

# STATE OF NEW YORK

3126--B

Cal. No. 256

2021-2022 Regular Sessions

## IN SENATE

January 27, 2021

Introduced by Sens. PARKER, BRISPORT, HINCHEY, HOYLMAN, KAMINSKY, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 Assembly, do enact as follows:

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

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

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

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

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

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

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

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

LBD05989-10-1

1 (f) "small commercial building" means a building operated by a busi-  
2 ness or not-for-profit organization with one hundred employees or fewer;  
3 provided they (i) own their building or (ii) lease or manage all or part  
4 of the building and have a release from the building owner to apply for  
5 financing through the program; and

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

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

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

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

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

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

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

1 the legislature that this act would have been enacted even if such  
2 invalid provisions had not been included herein.  
3 § 4. This act shall take effect one year after it shall have become a  
4 law. Effective immediately, the addition, amendment and/or repeal of any  
5 rule or regulation necessary for the implementation of this act on its  
6 effective date are authorized to be made and completed on or before such  
7 effective date.