

# STATE OF NEW YORK

690

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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

AN ACT to amend the public authorities law, in relation to directing state agencies and public authorities to reduce their energy use, and to prepare reports of their actions and achievements relating to energy efficiency and provide such reports to the New York power authority

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

1 Section 1. Section 1005 of the public authorities law is amended by  
2 adding a new subdivision 28 to read as follows:

3 28. Energy efficiency improvements of state buildings shall be the  
4 responsibility of the state agencies and authorities. Notwithstanding  
5 any law to the contrary, all "affected state entities" ("ASEs"), which  
6 includes all agencies and departments over which the governor has execu-  
7 tive authority, and all public-benefit corporations, public authorities  
8 and commissions for which the governor appoints the chair, the chief  
9 executive or the majority of board members, except for the Port Authori-  
10 ty of New York and New Jersey, shall be responsible for collectively  
11 reducing their energy use for all state-owned and managed buildings by  
12 at least twenty percent from a baseline established as of March thirty-  
13 first, two thousand fourteen for such buildings by April first, two  
14 thousand twenty-seven ("target").

15 (a) The authority shall establish a central management and implementa-  
16 tion team ("CMIT") to oversee the ASEs and administer any programs  
17 necessary to achieve the target. The CMIT is hereby authorized to:

18 (i) take all appropriate measures to ensure that the target is met;

19 (ii) direct ASEs to comply with the requirements of this subdivision;

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

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1 (iii) create guidelines ("guidelines") to assist ASEs in complying  
2 with the requirements of this subdivision, and thereafter update such  
3 guidelines as necessary;

4 (iv) provide strategic, technical, and other assistance to each ASE to  
5 support implementation of the target;

6 (v) develop annual milestones for achieving the target over the next  
7 seven years within twelve months of the effective date of this subdivi-  
8 sion;

9 (vi) develop and implement reporting requirements to document each  
10 ASE's progress toward meeting the target;

11 (vii) develop a comprehensive operations and maintenance plan for the  
12 state's building portfolio to help achieve no cost and low cost effi-  
13 ciency improvements and ensure that efficiency savings are sustained;

14 (viii) submit an annual report to the governor by January fifteenth of  
15 each year detailing the overall progress ASEs are making toward meeting  
16 the target.

17 (b) In addition to the requirements established in this subdivision,  
18 each ASE shall comply with the following:

19 (i) For each state fiscal year, each ASE shall measure the energy use  
20 in state-owned and managed buildings having an area greater than twenty  
21 thousand square feet;

22 (ii) Buildings that receive low benchmark scores, as defined by the  
23 guidelines, shall undergo an American Society of Heating, Refrigeration,  
24 and Air-Conditioning Engineers ("ASHRAE") Level II energy audit, or any  
25 other comparable audit that the CMIT approves. In addition to energy  
26 efficiency measures, the audits shall identify opportunities for cost-  
27 effective on-site renewable generation and high-efficiency combined heat  
28 and power;

29 (iii) ASEs shall implement a cost-effective portfolio of measures  
30 identified and recommended in the audit and shall complete or make  
31 substantial progress toward completion of such measures within two years  
32 of completion of the audit. A portfolio may include, but shall not be  
33 limited to, no- and low-cost operational improvements, retro-commission-  
34 ing, capital energy efficiency retrofits, on-site renewable and high-ef-  
35 iciency combined heat and power, and other measures identified by the  
36 CMIT;

37 (iv) ASEs shall work with the CMIT to prioritize sub-metering for all  
38 relevant energy sources of buildings larger than one hundred thousand  
39 square feet on a master-metered campus to identify ways to finance such  
40 sub-metering. All buildings having an area larger than one hundred thou-  
41 sand square feet on master-metered campuses shall be sub-metered for all  
42 fuels and other energy sources by December thirty-first, two thousand  
43 twenty-three, to enable individual building benchmarking, unless the ASE  
44 that owns or operates the building can demonstrate to the CMIT that it  
45 is not cost-effective or feasible to do so;

46 (v) ASEs shall include an energy efficiency analysis in the design  
47 phase of all capital project plans. The capital project should include  
48 energy efficient measures or technologies determined to be the most  
49 cost-effective, as defined by the guidelines;

50 (vi) ASEs may receive credit towards the target for increasing energy  
51 efficiency in leased space. In addition, ASEs may receive credit towards  
52 meeting the target for installing on-site renewable generation if the  
53 host site for such renewable generation has deployed all cost-effective  
54 energy efficiency improvements consistent with the goals of this subdivi-  
55 sion. ASEs shall consult with and apply to the CMIT concerning such  
56 credits;

(vii) No later than October first of each calendar year, each ASE shall submit all information requested by the CMIT on all state-owned and managed buildings having an area over twenty thousand square feet, as well as any other information related to assessing compliance with the requirements of this subdivision. The CMIT is authorized to provide exemptions for good cause shown pursuant to criteria and procedures established in the guidelines, including exemptions associated with buildings that have obtained and maintained Energy Star or similar certification, or have benchmark scores placing such buildings in the top quartile of comparable buildings for the particular year at issue. All ASEs shall submit results for annual exemptions to the CMIT in the annual report. Electric usage attributable to vehicle charging shall not be included in the target and other requirements of this subdivision.

§ 2. This act shall take effect immediately.