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I N A S S E M B L Y

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Introduced by M. of A. PAULIN, CRESPO, RYAN, BROOK-KRASNY, CAHILL, COLTON, GALEF, GOTTFRIED, GUNTHER, LUPARDO, OTIS, SCHIMEL, ZEBROWSKI -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, BUCHWALD, MAGEE, RIVERA, SWEENEY, THIELE -- 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 the green jobs-green New York on-bill energy service company energy efficiency payment program

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

1 Section 1. Section 2 of the public service law is amended by adding
2 two new subdivisions 28 and 29 to read as follows:
3 28. THE TERM "GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY
4 ENERGY EFFICIENCY PAYMENT PROGRAM" OR "PAYMENT PROGRAM," WHEN USED IN
5 THIS CHAPTER, MEANS A PAYMENT CHARGE APPEARING ON THE MONTHLY UTILITY
6 BILL OF A UTILITY CUSTOMER WHO ELECTS TO PARTICIPATE IN THE GREEN JOBS-
7 GREEN NEW YORK ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM
8 PURSUANT TO SECTION SIXTY-SIX-N OF THIS CHAPTER AND TITLE NINE-A OF
9 ARTICLE EIGHT OF THE PUBLIC AUTHORITIES LAW WITH A PARTICIPATING ENERGY
10 SERVICE COMPANY FOR PAYMENT AND SERVICE COSTS ASSOCIATED WITH CAPITAL
11 IMPROVEMENTS UNDER THAT PROGRAM THROUGH SUCH A PAYMENT CHARGE.
12 29. THE TERM "PARTICIPATING ENERGY SERVICE COMPANY" MEANS AN ENTITY
13 ELIGIBLE TO PROVIDE ENERGY SERVICES TO END-USE CUSTOMERS USING THE TRAN-
14 SMISION AND DISTRIBUTION SYSTEM OF A UTILITY CORPORATION AND THAT
15 PROVIDES QUALIFIED ENERGY EFFICIENCY SERVICES THROUGH THE GREEN
16 JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY
17 PAYMENT PROGRAM CONSISTENT WITH NATIONALLY RECOGNIZED EFFICIENCY STAND-
18 ARDS, OR EFFICIENCY STANDARDS ESTABLISHED BY THE AUTHORITY, THAT WILL
19 INCREASE THE ENERGY EFFICIENCY AND CONSERVATION OF AN EXISTING STRUCTURE
20 UNDER THE PROGRAM.
21 S 2. Subdivision 2 of section 18-a of the public service law is
22 amended by adding a new paragraph (i) to read as follows:
23 (I) ON-BILL PAYMENT AND SERVICE CHARGES BILLED PURSUANT TO SECTION
24 SIXTY-SIX-N OF THIS CHAPTER SHALL BE EXCLUDED FROM ANY DETERMINATION OF

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

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1 A UTILITY COMPANY'S GROSS OPERATING REVENUES DERIVED FROM INTRASTATE
2 UTILITY OPERATIONS FOR PURPOSES OF THIS SECTION.

3 S 3. Section 43 of the public service law is amended by adding a new
4 subdivision 4 to read as follows:

5 4. WHEN A COMPLAINT IS RECEIVED BY THE UTILITY COMPANY THAT IS RELATED
6 TO WORK PERFORMED UNDER THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY
7 SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM THE UTILITY COMPANY
8 SHALL ONLY BE REQUIRED TO INFORM THE CUSTOMER OF THE COMPLAINT HANDLING
9 PROCEDURES OF THE PARTICIPATING ENERGY SERVICE COMPANY, WHICH SHALL
10 INDEPENDENTLY RETAIN SOLE RESPONSIBILITY FOR HANDLING SUCH COMPLAINTS,
11 AND SUCH COMPLAINTS SHALL NOT BE DEEMED TO BE COMPLAINTS ABOUT UTILITY
12 SERVICE IN ANY OTHER COMMISSION ACTION OR PROCEEDING.

