

# 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:

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

3 § 1884. Electric landscaping equipment rebate program. 1. There is  
4 hereby created within the authority an electric landscaping equipment  
5 rebate program. The purpose of the program is to reduce greenhouse gas  
6 emissions, improve air quality, and reduce noise pollution by promoting  
7 the adoption of quieter, zero-emission landscaping equipment.

8 2. As used in this section:

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

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

19 (c) "Individual applicant" shall mean a person, who is not an institu-  
20 tional or commercial applicant, and who intends to use an eligible lawn  
21 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.

LBD13058-05-1

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

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

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

16 (g) "State agency" shall mean all state departments, boards, commis-  
17 sions, offices or institutions.

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

20 3. The authority shall award rebates at the point of sale for eligible  
21 lawn care devices in amounts as determined by this section. An institu-  
22 tional or commercial applicant shall receive no more than fifteen thou-  
23 sand dollars in rebates through the electric landscaping equipment  
24 rebate program per year. An individual applicant shall receive no more  
25 than three hundred dollars in rebates through the electric landscaping  
26 equipment rebate program per year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (d) any other information the authority deems necessary.

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