STATE OF NEW YORK

3187

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public authorities law, in relation to directing state agencies and public authorities to reduce their energy use, and to prepare reports of their actions and achievements relating to energy efficiency and provide such reports to the New York power authority

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

Section 1. Section 1005 of the public authorities law is amended by adding a new subdivision 30 to read as follows:

30. Energy efficiency improvements of state buildings shall be the responsibility of the state agencies and authorities. Notwithstanding any law to the contrary, all "affected state entities" ("ASEs"), which includes all agencies and departments over which the governor has executive authority, and all public-benefit corporations, public authorities and commissions for which the governor appoints the chair, the chief executive or the majority of board members, except for the Port Authority of New York and New Jersey, shall be responsible for collectively reducing their energy use for all state-owned and managed buildings by at least twenty percent from a baseline established as of March thirty-first, two thousand sixteen for such buildings by April first, two thousand twenty-nine ("target").

(a) The authority shall establish a central management and implementation team ("CMIT") to oversee the ASEs and administer any programs necessary to achieve the target. The CMIT is hereby authorized to:

(i) take all appropriate measures to ensure that the target is met;

(ii) direct ASEs to comply with the requirements of this subdivision;

(iii) create guidelines ("guidelines") to assist ASEs in complying with the requirements of this subdivision, and thereafter update such guidelines as necessary;

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

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(iv) provide strategic, technical, and other assistance to each ASE to support implementation of the target;

(v) develop annual milestones for achieving the target over the next seven years within twelve months of the effective date of this subdivision;

(vi) develop and implement reporting requirements to document each ASE's progress toward meeting the target;

(vii) develop a comprehensive operations and maintenance plan for the state's building portfolio to help achieve no cost and low cost efficiency improvements and ensure that efficiency savings are sustained;

(viii) submit an annual report to the governor by January fifteenth of each year detailing the overall progress ASEs are making toward meeting the target.

(b) In addition to the requirements established in this subdivision, each ASE shall comply with the following:

(i) For each state fiscal year, each ASE shall measure the energy use in state-owned and managed buildings having an area greater than twenty thousand square feet;

(ii) Buildings that receive low benchmark scores, as defined by the guidelines, shall undergo an American Society of Heating, Refrigeration, and Air-Conditioning Engineers ("ASHRAE") Level II energy audit, or any other comparable audit that the CMIT approves. In addition to energy efficiency measures, the audits shall identify opportunities for cost-effective on-site renewable generation and high-efficiency combined heat and power;

(iii) ASEs shall implement a cost-effective portfolio of measures identified and recommended in the audit and shall complete or make substantial progress toward completion of such measures within two years of completion of the audit. A portfolio may include, but shall not be limited to, no- and low-cost operational improvements, retro-commissioning, capital energy efficiency retrofits, on-site renewable and high-efficiency combined heat and power, and other measures identified by the CMIT;

(iv) ASEs shall work with the CMIT to prioritize sub-metering for all relevant energy sources of buildings larger than one hundred thousand square feet on a master-metered campus to identify ways to finance such sub-metering. All buildings having an area larger than one hundred thousand square feet on master-metered campuses shall be sub-metered for all fuels and other energy sources by December thirty-first, two thousand twenty-five, to enable individual building benchmarking, unless the ASE that owns or operates the building can demonstrate to the CMIT that it is not cost-effective or feasible to do so;

(v) ASEs shall include an energy efficiency analysis in the design phase of all capital project plans. The capital project should include energy efficient measures or technologies determined to be the most cost-effective, as defined by the guidelines;

(vi) ASEs may receive credit towards the target for increasing energy efficiency in leased space. In addition, ASEs may receive credit towards meeting the target for installing on-site renewable generation if the host site for such renewable generation has deployed all cost-effective energy efficiency improvements consistent with the goals of this subdivision. ASEs shall consult with and apply to the CMIT concerning such credits;

(vii) No later than October first of each calendar year, each ASE shall submit all information requested by the CMIT on all state-owned and managed buildings having an area over twenty thousand square feet, as well as any other information related to assessing compliance with the requirements of this subdivision. The CMIT is authorized to provide exemptions for good cause shown pursuant to criteria and procedures established in the guidelines, including exemptions associated with buildings that have obtained and maintained Energy Star or similar certification, or have benchmark scores placing such buildings in the top quartile of comparable buildings for the particular year at issue. All ASEs shall submit results for annual exemptions to the CMIT in the annual report. Electric usage attributable to vehicle charging shall not be included in the target and other requirements of this subdivision.

§ 2. This act shall take effect immediately.