STATE OF NEW YORK

9745

IN ASSEMBLY

April 3, 2024

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Housing

AN ACT to amend the public housing law, in relation to enacting the "New York state green new deal for public housing act"

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

Section 1. This act shall be known and may be cited as the "New York state green new deal for public housing act".

§ 2. The public housing law is amended by adding a new article 16 to read as follows:

ARTICLE 16

GREEN NEW DEAL FOR PUBLIC HOUSING

Section 650. Legislative findings.
651. Definitions.
652. Market analysis and planning.

§ 650. Legislative findings. The legislature finds and declares that:

1. The state of New York has an obligation to reduce its environmental footprint, as the climate leadership and community protection act (CLCPA) of two thousand nineteen establishes certain emission reduction limits as well as additional directives to address climate change, including but not limited to the limiting of statewide greenhouse gas emissions to sixty percent of one thousand nine hundred ninety levels by two thousand thirty and fifteen percent of one thousand nine hundred ninety levels by two thousand fifty, and achieving net-zero greenhouse gas emissions across the state of New York's economy.

2. With buildings emissions making up more than thirty percent of all emissions in New York state shall upgrade and equip all public housing with cutting-edge materials, infrastructure, and all-electric appliances made in the United States in order to improve energy efficiency, water quality, and material living standards in public housing and to support manufacturing in New York state.

3. New York state and other governing bodies have used economies of scale to lower prices of needed products across various industries and to promote the creation of markets that did not exist prior to govern-

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

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ment spending, in order to spur innovation of new technologies, and improve the local economy.

4. The biggest cost drivers for building operations in New York state are also those components that lead to extensive greenhouse gas emissions, and as a result, it is in the state's interest to protect and promote its affordable housing, while taking advantage of the scale of components needed while concurrently lowering greenhouse gas emissions and costs of operating buildings.

5. Deep energy retrofits, efficient materials in new construction, and procurement practices that take advantage of scale and energy efficient products contribute to the efficient use of resources and environmental sustainability.

6. Bulk procurement for projects to be completed by public housing authorities and rental assistance demonstration (RAD) partners for energy-efficient appliances, construction materials, and mechanical system components which shall enhance cost-effectiveness and innovation in New York.

§ 651. Definitions. The following terms, whenever used or referred to in this article, shall have the following meaning:

1. "Relevant state agencies" shall include, but not be limited to, the New York state energy research and development authority, the New York state division of housing and community renewal, the department of environmental conservation and other relevant entities as determined by the commissioner of public housing.

2. "RAD" shall mean rental assistance demonstration programs provided by the United States department of housing and urban development pursuant to 42 U.S.C. § 1437f and 42 U.S.C. § 1437p.

3. "Public housing agency" shall have the same meaning as the term "public housing agency" as defined by the U.S. Housing act, 42 U.S.C. 1437a(b)(6).

§ 652. Market analysis and planning. 1. The department of public housing, in cooperation with relevant state agencies and RAD program partners, and other experts in architecture and engineering as determined by the commissioner, shall conduct a study regarding the following subject matter, including, but not limited to:

(a) identifying gaps in the current market for energy-efficient appliances, construction materials, pre-fabricated components, processes and mechanical system components for use in public housing and RAD renovations, including but not limited to heating and cooling systems, ventilation, domestic hot water and control systems, electrical components, general conditions and sitework, concrete, masonry, metals, woods, glass and plastics, furnishings, elevator systems, safety and security systems, interior finishes, solar photovoltaic technology, lights, other appliances and the components of a facade to include walls, windows, roof, doors, storefront, and other openings. Such list shall also include materials such as cross-laminated timber, nail-laminated timber, dowel-laminated timber, glue-laminated timber, some types of structural composite lumber and other types of mass timber products that decrease construction time and emissions in public housing and RAD projects;

(b) ascertaining which costs in construction and operations are most extreme for various housing typologies in New York state, with specific attention to public housing and RAD developments, and ensuring that technologies meet international passive house standards, which include:

(i) the space heating energy demand, and cooling demand for warmer climates, shall not exceed fifteen kilowatt hours per square meter of

net living space treated floor area per year or ten watts per square meter peak demand, with an additional allowance for dehumidification in climates where active cooling is needed;

(ii) the total energy to be used for all domestic applications, including but not limited to, heating, hot water and domestic electricity, shall not exceed sixty kilowatt hours per square meter of treated floor area per year for a passive house;

(iii) a maximum of 0.6 air changes per hour at fifty pascals pressure, as verified with an onsite pressure test, in both pressurized and depressurized states, in terms of air tightness;

(iv) thermal comfort shall be met for all living areas during winter and summer, with not more than ten percent of the hours in a given year over twenty-five degrees celsius;

(c) developing a standardized list of energy-efficient appliances, construction materials, pre-fabricated components, processes and mechanical system components for use in public housing and RAD renovations, including but not limited to heating and cooling systems, ventilation, domestic hot water control systems, electrical components, general conditions and sitework, concrete, masonry, metals, woods, glass and plastics, furnishings, elevator systems, safety and security systems, interior finishes, solar photovoltaic technology, lights, other appliances and the components of a facade to include walls, windows, roof, doors, storefront, and other openings. Such list shall also include materials such as cross-laminated timber, nail-laminated timber, dowel-laminated timber, glue-laminated timber, some types of structural composite lumber and other types of mass timber products which shall encourage good architectural design that yields maximal environmental performance and reduction in carbon footprints, both embodied and operational, emphasizing products that are difficult to access due to costs and specific market-based issues;

(d) developing a list of missing products, materials, and components that are not available in the existing market, and that could offer reductions in public housing and carbon footprints, both embodied and operational;

(e) developing a plan for the issuance of requests for proposals for the supply of items on the list under paragraph (c) of this subdivision by relevant state agencies, with the purpose of encouraging investment and innovation by securing one-time or long-term contracts with winners of the requests for proposals, and where the purchase could offer reductions in public housing and RAD building carbon footprints, both embodied and operational;

(f) developing a plan for the procurement of products on the list under paragraph (c) of this subdivision by relevant state agencies, with the purpose of achieving cost advantages through bulk buying of materials through large one-time or long-term contracts, to be used for RAD and public housing developments; and

(g) developing a plan for the issuance of requests for proposals for the supply of items on the list under paragraph (c) of this subdivision by relevant state agencies, with the purpose of encouraging investment and innovation by securing one-time or long-term contracts with winners of the requests for proposals, and where the purchase could offer reductions in public housing and RAD building carbon footprints, both embodied and operational.

2. The commissioner shall publish the results of the study within one year of the effective date of this section and shall publish the plans developed pursuant to paragraphs (e), (f) and (g) of subdivision one of

this section within one hundred days of publishing such study. All relevant agencies shall immediately take steps to plan and implement purchases, requests for proposals, and the needed contracts and administrative actions necessary to reach the goals outlined in this section, provided that such steps do not exceed the appropriation provided to such relevant agency.

3. The commissioner shall submit a biennial report to the temporary president of the senate and the speaker of the assembly on the progress, impact and cost-effectiveness of the green procurement practices implemented pursuant to this section.

§ 3. This act shall take effect immediately.