STATE OF NEW YORK

3996--B

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. HUNTER, LUPARDO, CLARK, BURDICK, MITAYNES, MAMDANI, KELLES, PHEFFER AMATO, DE LA ROSA, FAHY, CARROLL, BARRON, ANDERSON, FORREST, J. D. RIVERA, GALEF, REYES, McDONALD, GLICK, EPSTEIN, GOTTFRIED -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to establishing energy efficiency measures by the public service commission

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

Section 1. The public service law is amended by adding a new section 66-s to read as follows:

§ 66-s. Energy efficiency program. 1. As used in this section, the following terms shall have the following meanings:

(a) "energy efficiency" means the reduction in overall energy use, expressed as a percentage against a prior baseline of historical use, or in British thermal units (BTUs). Energy efficiency shall include environmentally beneficial electrification;

(b) "energy efficiency measure" means a particular good or practice that provides an energy efficiency benefit;

(c) "environmentally beneficial electrification" means a replacement of direct fossil fuel use with electricity such that the replacement reduces overall emissions;

(d) "disadvantaged communities" shall have the same meaning as subdivision five of section 75-0101 of the environmental conservation law;

(e) "residential building" means a building having primary use as a domicile;

(f) "small commercial building" means a building operated by a business or not-for-profit organization with one hundred employees or fewer;

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

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provided they (i) own their building or (ii) lease or manage all or part of the building and have a release from the building owner to apply for financing through the program; and

(g) "priority populations" means groups that include veterans, individuals with disabilities, low-income individuals, unemployed power plant workers, previously incarcerated individuals, persons aged eighteen through twenty-four participating in work preparedness training programs, or residents of disadvantaged communities.

2. In order to stimulate the growth and adoption of a more efficient use of energy in disadvantaged communities and to promote the hiring and training of employees from disadvantaged communities and priority populations, the commission shall develop, oversee and issue guidelines to be used as part of any energy efficiency proceeding or utility program, which shall include the following elements:

(a) any job training funding administered by utilities for energy efficiency implementation shall serve individuals from priority populations, at a minimum proportional to these areas' percentage share of the total residential housing and small commercial building stock within the state;

(b) employees hired for implementation of utility energy efficiency programs shall be from priority populations, at a minimum proportional to these areas' percentage share of the total residential housing and small commercial building stock within the state, or from other disadvantaged communities within seventy-five miles of target work sites and should no qualified applicants be found in the priority population then other applicants shall be sought from outside the priority population; and

(c) require any residential and/or small business energy efficiency program funding used directly for energy efficiency measures administered by utilities shall be allocated to disadvantaged communities, proportional to these areas' percentage share of the total residential housing and small commercial building stock within the state.

§ 2. Reporting. In any calendar year that a utility is unable to meet the job training or hiring requirements outlined in paragraphs (a) and (b) of subdivision 2 of section 66-s of the public service law, as added by section one of this act, such utility shall file with the public service commission a detailed report describing the activities and efforts made to comply with such requirements, including but not limited to information about outreach conducted in disadvantaged communities and among priority populations and areas where the utility publicized job and training opportunities. The utility shall also include a draft plan for how it will work with community partners and stakeholders to build up the qualified applicant pool to comply with such requirements in the next calendar year. The plan will be subject to a sixty-day public comment period after which a final plan that incorporates the public comments will be filed with the public service commission.

§ 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 4. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.