13 S 4. Paragraph (d) of subdivision 6 of section 65 of the public
14 service law, as amended by chapter 388 of the laws of 2011, is amended
15 to read as follows:

16 (d) for installation of capital improvements and fixtures to promote
17 energy efficiency upon the request and consent of the customer, includ-
18 ing but not limited to the performance of qualified energy efficiency
19 services for customers participating in green jobs-green New York
20 on-bill recovery pursuant to section sixty-six-m of this article AND THE
21 INSTALLATION AND SERVICE OF ENERGY EFFICIENCY SERVICES FOR CUSTOMERS
22 PARTICIPATING IN THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE
23 COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM PURSUANT TO SECTION
24 SIXTY-SIX-N OF THIS ARTICLE.

25 S 5. The public service law is amended by adding a new section 66-n to
26 read as follows:

27 S 66-N. GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENER-
28 GY EFFICIENCY PAYMENT PROGRAM. 1. (A) THE COMMISSIONER SHALL REQUIRE
29 EACH UTILITY COMPANY TO PROVIDE FOR THE BILLING AND COLLECTION OF
30 ON-BILL CHARGES FOR PAYMENT OF OBLIGATIONS OF ITS CUSTOMERS TO THE GREEN
31 JOBS-GREEN NEW YORK ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT
32 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION AND TITLE NINE-A OF ARTICLE
33 EIGHT OF THE PUBLIC AUTHORITIES LAW. TO THE MAXIMUM EXTENT PRACTICABLE,
34 UTILITY COMPANIES SHALL UTILIZE EXISTING ELECTRONIC DATA INTERCHANGE
35 INFRASTRUCTURE OR OTHER EXISTING BILLING INFRASTRUCTURE TO IMPLEMENT
36 THEIR BILLING AND COLLECTION RESPONSIBILITIES UNDER THIS SECTION.

37 (B) THIS PROGRAM SHALL BE AVAILABLE TO CUSTOMERS WHO HAVE EXECUTED A
38 WRITTEN AGREEMENT FOR THE DELIVERY OF QUALIFIED ENERGY EFFICIENCY
39 SERVICES FROM A PARTICIPATING ENERGY SERVICE COMPANY; PROVIDED, HOWEVER,
40 THAT SUCH CUSTOMERS MUST BE THE UTILITY COMPANY'S CUSTOMER OF RECORD TO
41 WHICH SUCH ON-BILL PAYMENT CHARGES WILL APPLY.

42 (C) EACH PARTICIPATING ENERGY SERVICE COMPANY SHALL IDENTIFY TO THE
43 APPROPRIATE UTILITY COMPANY EACH CUSTOMER WHO HAS EXECUTED A WRITTEN
44 AGREEMENT WITH THE ENERGY SERVICE COMPANY FOR THE PROVISION OF QUALIFIED
45 ENERGY EFFICIENCY SERVICES THROUGH THE ON-BILL PAYMENT MECHANISM AND THE
46 AMOUNT OF EACH MONTHLY PAYMENT. EACH UTILITY COMPANY SHALL BILL THEIR
47 CUSTOMERS THAT HAS OBTAINED ENERGY EFFICIENCY IMPROVEMENTS FROM A
48 PARTICIPATING ENERGY SERVICE COMPANY THE AMOUNT DUE AS THE ON-BILL
49 PAYMENT.

50 (D) THE ON-BILL PAYMENT SHALL BE COLLECTED ON BILLS FROM THE CUSTOM-
51 ER'S ELECTRIC CORPORATION UNLESS THE QUALIFIED ENERGY EFFICIENCY
52 SERVICES AT THE CUSTOMER'S PREMISES RESULTS IN MORE PROJECTED ENERGY
53 SAVINGS ON THE CUSTOMER'S GAS BILL THAN ON THE ELECTRIC BILL, IN WHICH
54 THE CASE THE ON-BILL PAYMENT CHARGES SHALL BE COLLECTED ONLY ON THE
55 CUSTOMER'S GAS CORPORATION BILLS.

