

5286

2013-2014 Regular Sessions

I N S E N A T E

May 15, 2013

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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 SMISSION 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:

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

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1 (I) ON-BILL PAYMENT AND SERVICE CHARGES BILLED PURSUANT TO SECTION
2 SIXTY-SIX-N OF THIS CHAPTER SHALL BE EXCLUDED FROM ANY DETERMINATION OF
3 A UTILITY COMPANY'S GROSS OPERATING REVENUES DERIVED FROM INTRASTATE
4 UTILITY OPERATIONS FOR PURPOSES OF THIS SECTION.

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

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

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

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

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

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

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

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

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

1 THE CASE THE ON-BILL PAYMENT CHARGES SHALL BE COLLECTED ONLY ON THE
2 CUSTOMER'S GAS CORPORATION BILLS.

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

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

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

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

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

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

43 (F) THE COMMISSION, IN CONJUNCTION WITH EACH UTILITY AND EACH PARTIC-
44 IPATING ENERGY SERVICE COMPANY, SHALL AUTHORIZE A PURCHASE OF RECEIV-
45 ABLES PROGRAM FOR EACH UTILITY COMPANY AT A DISCOUNT RATE EQUAL TO THE
46 UTILITY'S ACTUAL UNCOLLECTIBLE RATE FOR THE GREEN JOBS-GREEN NEW YORK
47 ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM. THIS
48 DISCOUNT RATE SHALL BE OFFSET FROM THE MONTHLY PAYMENTS A UTILITY MAKES
49 TO A PARTICIPATING ENERGY SERVICE COMPANY. THIS PROGRAM SHALL BE
50 DESIGNED TO ENSURE THAT A UTILITY IS NOT AT RISK FOR ANY BAD DEBT ASSO-
51 CIATED WITH THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY
52 ENERGY EFFICIENCY PAYMENT PROGRAM.

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

1 (H) UNLESS OTHERWISE PRECLUDED BY LAW, PARTICIPATION IN THE GREEN
2 JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFICIENCY
3 PAYMENT PROGRAM SHALL NOT AFFECT A CUSTOMER'S ELIGIBILITY FOR ANY REBATE
4 OR INCENTIVE OFFERED BY A UTILITY COMPANY. UTILITY COMPANIES MAY MAKE
5 AVAILABLE TO CUSTOMERS WHO PARTICIPATE IN AN ENERGY SERVICE COMPANY
6 ENERGY EFFICIENCY PAYMENT PROGRAM ANY REBATES FOR ELIGIBLE ENERGY EFFI-
7 CIENCY MEASURES AVAILABLE TO CUSTOMERS WHO DO NOT PARTICIPATE IN SUCH
8 PROGRAMS.

