

# STATE OF NEW YORK

3996--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. The public service law is amended by adding a new section  
2 66-q to read as follows:

3 § 66-q. Energy efficiency program. 1. As used in this section, the  
4 following terms shall have the following meanings:

5 (a) "economically distressed area" means an area with a poverty rate  
6 of at least twenty percent or an unemployment rate of at least one  
7 hundred twenty-five percent of the statewide unemployment rate;

8 (b) "energy efficiency" means the reduction in overall energy use,  
9 expressed as a percentage against a prior baseline of historical use, or  
10 in British thermal units (BTUs). Energy efficiency shall include envi-  
11 ronmentally beneficial electrification;

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

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

17 (e) "environmental justice communities" means an economically  
18 distressed or minority community bearing a disproportionate or inequita-  
19 ble pollution burden and includes, but is not limited to environmental  
20 justice areas identified by the department;

21 (f) "ethnic group" means the minority group members that are defined  
22 in subdivision eight of section three hundred ten of the executive law;

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

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1 (g) "minority community" means any census tract, census block or  
2 census block group that includes twenty-five percent or more of any  
3 ethnic group;

4 (h) "residential building" means a building having primary use as a  
5 domicile;

6 (i) "rural area" means all territory, population, and housing units  
7 that are not classified as an urban area, or as subsequently defined by  
8 the United States census bureau;

9 (j) "small commercial building" means a building operated by a busi-  
10 ness or not-for-profit organization with one hundred employees or fewer;  
11 provided they (i) own their building or (ii) lease or manage all or part  
12 of the building and have a release from the building owner to apply for  
13 financing through the program; and

14 (k) "urban area" means all territory, population, and housing units  
15 located in urbanized areas, which is a continuously built-up area with a  
16 population of fifty thousand or more, and in places of two thousand five  
17 hundred or more inhabitants outside of an urbanized area, or as subse-  
18 quently defined by the United States census bureau; and

19 (l) "priority populations" means groups that include veterans, Native  
20 Americans, individuals with disabilities, low-income individuals, unem-  
21 ployed power plant workers, previously incarcerated individuals, persons  
22 aged eighteen through twenty-four participating in work preparedness  
23 training programs, or residents of potential environmental justice  
24 areas.

25 2. In order to stimulate the growth and adoption of a more efficient  
26 use of energy in environmental justice communities and to promote the  
27 hiring and training of employees from environmental justice communities  
28 and priority populations, the commission shall develop, oversee and  
29 issue guidelines to be used as part of any energy efficiency proceeding  
30 or utility program, including without limitation orders issued in  
31 commission case number 18-m-0084, which shall include the following  
32 elements:

33 (a) any job training funding administered by utilities for energy  
34 efficiency implementation shall serve individuals from priority popu-  
35 lations or trainees living in environmental justice communities, at a  
36 minimum proportional to these areas' share of the state housing and  
37 small commercial building stock;

38 (b) employees hired for implementation of utility energy efficiency  
39 programs shall be from priority populations or environmental justice  
40 communities, at a minimum proportional to these areas' share of the  
41 state housing and small commercial building stock, or from other envi-  
42 ronmental justice communities within seventy-five miles of target work  
43 sites; and

44 (c) require any residential and small business energy efficiency  
45 program funding used directly for energy efficiency measures adminis-  
46 tered by utilities shall be allocated to environmental justice communi-  
47 ties, proportional to these areas' share of the state housing and small  
48 commercial building stock.