2. FOR PURPOSES OF CARRYING OUT THE REQUIREMENTS OF THIS SECTION, EACH UTILITY COMPANY SHALL SUBMIT AN IMPLEMENTATION PLAN FOR THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION TO THE COMMISSION. SUCH PLAN SHALL INCLUDE AN EXPLANATION OF ESTIMATED COSTS ASSOCIATED WITH IMPLEMENTATION OF THE ON-BILL PAYMENT PROGRAM, AS WELL AS A SHOWING THAT THE UTILITY COMPANY WILL UTILIZE EXISTING ELECTRONIC DATA INTERCHANGE INFRASTRUCTURE OR OTHER EXISTING BILLING INFRASTRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE. THE COMMISSION SHALL MAKE AN APPROVAL DETERMINATION WITHIN NINETY DAYS OF SUBMISSION. IF SUCH APPROVAL IS DENIED, THE UTILITY COMPANY WILL HAVE THIRTY DAYS AFTER THE NOTICE OF DISAPPROVAL TO MEET THE REQUIREMENTS FOR APPROVAL. EACH UTILITY COMPANY SHALL IMPLEMENT THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM WITHIN SIX MONTHS OF APPROVAL BY THE COMMISSION.

(A) IN ADMINISTERING THE GREEN JOBS-GREEN NEW YORK ON-BILL PAYMENT PROGRAM, THE PARTICIPATING ENERGY SERVICE COMPANY SHALL MAKE REIMBURSEMENTS TO UTILITY COMPANIES FOR REASONABLE AND NECESSARY COSTS ASSOCIATED WITH THE IMPLEMENTATION AND MAINTENANCE OF THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY PAYMENT PROGRAM.

(B) THE COMMISSION MAY SUSPEND OR TERMINATE A UTILITY COMPANY'S OFFERING OF THE ON-BILL PAYMENT PROVIDED THAT THE COMMISSION MAKES A FINDING THAT THERE IS A SIGNIFICANT INCREASE IN UTILITY SERVICE DISCONNECTIONS THAT THE COMMISSION DETERMINES IS DIRECTLY RELATED TO THE ON-BILL PAYMENT, OR A FINDING OF OTHER GOOD CAUSE.

(C) ONE HUNDRED PERCENT OF THE ENERGY EFFICIENT SAVINGS REALIZED FROM THE IMPLEMENTATION OF QUALIFIED ENERGY EFFICIENCY SERVICES IMPLEMENTED THROUGH ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAMS IN THE UTILITY COMPANIES' SERVICE TERRITORIES SHALL BE CREDITED TO THE APPROPRIATE ELECTRIC CORPORATION'S AND/OR GAS CORPORATION'S ENERGY SAVINGS TARGETS ESTABLISHED BY THE COMMISSION IN THE ENERGY EFFICIENCY PORTFOLIO STANDARD PROCEEDING.

(D) UTILITY COMPANIES MAY TERMINATE UTILITY SERVICE FOR NON-PAYMENT OF ON-BILL PAYMENT CHARGES SUBJECT TO THE RIGHTS OF THE CUSTOMER ESTABLISHED UNDER ARTICLE TWO OF THIS CHAPTER EXCEPT THE RIGHT TO HAVE PAYMENT OF ARREARS OF INSTALLMENTS OF ON-BILL PAYMENT CHARGES SUBJECT TO A DEFERRED PAYMENT AGREEMENT UNDER SECTION THIRTY-SEVEN OF THIS CHAPTER.

(E) THE RESPONSIBILITIES OF THE UTILITY COMPANY SHALL BE LIMITED SOLELY TO PROVIDING BILLING, PAYMENT PROCESSING, AND COLLECTION SERVICES FOR ON-BILL PAYMENTS.

(F) THE COMMISSION, IN CONJUNCTION WITH EACH UTILITY AND EACH PARTICIPATING ENERGY SERVICE COMPANY, SHALL AUTHORIZE A PURCHASE OF RECEIVABLES PROGRAM FOR EACH UTILITY COMPANY AT A DISCOUNT RATE EQUAL TO THE UTILITY'S ACTUAL UNCOLLECTIBLE RATE FOR THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM. THIS DISCOUNT RATE SHALL BE OFFSET FROM THE MONTHLY PAYMENTS A UTILITY MAKES TO A PARTICIPATING ENERGY SERVICE COMPANY. THIS PROGRAM SHALL BE DESIGNED TO ENSURE THAT A UTILITY IS NOT AT RISK FOR ANY BAD DEBT ASSOCIATED WITH THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM.

