

# STATE OF NEW YORK

3126--C

2021-2022 Regular Sessions

## IN SENATE

January 27, 2021

Introduced by Sens. PARKER, BIAGGI, BRISPORT, GOUNARDES, HINCHEY, HOYLMAN, JACKSON, KAMINSKY, MAY, RAMOS, SALAZAR -- 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 -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law and the public authorities law, in relation to establishing energy efficiency measures by the public service commission and the New York energy research and development authority

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

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

3 § 66-t. 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;

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

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

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

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

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

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

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

24 (a) any job training funding administered by utilities for energy  
25 efficiency implementation shall serve individuals from priority popu-  
26 lations or trainees living in disadvantaged communities, at a minimum  
27 proportional to these areas' percentage share of the total residential  
28 housing and small commercial building stock within the state;

29 (b) beginning three years after the effective date of this paragraph,  
30 installers, technicians, crew leaders, construction workers and appren-  
31 tices hired for implementation of utility energy efficiency programs  
32 shall be from priority populations or disadvantaged communities, at a  
33 minimum proportional to these areas' percentage share of the total resi-  
34 dential housing and small commercial building stock within the state, or  
35 from other priority populations and disadvantaged communities within one  
36 hundred miles of target work sites; and

37 (c) beginning three years after the effective date of this paragraph,  
38 require that any residential and/or small business energy efficiency  
39 program funding used directly for energy efficiency measures adminis-  
40 tered by utilities shall be allocated to disadvantaged communities,  
41 proportional to these areas' percentage share of the total residential  
42 housing and small commercial building stock within the state.

43 3. (a) In any calendar year that a utility is unable to meet the job  
44 training or hiring requirements pursuant to subdivision two of this  
45 section, such utility shall file with the public service commission a  
46 detailed report describing the activities and efforts made to  
47 comply with such requirements, including but not limited to information  
48 about outreach conducted in disadvantaged communities and among priori-  
49 ty populations and areas where the utility publicized job and training  
50 opportunities. The utility shall also include a draft plan for how it  
51 will work with community partners and stakeholders to build up the qual-  
52 ified applicant pool to comply with such requirements during the next  
53 calendar year. The plan will be subject to a sixty-day public  
54 comment period after which a final plan that incorporates the public  
55 comments will be filed with the commission.

1 (b) The commission shall conduct a periodic performance audit ensuring  
2 that disadvantaged communities have access to the utility workforce  
3 development training, jobs, and opportunities pursuant to this section.  
4 The commission shall publish the results of each performance audit on  
5 the commission's website.

6 (c) The commission shall have the authority to adjudicate complaints  
7 and conduct investigations for violation of this section in the manner  
8 provided by the provisions of this article and shall have the authority  
9 to enforce the provisions of this section in accordance with section  
10 twenty-six of this chapter.

11 § 2. The public authorities law is amended by adding a new section  
12 1885 to read as follows:

13 § 1885. Efficiency requirements. 1. As used in this section, the  
14 following terms shall have the following meanings:

15 (a) "energy efficiency" means the reduction in overall energy use,  
16 expressed as a percentage against a prior baseline of historical use, or  
17 in British Thermal Units (BTUs). Energy efficiency shall include envi-  
18 ronmentally beneficial electrification;

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

22 (c) "disadvantaged communities" shall have the same meaning as subdi-  
23 vision five of section 75-0101 of the environmental conservation law;

24 (d) "authority" means the New York state energy research and develop-  
25 ment authority;

26 (e) "small commercial building" means a building operated by a busi-  
27 ness or not-for-profit organization with one hundred employees or fewer,  
28 provided such business or not-for-profit organization (i) own the build-  
29 ing; or (ii) lease or manage all or part of the building and have a  
30 release from the building owner to apply for financing through the  
31 authority;

32 (f) "priority population" means groups that include veterans, Native  
33 Americans, individuals with disabilities, low-income individuals, unem-  
34 ployed power plant workers, previously incarcerated individuals, persons  
35 aged eighteen through twenty-four participating in work preparedness  
36 training programs, or residents of disadvantaged communities.

37 2. In order to stimulate the growth and adoption of a more efficient  
38 use of energy in disadvantaged communities and to promote the equitable  
39 distribution of energy efficiency benefits, the authority may allocate  
40 funds to the non-energy related interventions in conjunction with energy  
41 interventions, including but not limited to mold, lead, and asbestos  
42 remediation pursuant to the recommendations of an integrated physical  
43 needs assessment performed by the division of housing and community  
44 renewal or other qualified agency; the authority shall further require  
45 that:

46 (a) any program funding for the installation of end-use energy effi-  
47 ciency measures administered by the authority with the goal of achieving  
48 the one hundred eighty-five trillion BTUs of end-use energy below the  
49 year two thousand twenty-five energy use forecast goal shall be allo-  
50 cated to disadvantaged communities at a minimum proportional to such  
51 areas' share of the state housing and small commercial building stock;  
52 and

53 (b) any job training program funding administered by the authority  
54 for energy efficiency implementation serve individuals from priority  
55 populations or trainees living in disadvantaged communities proportional

1 to such areas' share of the state housing and small commercial building  
2 stock; and

3 (c) employees hired for implementation of authority programs for ener-  
4 gy efficiency implementation are from disadvantaged communities propor-  
5 tional to these areas' share of the state housing and small commercial  
6 building stock.

7 3. The authority shall include resource impacts, non-energy impacts,  
8 distribution impacts and economic development impacts in any cost-bene-  
9 fit analysis utilized in designing or implementing any energy efficiency  
10 program initiated, updated, or revised subsequent to the effective date  
11 of this section.

12 4. The authority shall publish on its website data on non-energy bene-  
13 fits (NEBs) of home and building-scale energy efficiency programming as  
14 evaluated by the authority in cost-benefit analyses.

15 5. The authority shall perform a geographic analysis within disadvan-  
16 taged communities to map and identify where workforce opportunities and  
17 gaps exist in energy efficiency and shall work with the existing work-  
18 force development programs, union apprenticeships, community organiza-  
19 tions and regional hubs to fund pre-apprenticeship programs and communi-  
20 ty training for energy efficiency jobs based on the findings of such  
21 analysis.

22 6. The authority shall measure tenant displacement rates and rent  
23 increases incurred as a result of any energy efficiency funding received  
24 under this section. The authority shall publish any findings on its  
25 website and shall recommend to the legislature any necessary actions to  
26 avoid the displacement of tenants as a result of the energy efficiency  
27 funding received pursuant to this section.

28 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-  
29 sion, section or part of this act shall be adjudged by any court of  
30 competent jurisdiction to be invalid, such judgment shall not affect,  
31 impair, or invalidate the remainder thereof, but shall be confined in  
32 its operation to the clause, sentence, paragraph, subdivision, section  
33 or part thereof directly involved in the controversy in which such judg-  
34 ment shall have been rendered. It is hereby declared to be the intent of  
35 the legislature that this act would have been enacted even if such  
36 invalid provisions had not been included herein.

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