

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, MAMDA-
NI, KELLES, PHEFFER AMATO, DE LA ROSA, FAHY, CARROLL, BARRON, ANDER-
SON, 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 Assem-
bly, do enact as follows:

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

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

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

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

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

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

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

18 (f) "small commercial building" means a building operated by a busi-
19 ness 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.

LBD05989-09-1

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

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

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

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

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

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

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

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

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