(G) WHEN THE CUSTOMER'S UTILITY ACCOUNT AT THE UTILITY COMPANY IS CLOSED, ANY CHARGES IN ARREARS SHALL BE DUE AND OWING, AND COLLECTION SHALL BE THE RESPONSIBILITY OF THE PARTICIPATING ENERGY SERVICE COMPANY.

(H) UNLESS OTHERWISE PRECLUDED BY LAW, PARTICIPATION IN THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM SHALL NOT AFFECT A CUSTOMER'S ELIGIBILITY FOR ANY REBATE

OR INCENTIVE OFFERED BY A UTILITY COMPANY. UTILITY COMPANIES MAY MAKE AVAILABLE TO CUSTOMERS WHO PARTICIPATE IN AN ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM ANY REBATES FOR ELIGIBLE ENERGY EFFICIENCY MEASURES AVAILABLE TO CUSTOMERS WHO DO NOT PARTICIPATE IN SUCH PROGRAMS.

(I) THE COMMISSION SHALL NOT APPROVE ANY APPLICATION FOR THE CONVERSION TO SUBMETERING OF ANY MASTER METER THAT IS SUBJECT TO ANY ON-BILL PAYMENT CHARGES.

S 6. Section 1020-kk of the public authorities law, as renumbered by chapter 388 of the laws of 2011, is renumbered section 1020-ll and a new section 1020-kk is added to read as follows:

S 1020-KK. GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM. 1. FOR PURPOSES OF CARRYING OUT THE REQUIREMENTS OF THIS TITLE, THE AUTHORITY SHALL SUBMIT AN IMPLEMENTATION PLAN FOR THE GREEN JOBS-GREEN NEW YORK ON-BILL PAYMENT PROGRAM WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION TO THE PUBLIC SERVICE COMMISSION. SUCH PLAN SHALL INCLUDE AN EXPLANATION OF ESTIMATED COSTS ASSOCIATED WITH IMPLEMENTATION OF THE ON-BILL PAYMENT PROGRAM, AS WELL AS A SHOWING THAT THE AUTHORITY WILL UTILIZE EXISTING ELECTRONIC DATA INTERCHANGE INFRASTRUCTURE OR OTHER EXISTING BILLING INFRASTRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE. IN ADMINISTERING THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM, THE PARTICIPATING ENERGY SERVICE COMPANY SHALL MAKE REIMBURSEMENTS TO THE AUTHORITY FOR REASONABLE AND NECESSARY COSTS ASSOCIATED WITH THE IMPLEMENTATION AND MAINTENANCE OF THE JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY PAYMENT PROGRAM. THE RESPONSIBILITIES OF THE AUTHORITY SHALL BE LIMITED SOLELY TO PROVIDING BILLING, PAYMENT PROCESSING, AND COLLECTION SERVICES FOR ON-BILL PAYMENTS. THE COMMISSION, IN CONJUNCTION WITH EACH UTILITY AND EACH PARTICIPATING ENERGY SERVICE COMPANY, SHALL AUTHORIZE A PURCHASE OF RECEIVABLES PROGRAM FOR THE AUTHORITY AT A DISCOUNT RATE EQUAL TO THE AUTHORITY'S ACTUAL UNCOLLECTIBLE RATE FOR THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM. THIS DISCOUNT RATE SHALL BE OFFSET FROM THE MONTHLY PAYMENTS THE AUTHORITY MAKES TO A PARTICIPATING ENERGY SERVICE COMPANY. THIS PROGRAM SHALL BE DESIGNED TO ENSURE THAT A UTILITY IS NOT AT RISK FOR ANY BAD DEBT ASSOCIATED WITH THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM. THE PUBLIC SERVICE COMMISSION SHALL MAKE AN APPROVAL DETERMINATION WITHIN NINETY DAYS OF SUBMISSION. IF THE PUBLIC SERVICE COMMISSION DOES NOT APPROVE OF THE IMPLEMENTATION PLAN, THE AUTHORITY WILL HAVE THIRTY DAYS AFTER THE NOTICE OF DISAPPROVAL TO MEET THE REQUIREMENTS FOR FINAL APPROVAL. UPON THE PUBLIC SERVICE COMMISSION'S APPROVAL, THE AUTHORITY SHALL IMPLEMENT THE GREEN JOBS-GREEN NEW YORK ON-BILL PAYMENT PROGRAM WITHIN SIX MONTHS. SUCH PROGRAM SHALL BE CONSISTENT WITH THE STANDARDS SET FORTH IN SUBDIVISION THREE OF SECTION FORTY-TWO AND SECTION SIXTY-SIX-M OF THE PUBLIC SERVICE LAW. TO THE MAXIMUM EXTENT PRACTICABLE, THE AUTHORITY SHALL UTILIZE EXISTING ELECTRONIC DATA INTERCHANGE INFRASTRUCTURE OR OTHER EXISTING BILLING INFRASTRUCTURE TO IMPLEMENT THEIR BILLING AND COLLECTION RESPONSIBILITIES UNDER THIS SECTION.