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

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

15 S 1020-KK. GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY
16 ENERGY EFFICIENCY PAYMENT PROGRAM. 1. FOR PURPOSES OF CARRYING OUT THE
17 REQUIREMENTS OF THIS TITLE, THE AUTHORITY SHALL SUBMIT AN IMPLEMENTATION
18 PLAN FOR THE GREEN JOBS-GREEN NEW YORK ON-BILL PAYMENT PROGRAM WITHIN
19 ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION TO THE
20 PUBLIC SERVICE COMMISSION. SUCH PLAN SHALL INCLUDE AN EXPLANATION OF
21 ESTIMATED COSTS ASSOCIATED WITH IMPLEMENTATION OF THE ON-BILL PAYMENT
22 PROGRAM, AS WELL AS A SHOWING THAT THE AUTHORITY WILL UTILIZE EXISTING
23 ELECTRONIC DATA INTERCHANGE INFRASTRUCTURE OR OTHER EXISTING BILLING
24 INFRASTRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE. IN ADMINISTERING THE
25 GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY EFFI-
26 CIENCY PAYMENT PROGRAM, THE PARTICIPATING ENERGY SERVICE COMPANY SHALL
27 MAKE REIMBURSEMENTS TO THE AUTHORITY FOR REASONABLE AND NECESSARY COSTS
28 ASSOCIATED WITH THE IMPLEMENTATION AND MAINTENANCE OF THE JOBS-GREEN NEW
29 YORK ON-BILL ENERGY SERVICE COMPANY PAYMENT PROGRAM. THE RESPONSIBIL-
30 ITIES OF THE AUTHORITY SHALL BE LIMITED SOLELY TO PROVIDING BILLING,
31 PAYMENT PROCESSING, AND COLLECTION SERVICES FOR ON-BILL PAYMENTS. THE
32 COMMISSION, IN CONJUNCTION WITH EACH UTILITY AND EACH PARTICIPATING
33 ENERGY SERVICE COMPANY, SHALL AUTHORIZE A PURCHASE OF RECEIVABLES
34 PROGRAM FOR THE AUTHORITY AT A DISCOUNT RATE EQUAL TO THE AUTHORITY'S
35 ACTUAL UNCOLLECTIBLE RATE FOR THE GREEN JOBS-GREEN NEW YORK ON-BILL
36 ENERGY SERVICE COMPANY ENERGY EFFICIENCY PAYMENT PROGRAM. THIS DISCOUNT
37 RATE SHALL BE OFFSET FROM THE MONTHLY PAYMENTS THE AUTHORITY MAKES TO A
38 PARTICIPATING ENERGY SERVICE COMPANY. THIS PROGRAM SHALL BE DESIGNED TO
39 ENSURE THAT A UTILITY IS NOT AT RISK FOR ANY BAD DEBT ASSOCIATED WITH
40 THE GREEN JOBS-GREEN NEW YORK ON-BILL ENERGY SERVICE COMPANY ENERGY
41 EFFICIENCY PAYMENT PROGRAM. THE PUBLIC SERVICE COMMISSION SHALL MAKE AN
42 APPROVAL DETERMINATION WITHIN NINETY DAYS OF SUBMISSION. IF THE PUBLIC
43 SERVICE COMMISSION DOES NOT APPROVE OF THE IMPLEMENTATION PLAN, THE
44 AUTHORITY WILL HAVE THIRTY DAYS AFTER THE NOTICE OF DISAPPROVAL TO MEET
45 THE REQUIREMENTS FOR FINAL APPROVAL. UPON THE PUBLIC SERVICE COMMIS-
46 SION'S APPROVAL, THE AUTHORITY SHALL IMPLEMENT THE GREEN JOBS-GREEN NEW
47 YORK ON-BILL PAYMENT PROGRAM WITHIN SIX MONTHS. SUCH PROGRAM SHALL BE
48 CONSISTENT WITH THE STANDARDS SET FORTH IN SUBDIVISION THREE OF SECTION
49 FORTY-TWO AND SECTION SIXTY-SIX-M OF THE PUBLIC SERVICE LAW. TO THE
50 MAXIMUM EXTENT PRACTICABLE, THE AUTHORITY SHALL UTILIZE EXISTING ELEC-
51 TRONIC DATA INTERCHANGE INFRASTRUCTURE OR OTHER EXISTING BILLING INFRAS-
52 TRUCTURE TO IMPLEMENT THEIR BILLING AND COLLECTION RESPONSIBILITIES
53 UNDER THIS SECTION.

54 2. THE AUTHORITY MAY SUSPEND ITS OFFERING OF THE ON-BILL PAYMENT
55 CHARGE PROVIDED THAT THE AUTHORITY MAKES A FINDING THAT THERE IS A
56 SIGNIFICANT INCREASE IN UTILITY SERVICE DISCONNECTIONS THAT THE AUTHORI-

1 TY DETERMINES IS DIRECTLY RELATED TO THE ON-BILL PAYMENT, OR A FINDING
2 OF OTHER GOOD CAUSE.

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

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

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

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

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

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

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

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

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

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

48 1. The program shall make available to applicants who ARE ELIGIBLE TO
49 PARTICIPATE IN THE GREEN JOBS-GREEN NEW YORK ON-BILL RECOVERY PROGRAM
50 PURSUANT TO SECTION SIXTY-SIX-N OF THE PUBLIC SERVICE LAW AND would be
51 eligible to apply for financial assistance under this section energy
52 audits performed by certified auditors or auditors using commonly-em-
53 ployed energy auditing tools and technologies, as determined appropriate
54 by the authority. The authority shall be authorized to dedicate an
55 appropriate portion of program funds allocated for the funding of energy
56 audits pursuant to section eighteen hundred ninety-nine-a of this title

1 to non-residential properties that are occupied or used by a small busi-
2 ness or not-for-profit corporation with ten or fewer employees.

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

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

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

24 S 13. This act shall take effect immediately.