STATE OF NEW YORK

8327

2021-2022 Regular Sessions

IN ASSEMBLY

October 20, 2021

Introduced by M. of A. ENGLEBRIGHT, EPSTEIN, McDONALD, BURDICK, KELLES, GOTTFRIED, O'DONNELL, BURGOS, FAHY, GRIFFIN, ZEBROWSKI, DARLING -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing the electric landscaping equipment rebate program; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The public authorities law is amended by adding a new section 1884 to read as follows:

§ 1884. Electric landscaping equipment rebate program. 1. There is hereby created within the authority an electric landscaping equipment rebate program. The purpose of the program is to reduce greenhouse gas emissions, improve air quality, and reduce noise pollution by promoting the adoption of quieter, zero-emission landscaping equipment.

2. As used in this section:

(a) "Commercial landscaping business" shall mean a sole-proprietorship, firm, limited liability company, partnership, corporation or other business entity whose primary concern involves the care and maintenance of yards, gardens, or other outdoor landscapes for clients, including, but not limited to, lawn care, gardening, and the removal or pruning of trees or shrubs.

(b) "Institutional or commercial applicant" shall mean a commercial landscaping business, or a state agency, state authority, local authority, town, county, village, school district, private school, university, not-for-profit corporation, or other nonprofit organization.

(c) "Individual applicant" shall mean a person, who is not an institutional or commercial applicant, and who intends to use an eligible lawn care device for private home use and not for any commercial purposes.

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

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(d) "Eligible lawn care device" shall mean a battery-powered electric lawn care device that is new, has not been used or previously owned, and is purchased or leased from a storefront or online retailer. Eligible lawn care device shall not include corded electric equipment, reel mowers, or tractors used to pull other lawn care devices.

(e) "Lawn care device" shall mean any device powered mechanically, which is intended to be used or is actually used for the mowing of grass, the cutting or chipping of trees, tree roots or tree branches, or the clearing of leaves or other vegetation from lawns, sidewalks, public streets or public highways and shall include, but not be limited to, such devices as lawn mowers and lawn mower attachments, lawn edgers and trimmers, leaf blowers, leaf vacuums, mulchers, chippers, chainsaws, and pole saws, as well as batteries and chargers for such devices.

(f) "Local authority" shall have the same meaning as in subdivision two of section two of this chapter.

(g) "State agency" shall mean all state departments, boards, commissions, offices or institutions.

(h) "State authority" shall have the same meaning as in subdivision one of section two of this chapter.

3. The authority shall award rebates at the point of sale for eligible lawn care devices in amounts as determined by this section. An institutional or commercial applicant shall receive no more than fifteen thousand dollars in rebates through the electric landscaping equipment rebate program per year. An individual applicant shall receive no more than three hundred dollars in rebates through the electric landscaping equipment rebate program per year.

4. The authority shall determine the rebate eligibility of each applicant in accordance with the requirements of this section and rules promulgated by the authority. The total amount of rebates allocated to certified applicants in each fiscal year shall not exceed the amount of funds available for the program in such fiscal year. Rebates shall be allocated to applicants on a first-come, first-served basis, determined by the date the application is received, until all appropriated funds for the fiscal year are expended or the program ends, whichever comes first. The authority shall have authority to reduce eligible lawn care device rebate amounts from the amounts specified in subdivision seven of this section. Such reduction shall occur only if the authority determines that funds would otherwise be exhausted prior to the end of a fiscal year.

5. The authority shall promulgate rules and regulations to implement and administer the provisions of this section no later than one year after the effective date of this section, including rules and regulations relating to the forms required to claim a rebate under this section, the required documentation and basis for establishing eligibility for a rebate, procedures and guidelines for claiming a rebate, the collection of economic impact data from applicants, and any other requirements the authority deems necessary. The authority shall conduct education and outreach, with informational materials made available in at least English and the three most common non-English languages spoken by individuals with limited-English proficiency in the state of New York, based on United States census data, as necessary to inform potential applicants and manufacturers and retailers of eligible lawn care devices about the electric landscaping equipment rebate program.

6. The authority shall determine and publish on its website on an ongoing basis the amount of available funding for rebates remaining in each fiscal year.

7. (a) The purchaser or lessee of an eligible lawn care device may be eligible for the following rebates:

(i) an applicant who purchases or leases a new edger, trimmer, chainsaw, or pole saw may receive a rebate of up to seventy percent of the purchase price, but no more than two hundred dollars per device.

(ii) an applicant who purchases or leases a new leaf blower or leaf vacuum may receive a rebate of up to seventy percent of the purchase price, but no more than two hundred dollars per device.

(iii) an applicant who purchases or leases a new walk-behind mower may receive a rebate of up to seventy percent of the purchase price, but no more than five hundred dollars per device.

(iv) an applicant who purchases or leases a new ride-on or stand-ride mower may receive a rebate of up to seventy percent of the purchase price, but no more than five thousand dollars per device.

(v) an applicant who purchases or leases additional batteries and chargers for an eligible lawn care device may receive a rebate of one hundred percent of the purchase price for up to two batteries and one charger per eligible lawn care device purchased.

(b) The calculation of the purchase price shall not include additional costs such as taxes, fees, accessories, or delivery charges.

8. No later than two years after the effective date of this section, and annually thereafter on the first of January, the authority shall issue a report to the temporary president of the senate, the speaker of the assembly, the chair of the senate committee on energy and telecommunications and the chair of the assembly committee on energy detailing the status of the electric landscaping equipment rebate program. Such report shall include:

(a) the amount of funding dedicated by the authority for the program in the preceding year;

(b) the amount of eligible purchases for which a rebate was awarded;

(c) the amount and geographic distribution of rebates; and

(d) any other information the authority deems necessary.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed January 1, 2030.