# STATE OF NEW YORK

8277

2019-2020 Regular Sessions

# IN ASSEMBLY

June 11, 2019

Introduced by M. of A. CUSICK -- (at request of the Energy Research Development Authority) -- read once and referred to the Committee on Energy

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

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Paragraph (a) of subdivision 5 of section 1896 of the public authorities law, as added by section 1 of part DD of chapter 58 of the laws of 2012, is amended to read as follows:

(a) For each loan issued for qualified energy efficiency services that is to be repaid through an on-bill recovery mechanism[~~, the New York state energy research and development authority shall record, pursuant to article nine of the real property law, in the office of the appropriate recording officer, a declaration with respect to the property improved by such services of the existence of the loan and stating the total amount of the loan, the term of the loan, and that the loan is being repaid~~] through a charge on an electric or gas meter associated with the property, the on-bill recovery loan agreement shall allow for the purchaser or transferee to agree through written express assumption provided in accordance with the terms of the on-bill recovery loan that he or she is responsible for future on-bill recovery charges, and in the absence of such written express assumption, the original seller, transferor, or current loan holder of the subject property shall continue to be responsible for payment of such remaining charges through direct billing and payment to the New York state energy research and development authority, or its agent. [~~The declaration shall further state that it is being filed pursuant to this section and, unless fully satisfied prior to sale or transfer of the property, the loan repayment utility meter charge shall survive changes in ownership, tenancy, or~~

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

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~~meter account responsibility and, until fully satisfied, shall constitute the obligation of the person responsible for the meter account. Such declaration shall not constitute a mortgage and shall not create any security interest or lien on the property. Upon satisfaction of the loan, the authority shall file a declaration of repayment pursuant to article nine of the real property law.~~]

§ 2. Paragraph (d) of subdivision 2 of section 66-m of the public service law, as added by chapter 388 of the laws of 2011, is amended to read as follows:

(d) unless fully satisfied prior to sale or transfer, that (i) the on-bill recovery charges for any services provided at the customer's premises shall survive changes in ownership, tenancy or meter account responsibility **if the New York state energy research and development authority shall have recorded a declaration pursuant to article nine of the real property law with respect to such property for the existence of an on-bill recovery loan**, and (ii) that arrears in on-bill recovery charges at the time of account closure or meter transfer shall remain the responsibility of the incurring customer, unless expressly assumed by a subsequent purchaser of the property subject to such charges;

§ 3. Paragraph (a) of subdivision 4 of section 242 of the real property law, as added by chapter 388 of the laws of 2011, is amended to read as follows:

(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 recovery charge pursuant to title nine-A of article eight of the public authorities law **and which provides that such charge shall survive changes in ownership, tenancy or meter account responsibility if not fully satisfied prior to sale or transfer**, 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 recovery charge". Such notice shall also state the total amount of the original charge, the payment schedule and the approximate remaining balance, a description of the energy efficiency services performed, including improvements to the property, 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**; provided that such notice is not necessary if the loan agreement provides that upon sale or transfer of the subject property the purchaser or transferee is only responsible for on-bill recovery charges after sale or transfer if he or she agrees through written express assumption provided in accordance with the terms of the on-bill recovery loan agreement, and in the absence of such assumption, the original seller, transfer, or current loan holder of the subject property shall be responsible for payment of such remaining charges through direct billing and payment to the New York state energy research and development authority, or its agent**.

§ 4. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to any eligible applications on or after such date.