

STATE OF NEW YORK

8327--A

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, SIMON, THIELE, STECK, SEPTIMO, LUNSFORD, OTIS, GONZALEZ-ROJAS, L. ROSENTHAL -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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

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

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

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

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

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

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

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

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

1 tial applicants and manufacturers and retailers of eligible lawn care
2 devices about the electric landscaping equipment rebate program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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