STATE OF NEW YORK

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2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. HUNTER, LUPARDO, CLARK, BURDICK, MITAYNES, MAMDANI, KELLES, PHEFFER AMATO, FAHY, CARROLL, ANDERSON, FORREST, J. D. RIVERA, GALEF, REYES, McDONALD, GLICK, EPSTEIN, GOTTFRIED, L. ROSENTHAL, ENGLEBRIGHT, SIMON, NIOU, HEVESI, JACOBSON, ABINANTI, BURGOS, WALKER, DICKENS, COLTON, FERNANDEZ -- 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 -- recommitted to the Committee on Energy in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law and the public authorities law, in relation to establishing energy efficiency measures by the public service commission and the New York energy research and development authority

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-t to read as follows:

§ 66-t. 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;

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

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(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; 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 or trainees living in disadvantaged communities, at a minimum proportional to these areas' percentage share of the total residential housing and small commercial building stock within the state;

(b) beginning three years after the effective date of this paragraph, installers, technicians, crew leaders, construction workers and apprentices hired for implementation of utility energy efficiency programs shall be from priority populations or disadvantaged communities, 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 priority populations and disadvantaged communities within one hundred miles of target work sites; and

(c) beginning three years after the effective date of this paragraph, require that 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.

3. (a) In any calendar year that a utility is unable to meet the job training or hiring requirements pursuant to subdivision two of this section, 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 during 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 commission.

(b) The commission shall conduct a periodic performance audit ensuring that disadvantaged communities have access to the utility workforce development training, jobs, and opportunities pursuant to this section.

The commission shall publish the results of each performance audit on the commission's website.

(c) The commission shall have the authority to adjudicate complaints and conduct investigations for violation of this section in the manner provided by the provisions of this article and shall have the authority to enforce the provisions of this section in accordance with section twenty-six of this chapter.

§ 2. The public authorities law is amended by adding a new section 1885 to read as follows:

§ 1885. Efficiency requirements. 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) "environmentally beneficial electrification" means a replacement of direct fossil fuel use with electricity such that the replacement reduces overall emissions;

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

(d) "authority" means the New York state energy research and development authority;

(e) "small commercial building" means a building operated by a business or not-for-profit organization with one hundred employees or fewer, provided such business or not-for-profit organization (i) own the 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 authority;

(f) "priority population" means groups that include veterans, Native Americans, 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 equitable distribution of energy efficiency benefits, the authority may allocate funds to the non-energy related interventions in conjunction with energy interventions, including but not limited to mold, lead, and asbestos remediation pursuant to the recommendations of an integrated physical needs assessment performed by the division of housing and community renewal or other qualified agency; the authority shall further require that:

(a) any program funding for the installation of end-use energy efficiency measures administered by the authority with the goal of achieving the one hundred eighty-five trillion BTUs of end-use energy below the year two thousand twenty-five energy use forecast goal shall be allocated to disadvantaged communities at a minimum proportional to such areas' share of the state housing and small commercial building stock; and

(b) any job training program funding administered by the authority for energy efficiency implementation serve individuals from priority populations or trainees living in disadvantaged communities proportional to such areas' share of the state housing and small commercial building stock; and

(c) employees hired for implementation of authority programs for energy efficiency implementation are from disadvantaged communities propor-

tional to these areas' share of the state housing and small commercial building stock.

3. The authority shall include resource impacts, non-energy impacts, distribution impacts and economic development impacts in any cost-benefit analysis utilized in designing or implementing any energy efficiency program initiated, updated, or revised subsequent to the effective date of this section.

4. The authority shall publish on its website data on non-energy benefits (NEBs) of home and building-scale energy efficiency programming as evaluated by the authority in cost-benefit analyses.

5. The authority shall perform a geographic analysis within disadvantaged communities to map and identify where workforce opportunities and gaps exist in energy efficiency and shall work with the existing workforce development programs, union apprenticeships, community organizations and regional hubs to fund pre-apprenticeship programs and community training for energy efficiency jobs based on the findings of such analysis.

6. The authority shall measure tenant displacement rates and rent increases incurred as a result of any energy efficiency funding received under this section. The authority shall publish any findings on its website and shall recommend to the legislature any necessary actions to avoid the displacement of tenants as a result of the energy efficiency funding received pursuant to this section.

§ 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.