2. THE AUTHORITY MAY SUSPEND ITS OFFERING OF THE ON-BILL PAYMENT CHARGE PROVIDED THAT THE AUTHORITY MAKES A FINDING THAT THERE IS A SIGNIFICANT INCREASE IN UTILITY SERVICE DISCONNECTIONS THAT THE AUTHORITY DETERMINES IS DIRECTLY RELATED TO THE ON-BILL PAYMENT, OR A FINDING OF OTHER GOOD CAUSE.

1 S 7. The opening paragraph of subdivision 12 of section 1891 of the
2 public authorities law, as added by chapter 487 of the laws of 2009, is
3 amended and a new subdivision 16 is added to read as follows:

4 12. "Qualified energy efficiency services" means a modification to a
5 structure, based on recommendations FROM A PARTICIPATING ENERGY SERVICE
6 COMPANY THAT WILL INCREASE THE ENERGY EFFICIENCY AND CONSERVATION OF A
7 STRUCTURE; OR AS contained in an energy audit performed under the
8 program created under section eighteen hundred [ninety-two] NINETY-FIVE
9 of this title; or as otherwise approved by the authority, which is
10 consistent with NATIONALLY RECOGNIZED EFFICIENCY STANDARDS, OR EFFICIEN-
11 CY standards established by the authority, that will increase the energy
12 efficiency and conservation of an existing structure, including but not
13 limited to:

14 16. "PARTICIPATING ENERGY SERVICE COMPANY" MEANS AN ENTITY ELIGIBLE TO
15 PROVIDE ENERGY SERVICES TO END-USE CUSTOMERS USING THE TRANSMISSION AND
16 DISTRIBUTION SYSTEM OF A UTILITY CORPORATION AND THAT PROVIDES QUALIFIED
17 ENERGY EFFICIENCY SERVICES THROUGH THE GREEN JOBS-GREEN NEW YORK ON-BILL
18 ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM CONSISTENT WITH
19 NATIONALLY RECOGNIZED EFFICIENCY STANDARDS, OR EFFICIENCY STANDARDS
20 ESTABLISHED BY THE AUTHORITY, THAT WILL INCREASE THE ENERGY EFFICIENCY
21 AND CONSERVATION OF AN EXISTING STRUCTURE UNDER THE PROGRAM.

22 S 8. Subdivision 6 of section 1892 of the public authorities law, as
23 added by chapter 487 of the laws of 2009, is amended to read as follows:

24 6. use innovative financing, LEASING, PAYMENT AND SERVICE mechanisms
25 to finance AND MAKE PAYMENTS FOR energy efficiency improvements through
26 energy cost savings.

