

STATE OF NEW YORK

8270

2023-2024 Regular Sessions

IN ASSEMBLY

November 15, 2023

Introduced by M. of A. BURKE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, the public service law, and the real property law, in relation to requiring on-bill financing be an option for certain energy efficiency services and requiring the disclosure of on-bill financing prior to the sale of real property

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 1885 to read as follows:

3 § 1885. On-bill financing option required. Any person who offers ener-
4 gy efficiency services shall offer on-bill financing for such services.

5 § 2. Section 1851 of the public authorities law is amended by adding a
6 new subdivision 12 to read as follows:

7 12. "Energy efficiency services" means a modification to a structure
8 approved by the authority which is consistent with standards established
9 by the authority and that will increase the energy efficiency and
10 conservation of a new or existing structure, including but not limited
11 to:

12 (a) application of weatherstripping, caulking, sealant and other mate-
13 rials around doors, windows, and other areas of a building for the
14 purpose of insulating or sealing openings in the building envelope and
15 within the building to mitigate energy loss;

16 (b) testing, repairing and replacing heating or cooling systems or
17 components of such systems;

18 (c) thermostat upgrades;

19 (d) water heater repair and replacement;

20 (e) roof, chimney, fireplace and roof vent repair, insofar as such
21 repairs are determined by an energy audit to be necessary to mitigate
22 energy loss or resolve energy system related health and safety issues;

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

LBD13570-01-3

1 (f) repair and replacement of storm windows, permanent windows and
2 exterior doors;

3 (g) repair or replacement of major household appliances;

4 (h) installation of thermal solar heat or hot water systems;

5 (i) addition of insulation to exterior walls or ceilings;

6 (j) replacement of inefficient light bulbs and lighting fixtures and
7 systems;

8 (k) minor repairs that are necessary to ensure maximum efficiency from
9 the provision of energy efficiency services;

10 (l) installation of carbon monoxide detectors and indoor environmental
11 testing and mitigation deemed necessary as a result of the provision of
12 other energy efficiency services;

13 (m) fuel switching to convert an electrically-heated building to a
14 more efficient heating source provided that significant energy cost-sav-
15 ings can be demonstrated pursuant to standards established by the
16 authority;

17 (n) installation of energy technologies eligible for net energy meter-
18 ing pursuant to section sixty-six-j or sixty-six-l of the public service
19 law; and

20 (o) purchase and installation of geothermal energy systems.

21 § 3. The public service law is amended by adding a new section 54 to
22 read as follows:

23 § 54. On-bill financing option required. 1. Any person, corporation,
24 or municipality who offers energy efficiency services shall offer
25 on-bill financing for such services.

26 2. For the purposes of this section, the term "energy efficiency
27 services" means a modification to a structure approved by the department
28 which is consistent with standards established by the department and
29 that will increase the energy efficiency and conservation of a new or
30 existing structure, including but not limited to:

31 (a) application of weatherstripping, caulking, sealant and other mate-
32 rials around doors, windows, and other areas of a building for the
33 purpose of insulating or sealing openings in the building envelope and
34 within the building to mitigate energy loss;

35 (b) testing, repairing and replacing heating or cooling systems or
36 components of such systems;

37 (c) thermostat upgrades;

38 (d) water heater repair and replacement;

39 (e) roof, chimney, fireplace and roof vent repair, insofar as such
40 repairs are determined by an energy audit to be necessary to mitigate
41 energy loss or resolve energy system related health and safety issues;

42 (f) repair and replacement of storm windows, permanent windows and
43 exterior doors;

44 (g) repair or replacement of major household appliances;

45 (h) installation of thermal solar heat or hot water systems;

46 (i) addition of insulation to exterior walls or ceilings;

47 (j) replacement of inefficient light bulbs and lighting fixtures and
48 systems;

49 (k) minor repairs that are necessary to ensure maximum efficiency from
50 the provision of energy efficiency services;

51 (l) installation of carbon monoxide detectors and indoor environmental
52 testing and mitigation deemed necessary as a result of the provision of
53 other energy efficiency services;

54 (m) fuel switching to convert an electrically-heated building to a
55 more efficient heating source provided that significant energy cost-sav-

1 ings can be demonstrated pursuant to standards established by the
2 department;

3 (n) installation of energy technologies eligible for net energy meter-
4 ing pursuant to section sixty-six-j or sixty-six-l of this chapter; and
5 (o) purchase and installation of geothermal energy systems.

6 § 4. Subdivision 4 of section 242 of the real property law, as added
7 by chapter 388 of the laws of 2011, is amended to read as follows:

8 4. Disclosure prior to the sale of real property to which [~~a-green~~
9 ~~jobs-green New York~~] on-bill [~~recovery charge~~] financing applies. (a)
10 Any person, firm, company, partnership or corporation offering to sell
11 real property which is subject to a green jobs-green New York on-bill
12 recovery charge pursuant to title nine-A of article eight of the public
13 authorities law or any other on-bill financing shall provide written
14 notice to the prospective purchaser or the prospective purchaser's
15 agent, stating as follows: "This property is subject to a green jobs-
16 green New York on-bill recovery charge or another form of on-bill
17 financing". Such notice shall also state the total amount of the
18 original charge, the payment schedule and the approximate remaining
19 balance, a description of the energy efficiency services performed,
20 including improvements to the property, [~~and~~] an explanation of the
21 benefit of the [~~green jobs-green New York qualified~~] energy efficiency
22 services, and whether such on-bill financing will continue after the
23 sale is complete or if the seller will pay off any remaining balance.
24 Such notice shall be provided by the seller prior to accepting a
25 purchase offer.

26 (b) Any prospective or actual purchaser who has suffered a loss due to
27 a violation of this subdivision is entitled to recover any actual
28 damages incurred from the person offering to sell or selling said real
29 property.

30 § 5. This act shall take effect on the first of January next succeed-
31 ing the date on which it shall have become a law. Effective immediately,
32 the addition, amendment and/or repeal of any rule or regulation neces-
33 sary for the implementation of this act on its effective date are
34 authorized to be made and completed on or before such effective date.