTICESHIP AND LABOR-MANAGEMENT
13 CERTIFICATION TRAINING;

14 (D) TRAINING THAT IS DESIGNED TO LEAD TO CERTIFICATION IN ENERGY
15 AUDITING AND ENERGY PERFORMANCE CONTRACTING;

16 (E) SKILLS UPGRADING FOR INCUMBENT WORKERS, INCLUDING WORKERS PERFORM-
17 ING WEATHERIZATION ACTIVITIES UNDER DIVISION OF HOUSING AND COMMUNITY
18 RENEWAL PROGRAMS;

19 (F) WORK SUPPORT, WHERE APPROPRIATE AND TO THE EXTENT THAT FUNDING IS
20 AVAILABLE, TO INDIVIDUALS WHO OBTAIN EMPLOYMENT THROUGH THE "GREEN
21 JOBS-GREEN NEW YORK PROGRAM" CREATED BY THIS TITLE, TO ASSIST SUCH INDI-
22 VIDUALS TO RETAIN EMPLOYMENT AND CONTINUE TO UPGRADE THEIR SKILLS.

23 3. FOR QUALITY ASSURANCE PURPOSES, ORGANIZATIONS PROVIDING TRAINING
24 SERVICES PURSUANT TO THIS SECTION SHALL POSSESS CERTIFICATIONS AND
25 ACCREDITATIONS DEEMED APPROPRIATE BY THE AUTHORITY, IN CONSULTATION WITH
26 THE DEPARTMENT OF LABOR.

27 4. THE AUTHORITY, IN COOPERATION WITH THE DEPARTMENT OF LABOR, SHALL
28 FACILITATE COORDINATION BETWEEN CONSTITUENCY-BASED ORGANIZATIONS, WORK-
29 FORCE DEVELOPMENT ORGANIZATIONS, LABOR ORGANIZATIONS AND AUDITING AND
30 ENERGY PERFORMANCE SERVICES CONTRACTORS TO PROVIDE JOB OPPORTUNITIES FOR
31 INDIVIDUALS PARTICIPATING IN TRAINING PROGRAMS AND RECEIVING PLACEMENT
32 SERVICES PURSUANT TO THIS SECTION.

33 5. THE AUTHORITY, IN COOPERATION WITH THE DEPARTMENT OF LABOR, SHALL:

34 (A) ENCOURAGE LOCAL WORKFORCE INVESTMENT BOARDS CREATED PURSUANT TO
35 THE FEDERAL WORKFORCE INVESTMENT ACT OF 1998 (PUBLIC LAWS 105-220) TO
36 MAKE AVAILABLE TRAINING AND JOB PLACEMENT SERVICES AUTHORIZED PURSUANT
37 TO THIS SUBDIVISION WITHIN EACH LOCAL WORKFORCE INVESTMENT AREA:

38 (B) ACCESS TRAINING SERVICES AVAILABLE THROUGH THE DEPARTMENT OF
39 LABOR; AND

40 (C) APPLY FOR AVAILABLE FEDERAL FUNDING FOR APPROPRIATE TRAINING
41 SERVICES PURSUANT TO THE PROVISIONS OF THE AMERICAN RECOVERY AND REIN-
42 VESTMENT ACT OF 2009 (PUBLIC LAWS 111-5) AND ANY OTHER APPLICABLE FEDER-
43 AL LAW.

44 6. THE DEPARTMENT OF LABOR SHALL COORDINATE WITH THE AUTHORITY IN
45 IMPLEMENTING THIS SECTION.

46 S 1898. ADVISORY COUNCIL. 1. THE AUTHORITY SHALL ESTABLISH A GREEN
47 JOBS-GREEN NEW YORK ADVISORY COUNCIL TO ADVISE THE AUTHORITY ON THE
48 CREATION AND IMPLEMENTATION OF THE PROGRAM. THE COUNCIL SHALL CONSIST
49 OF:

50 (A) THE PRESIDENT OF THE AUTHORITY; THE SECRETARY OF STATE; THE
51 COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL; THE COMMISSIONER OF
52 LABOR; THE COMMISSIONER OF TEMPORARY AND DISABILITY ASSISTANCE; THE
53 CHAIR OF THE CONSUMER PROTECTION BOARD; THE CHAIR OF THE DEPARTMENT OF
54 PUBLIC SERVICE; THE PRESIDENT OF THE POWER AUTHORITY OF THE STATE OF NEW
55 YORK; THE PRESIDENT OF THE LONG ISLAND POWER AUTHORITY; THE COMMISSIONER

1 OF ECONOMIC DEVELOPMENT; THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION;
2 OR THE DESIGNEES OF SUCH PERSONS; AND

3 (B) REPRESENTATIVES OF CONSTITUENCY-BASED COMMUNITY GROUPS; CONSUMER
4 ADVOCATES ON UTILITY AND HOUSING ISSUES; COMMUNITY-BASED WORKFORCE
5 DEVELOPMENT GROUPS; UNIONS, INCLUDING BUILDING TRADES AND PROPERTY
6 SERVICES; HOME PERFORMANCE CONTRACTORS; LARGE-SCALE CONSTRUCTION
7 CONTRACTORS; AND INVESTMENT MARKET EXPERTS.