27 S 9. Subdivision 3 of section 1893 of the public authorities law, as
28 added by chapter 487 of the laws of 2009, is amended to read as follows:

29 3. enter into contracts with one or more program implementers to
30 perform such functions as the authority deems appropriate; [and]

31 S 10. Subdivision 4 of section 1893 of the public authorities law is
32 renumbered subdivision 5 and a new subdivision 4 is added to read as
33 follows:

34 4. ENCOURAGE AND PROMOTE PRIVATE SECTOR INVESTMENT AND GREEN JOB
35 EMPLOYMENT OPPORTUNITIES THROUGH APPLICANT IMPLEMENTATION OF QUALIFIED
36 ENERGY EFFICIENCY SERVICES BY ENERGY SERVICE COMPANIES THROUGH THE
37 ESTABLISHMENT OF AN ON-BILL LEASING OR PAYMENT MECHANISM FOR APPLICANT
38 PAYMENTS TO ENERGY SERVICE COMPANIES FOR THE INSTALLATION, UTILIZATION
39 AND SERVICE OF QUALIFIED ENERGY EFFICIENCY SERVICES PROVIDED THAT SUCH
40 ON-BILL PAYMENT MECHANISM SHALL PROVIDE FOR THE UTILIZATION OF ANY
41 ON-BILL PROGRAMS ESTABLISHED PURSUANT TO SECTION SIXTY-SIX-N OF THE
42 PUBLIC SERVICE LAW AND SECTION ONE THOUSAND TWENTY-KK OF THIS CHAPTER;
43 AND

44 S 11. Subdivision 1 of section 1895 of the public authorities law, as
45 added by chapter 487 of the laws of 2009, is amended to read as follows:

46 1. The program shall make available to applicants who ARE ELIGIBLE TO
47 PARTICIPATE IN THE GREEN JOBS-GREEN NEW YORK ON-BILL RECOVERY PROGRAM
48 PURSUANT TO SECTION SIXTY-SIX-N OF THE PUBLIC SERVICE LAW AND would be
49 eligible to apply for financial assistance under this section energy
50 audits performed by certified auditors or auditors using commonly-em-
51 ployed energy auditing tools and technologies, as determined appropriate
52 by the authority. The authority shall be authorized to dedicate an
53 appropriate portion of program funds allocated for the funding of energy
54 audits pursuant to section eighteen hundred ninety-nine-a of this title
55 to non-residential properties that are occupied or used by a small busi-
56 ness or not-for-profit corporation with ten or fewer employees.

1 S 12. Section 242 of the real property law is amended by adding a new
2 subdivision 5 to read as follows:

3 5. DISCLOSURE PRIOR TO THE SALE OF REAL PROPERTY TO WHICH A GREEN
4 JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY
5 PAYMENT APPLIES. (A) ANY PERSON, FIRM, COMPANY, PARTNERSHIP OR CORPO-
6 RATION OFFERING TO SELL REAL PROPERTY WHICH IS SUBJECT TO A GREEN JOBS-
7 GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT
8 PURSUANT TO TITLE NINE-A OF ARTICLE EIGHT OF THE PUBLIC AUTHORITIES LAW
9 AND SECTION SIXTY-SIX-N OF THE PUBLIC SERVICE LAW SHALL PROVIDE WRITTEN
10 NOTICE TO THE PROSPECTIVE PURCHASER OR THE PROSPECTIVE PURCHASER'S
11 AGENT, STATING AS FOLLOWS: "THIS PROPERTY IS SUBJECT TO A GREEN
12 JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY
13 PAYMENT." SUCH NOTICE SHALL STATE THE PAYMENT SCHEDULE, A DESCRIPTION OF
14 THE ENERGY EFFICIENCY SERVICES INSTALLED AND SERVICES PROVIDED, AND AN
15 EXPLANATION OF THE BENEFIT OF THE GREEN JOBS-GREEN NEW YORK QUALIFIED
16 ENERGY EFFICIENCY SERVICES. SUCH NOTICE SHALL BE PROVIDED BY THE SELLER
17 PRIOR TO ACCEPTING A PURCHASE OFFER.

18 (B) ANY PROSPECTIVE OR ACTUAL PURCHASER WHO HAS SUFFERED A LOSS DUE TO
19 A VIOLATION OF THIS SUBDIVISION IS ENTITLED TO RECOVER ANY ACTUAL
20 DAMAGES INCURRED FROM THE PERSON OFFERING TO SELL OR SELLING SAID REAL
21 PROPERTY.

22 S 13. This act shall take effect immediately.