49 § 2. The energy law is amended by adding a new section 5-123 to read  
50 as follows:

51 § 5-123. New York state energy research and development authority  
52 energy efficiency requirements. 1. As used in this section, the follow-  
53 ing terms shall have the following meanings:

54 a. "economically distressed area" means an area with a poverty rate of  
55 at least twenty percent or an unemployment rate of at least one hundred  
56 twenty-five percent of the statewide unemployment rate;

1 b. "energy efficiency" means the reduction in overall energy use,  
2 expressed as a percentage against a prior baseline of historical use, or  
3 in British Thermal Units (BTUs). Energy efficiency shall include envi-  
4 ronmentally beneficial electrification;

5 c. "environmentally beneficial electrification" means a replacement of  
6 direct fossil fuel use with electricity such that the replacement  
7 reduces overall emissions;

8 d. "environmental justice communities" means an economically  
9 distressed or minority community bearing a disproportionate or inequita-  
10 ble pollution burden and includes, but is not limited to environmental  
11 justice areas identified by the department;

12 e. "ethnic group" means the minority group members that are defined  
13 in subdivision eight of section three hundred ten of the executive law;

14 f. "minority community" means any census tract, census block or census  
15 block group that includes twenty-five percent or more of any ethnic  
16 group;

17 g. "authority" means the New York state energy research and develop-  
18 ment authority;

19 h. "rural area" means all territory, population, and housing units  
20 that are not classified as an urban area, or as subsequently defined by  
21 the United States census bureau;

22 i. "small commercial building" means a building operated by a business  
23 or not-for-profit organization with one hundred employees or fewer;  
24 provided they (i) own their building or (ii) lease or manage all or part  
25 of the building and have a release from the building owner to apply for  
26 financing through the office; and

27 j. "urban area" means all territory, population, and housing units  
28 located in urbanized areas, which is a continuously built-up area with a  
29 population of fifty thousand or more, and in places of two thousand five  
30 hundred or more inhabitants outside of an urbanized area, or as subse-  
31 quently defined by the United States census bureau; and

32 k. "priority populations" means groups that include veterans, Native  
33 Americans, individuals with disabilities, low-income individuals, unem-  
34 ployed power plant workers, previously incarcerated individuals, persons  
35 aged eighteen through twenty-four participating in work preparedness  
36 training programs, or residents of potential environmental justice  
37 areas.

38 2. In order to stimulate the growth and adoption of a more efficient  
39 use of energy in environmental justice communities and to promote the  
40 equitable distribution of energy efficiency benefits by utilities and  
41 other entities in environmental justice communities, the authority:

42 a. shall require that any program funding for the installation of  
43 end-use energy efficiency measures administered by the authority with  
44 the goal of achieving the one hundred eighty-five trillion British ther-  
45 mal units of end use energy below the two thousand twenty-five energy  
46 use forecast goal shall be allocated to environmental justice communi-  
47 ties, at a minimum proportional to these areas' share of the state hous-  
48 ing and small commercial building stock;

49 b. may allocate funds to non-energy related interventions in conjunc-  
50 tion with energy interventions, including but not limited to mold, lead,  
51 and asbestos remediation pursuant to the recommendations of an inte-  
52 grated physical needs assessment performed by the division of housing  
53 and community renewal or another qualified agency;

54 c. shall require any job training program funding administered by the  
55 authority for energy efficiency implementation serve individuals from  
56 priority populations or trainees living in environmental justice commu-

1 nities, proportional to these areas' share of the state housing and  
2 small commercial building stock; and

3 d. shall require employees hired for implementation of authority  
4 programs for efficiency implementation are from environmental justice  
5 community, proportional to these areas' share of the state housing and  
6 small commercial building stock.

7 3. A cost-benefit analysis utilized in designing and implementing any  
8 energy efficiency program initiated, updated or revised subsequent to  
9 the effective date of this section, shall include and consider resource  
10 impacts, non-energy impacts, distribution impacts and economic develop-  
11 ment impacts when performing a cost-benefit analysis.

12 4. The authority shall gather and publish on its website data on non-  
13 energy benefits (NEBs) of home and building-scale energy efficiency  
14 programming as evaluated in benefit-costs analysis by the authority.

15 5. The public service commission shall have the authority to adjudi-  
16 cate complaints and conduct investigations for violation of this section  
17 in the manner provided by the provisions of this article and shall have  
18 the authority to enforce the provisions of this section in accordance  
19 with section twenty-six of the public service law.

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

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