8 2. THE PRESIDENT OF THE AUTHORITY SHALL SERVE AS THE CHAIR OF THE
9 COUNCIL.

10 S 1899. ANNUAL REPORTING. NO LATER THAN OCTOBER FIRST, TWO THOUSAND
11 TEN AND OCTOBER FIRST OF EACH YEAR THEREAFTER, THE PRESIDENT OF THE
12 AUTHORITY SHALL ISSUE AN ANNUAL REPORT TO THE GOVERNOR, THE TEMPORARY
13 PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEAD-
14 ER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY CONCERNING THE
15 AUTHORITY'S ACTIVITIES RELATED TO THE GREEN JOBS - GREEN NEW YORK
16 PROGRAM CREATED PURSUANT TO THIS TITLE. SUCH REPORT SHALL INCLUDE, BUT
17 NOT BE LIMITED TO THE FOLLOWING INFORMATION:

18 1. THE STATUS OF THE AUTHORITY'S ACTIVITIES AND OUTCOMES RELATED TO
19 SECTION EIGHTEEN HUNDRED NINETY-FIVE OF THIS TITLE. SUCH REPORT SHALL
20 INCLUDE, BUT NOT BE LIMITED TO: (A) THE NUMBER AND TYPE OF ENERGY AUDITS
21 PERFORMED PURSUANT TO SECTION EIGHTEEN HUNDRED NINETY-FIVE OF THIS
22 TITLE; (B) ANY OTHER CONTRACTS ENTERED INTO RELATING TO THE PROGRAM; AND
23 (C) ANY RECOMMENDATIONS FOR PROGRAM IMPROVEMENTS;

24 2. THE STATUS OF THE AUTHORITY'S ACTIVITIES AND OUTCOMES RELATED TO
25 SECTION EIGHTEEN HUNDRED NINETY-FOUR OF THIS TITLE. SUCH REPORT SHALL
26 INCLUDE, BUT NOT BE LIMITED TO: (A) CONTRACTS ENTERED INTO PURSUANT TO
27 SECTION EIGHTEEN HUNDRED NINETY-FOUR OF THIS TITLE; (B) THE GEOGRAPHICAL
28 AREA OR AREAS SERVED BY EACH ENTITY; (C) THE AMOUNT OF THE GRANTS
29 DISBURSED TO EACH ENTITY; (D) ANY OTHER CONTRACTS ENTERED INTO RELATING
30 TO THE PROGRAM; AND (E) ANY RECOMMENDATIONS FOR PROGRAM IMPROVEMENTS;

31 3. THE STATUS OF THE AUTHORITY'S ACTIVITIES AND OUTCOMES RELATED TO
32 SECTION EIGHTEEN HUNDRED NINETY-SIX OF THIS TITLE. SUCH REPORT SHALL
33 INCLUDE, BUT NOT BE LIMITED TO: (A) THE NUMBER OF PERSONS WHO HAVE
34 APPLIED FOR AND RECEIVED FINANCIAL ASSISTANCE THROUGH THE REVOLVING LOAN
35 FUND; (B) THE REVOLVING LOAN FUND ACCOUNT BALANCES; (C) THE NUMBER OF
36 LOANS IN DEFAULT; AND (D) THE AMOUNT AND NATURE OF THE COSTS INCURRED BY
37 THE AUTHORITY FOR THE ACTIVITIES DESCRIBED IN PARAGRAPH (C) OF SUBDIVI-
38 SION ONE OF SECTION EIGHTEEN HUNDRED NINETY-SIX OF THIS TITLE;

39 4. THE STATUS OF THE AUTHORITY'S ACTIVITIES AND OUTCOMES RELATED TO
40 SOLICITATION OF APPLICATIONS TO DEMONSTRATE THE FEASIBILITY OF INNOVA-
41 TIVE FINANCING MECHANISMS AS DESCRIBED IN SUBDIVISION ONE OF SECTION
42 EIGHTEEN HUNDRED NINETY-FOUR OF THIS TITLE;

43 5. THE STATUS OF THE AUTHORITY'S ACTIVITIES AND OUTCOMES RELATED TO
44 SECTION EIGHTEEN HUNDRED NINETY-SEVEN OF THIS TITLE. SUCH REPORT SHALL
45 INCLUDE, BUT NOT BE LIMITED TO: (A) THE NUMBER OF INDIVIDUALS RECEIVING
46 TRAINING SERVICES; (B) THE TYPE OF TRAINING SERVICES PROVIDED TO SUCH
47 INDIVIDUALS; (C) THE IDENTITY OF ORGANIZATIONS PROVIDING TRAINING
48 SERVICES; (D) THE AMOUNT OF FUNDS AWARDED TO EACH SUCH ORGANIZATION; AND
49 (E) THE NUMBER OF INDIVIDUALS PLACED IN FULL-TIME EMPLOYMENT; AND

