S T A T E O F N E W Y O R K

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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:

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

28. THE TERM "GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM" OR "PAYMENT PROGRAM," WHEN USED IN THIS CHAPTER, MEANS A PAYMENT CHARGE APPEARING ON THE MONTHLY UTILITY BILL OF A UTILITY CUSTOMER WHO ELECTS TO PARTICIPATE IN THE GREEN JOBS-GREEN NEW YORK ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM PURSUANT TO SECTION SIXTY-SIX-N OF THIS CHAPTER AND TITLE NINE-A OF ARTICLE EIGHT OF THE PUBLIC AUTHORITIES LAW WITH A PARTICIPATING ENERGY SERVICE COMPANY FOR PAYMENT AND SERVICE COSTS ASSOCIATED WITH CAPITAL IMPROVEMENTS UNDER THAT PROGRAM THROUGH SUCH A PAYMENT CHARGE.

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

S 2. Subdivision 2 of section 18-a of the public service law is amended by adding a new paragraph (i) to read as follows:

(I) ON-BILL PAYMENT AND SERVICE CHARGES BILLED PURSUANT TO SECTION 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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A UTILITY COMPANY'S GROSS OPERATING REVENUES DERIVED FROM INTRASTATE UTILITY OPERATIONS FOR PURPOSES OF THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S 13. This act shall take effect immediately.