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:

Section 1. The public authorities law is amended by adding a new section 1885 to read as follows:

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

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

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

(a) application of weatherstripping, caulking, sealant and other materials around doors, windows, and other areas of a building for the purpose of insulating or sealing openings in the building envelope and within the building to mitigate energy loss;

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

(c) thermostat upgrades;

(d) water heater repair and replacement;

(e) roof, chimney, fireplace and roof vent repair, insofar as such repairs are determined by an energy audit to be necessary to mitigate 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.

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(f) repair and replacement of storm windows, permanent windows and exterior doors;
(g) repair or replacement of major household appliances;
(h) installation of thermal solar heat or hot water systems;
(i) addition of insulation to exterior walls or ceilings;
(j) replacement of inefficient light bulbs and lighting fixtures and systems;
(k) minor repairs that are necessary to ensure maximum efficiency from the provision of energy efficiency services;
(l) installation of carbon monoxide detectors and indoor environmental testing and mitigation deemed necessary as a result of the provision of other energy efficiency services;
(m) fuel switching to convert an electrically-heated building to a more efficient heating source provided that significant energy cost-savings can be demonstrated pursuant to standards established by the authority;
(n) installation of energy technologies eligible for net energy metering pursuant to section sixty-six-j or sixty-six-l of the public service law; and
(o) purchase and installation of geothermal energy systems.

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

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

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

(a) application of weatherstripping, caulking, sealant and other materials around doors, windows, and other areas of a building for the purpose of insulating or sealing openings in the building envelope and within the building to mitigate energy loss;
(b) testing, repairing and replacing heating or cooling systems or components of such systems;
(c) thermostat upgrades;
(d) water heater repair and replacement;
(e) roof, chimney, fireplace and roof vent repair, insofar as such repairs are determined by an energy audit to be necessary to mitigate energy loss or resolve energy system related health and safety issues;
(f) repair and replacement of storm windows, permanent windows and exterior doors;
(g) repair or replacement of major household appliances;
(h) installation of thermal solar heat or hot water systems;
(i) addition of insulation to exterior walls or ceilings;
(j) replacement of inefficient light bulbs and lighting fixtures and systems;
(k) minor repairs that are necessary to ensure maximum efficiency from the provision of energy efficiency services;
(l) installation of carbon monoxide detectors and indoor environmental testing and mitigation deemed necessary as a result of the provision of other energy efficiency services;
(m) fuel switching to convert an electrically-heated building to a more efficient heating source provided that significant energy cost-sav-

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

(n) installation of energy technologies eligible for net energy metering pursuant to section sixty-six-j or sixty-six-l of this chapter; and

(o) purchase and installation of geothermal energy systems.

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

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

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

§ 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.