50 6. THE OVERALL EFFECTIVENESS, PROGRESS AND OUTCOMES BY THE AUTHORITY
51 RELATED TO THE GREEN-JOBS GREEN NEW YORK PROGRAM. SUCH REPORT SHALL
52 INCLUDE BUT NOT BE LIMITED TO: (A) KEY FINDINGS BY THE AUTHORITY; (B) TO
53 THE EXTENT POSSIBLE A CALCULATION OF THE ENERGY SAVINGS ACHIEVED; AND
54 (C) ANY RECOMMENDATIONS FOR PROGRAM IMPROVEMENTS AND EXPANSION OF THE
55 PROGRAM.

1 S 1899-A. FUNDS, ADMINISTRATION AND EVALUATION AND COORDINATION. 1.
2 THE AUTHORITY IS AUTHORIZED TO ACCEPT, AS AGENT OF THE STATE, ANY GIFT,
3 GRANT, DEVISE OR BEQUEST, WHETHER CONDITIONAL OR UNCONDITIONAL, INCLUD-
4 ING BUT NOT LIMITED TO FEDERAL GRANTS, AND TO USE MONIES MADE AVAILABLE
5 FOR THE PROGRAM FROM ANY PUBLIC OR PRIVATE SOURCE, FOR THE PURPOSE OF
6 IMPLEMENTING THE COMPONENTS OF THE PROGRAM AS SET FORTH IN SECTION EIGH-
7 TEEN HUNDRED NINETY-THREE THROUGH SECTION EIGHTEEN HUNDRED NINETY-NINE
8 OF THIS TITLE, INCLUSIVE.

9 2. THE AUTHORITY SHALL BE ENTITLED TO RECOVER FROM THE MONIES MADE
10 AVAILABLE FOR THE PROGRAM ITS OWN NECESSARY AND DOCUMENTED COSTS
11 INCURRED IN ADMINISTERING THE PROGRAM AND EVALUATING THE EFFECTIVENESS
12 OF THE PROGRAM; PROVIDED, HOWEVER, THE SUM THAT MAY BE RECOVERED FOR THE
13 AUTHORITY'S ADMINISTRATIVE COSTS SHALL NOT EXCEED SEVEN PERCENT OF THE
14 MONIES MADE AVAILABLE FOR THE PROGRAM, AND THE SUM THAT MAY BE RECOVERED
15 FOR THE AUTHORITY'S EVALUATION COSTS SHALL NOT EXCEED FIVE PERCENT OF
16 THE MONIES MADE AVAILABLE FOR THE PROGRAM.

17 S 3. Subdivision 4 of section 1855 of the public authorities law, as
18 added by chapter 210 of the laws of 1962, is amended to read as follows:

19 4. To make rules and regulations governing the exercise of its corpo-
20 rate powers and the fulfillment of its corporate purposes under this
21 title AND TITLE NINE-A OF THIS ARTICLE, which shall be filed with the
22 department of state in the manner provided by section one hundred two of
23 the executive law.

24 S 4. The commissioner of the department of environmental conservation
25 shall provide for the deposit of \$112,000,000 of revenues collected
26 under direct oversight by the department of environmental conservation,
27 from the auction of any emissions allowances for air contaminants to the
28 green jobs-green New York fund established pursuant to section 99-q of
29 the state finance law.

30 S 5. The state finance law is amended by adding a new section 99-q to
31 read as follows:

32 S 99-Q. GREEN JOBS-GREEN NEW YORK FUND. 1. THERE IS HEREBY ESTAB-
33 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSION-
34 ER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "GREEN
35 JOBS-GREEN NEW YORK FUND". THE MONIES IN SUCH FUND SHALL BE AVAILABLE
36 FOR THE GREEN JOBS-GREEN NEW YORK PROGRAM PURSUANT TO TITLE NINE-A OF
37 ARTICLE EIGHT OF THE PUBLIC AUTHORITIES LAW.

38 2. MONIES IN THE GREEN JOBS-GREEN NEW YORK FUND SHALL BE KEPT SEPA-
39 RATELY FROM AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONIES IN THE
40 JOINT OR SOLE CUSTODY OF THE STATE COMPTROLLER OR THE COMMISSIONER OF
41 TAXATION AND FINANCE. ANY INTEREST RECEIVED BY THE COMPTROLLER ON
42 MONEYS DEPOSITED IN THE GREEN JOBS-GREEN NEW YORK FUND SHALL BE RETAINED
43 IN AND BECOME A PART OF SUCH FUND.

44 S 6. This act shall take effect immediately.