

STATE OF NEW YORK

8575

IN SENATE

February 15, 2024

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

AN ACT to amend the public service law, in relation to enacting the "home utility weatherization jobs act"

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

- 1 Section 1. Short title. This act shall be known and may be cited as
2 the "home utility weatherization jobs act".
3 § 2. Legislative findings and intent. The legislature finds and
4 declares that:
5 (a) The Climate Leadership and Community Protection Act (CLCPA)
6 requires significant reductions in greenhouse gas emissions, including a
7 40% reduction in statewide greenhouse gas emissions by 2030 and an 85%
8 reduction in statewide greenhouse gas emissions by 2050;
9 (b) The Climate Action Council Final Scoping Plan (Plan) deems it
10 essential that buildings make significant investments in energy effi-
11 ciency, and the Plan's integration analysis demonstrates that widespread
12 improvements to building envelope will reduce energy demand from the
13 building sector by 30% to 50% by 2050;
14 (c) Energy efficiency is and will continue to be a key and necessary
15 component of achieving the CLCPA's greenhouse gas emissions targets and
16 has proven to be one of the most cost-effective strategies available;
17 (d) Weatherization efforts that prioritize a whole-building approach
18 to reducing energy needs, such as through building envelope enhance-
19 ments, are an effective way to reduce greenhouse gas emissions while at
20 the same time facilitating further emissions reduction measures such as
21 full electrification or hybrid heating systems by reducing heating load;
22 (e) Improving the integrity of the building envelope through upgrades
23 or retrofits may result in deep energy savings;
24 (f) While existing energy efficiency programs administered by the New
25 York state energy research and development authority are available for
26 low- to moderate-income (LMI) customers, there are some gaps in cover-
27 age, including LMI tenants who do not live in buildings covered by

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

LBD14492-02-4

1 existing LMI programs, individuals who do not qualify as LMI customers,
2 rental properties, and where existing programs do not remove or mitigate
3 up-front financial burdens for customers;

4 (g) Weatherization efforts can provide significant benefits to disad-
5 vantaged and other communities through the reduction of energy usage and
6 decreases in greenhouse gas emissions;

7 (h) Weatherization and energy efficiency projects can promote strong
8 economic development and good jobs for local residents, including resi-
9 dents in disadvantaged communities;

10 (i) Utilities' access to capital and to a trusted workforce able to
11 effectively execute projects, and experience with implementing energy
12 efficiency programs specifically, positions them well to develop and
13 implement programs to weatherize residential buildings; and

14 (j) It is therefore the intent of the legislature to remove legal
15 barriers to utility development of weatherization programs and require
16 the public service commission to authorize utilities to immediately
17 commence piloting the development and implementation of targeted utility
18 weatherization programs to further the goals of the CLCPA.

19 § 3. The public service law is amended by adding a new section 66-x to
20 read as follows:

21 § 66-x. Energy efficiency weatherization improvements. 1. As used in
22 this section:

23 (a) "building envelope" means the assemblies, components and materials
24 of a building that form the thermal barrier between the interior space
25 of the building and the exterior environment, including but not limited
26 to walls, floors, roofing, foundation, windows and doors;

27 (b) "weatherization improvement project" means a project implemented
28 by a gas corporation, electric corporation or combination gas and elec-
29 tric corporation that is intended to improve the integrity of a building
30 envelope, including but not limited to locating and sealing air leaks,
31 increasing insulation, and weatherstripping windows and doors; and

32 (c) "weatherization program" means a program developed by a gas corpo-
33 ration, electric corporation or combination gas and electric corporation
34 for the purpose of implementing weatherization improvement projects.

35 2. The commission shall initiate a proceeding within three months of
36 the effective date of this section to support the development of weath-
37 erization programs for the purpose of meeting the greenhouse gas emis-
38 sions and equity goals of the Climate Leadership and Community
39 Protection Act (CLCPA).

40 3. Within six months of the effective date of this section, each gas
41 corporation, electric corporation, or combination gas and electric
42 corporation shall submit to the commission for review and approval a
43 pilot weatherization program plan. The weatherization program plan shall
44 include, but not be limited to, the following: (a) the buildings and
45 customers eligible for the proposed program, which shall include a
46 description of how the proposed program fills existing gaps related to
47 low- to moderate-income (LMI) customers and other customers, prioritiz-
48 ing homes built before nineteen hundred eighty and located in disadvan-
49 tagged communities as identified by the climate justice working group;
50 (b) a description of the weatherization improvement projects to be
51 included in the proposed program; (c) whether the weatherization
52 improvement projects will be completed by internal labor, contracted
53 resources, or both; (d) a description of job training or workforce
54 development efforts necessary to implement the proposed plan; (e)
55 proposed total annual costs of the program; (f) projected annual green-
56 house gas emissions reductions resulting from the proposed program; and

1 (g) the projected savings on pipeline and other equipment repair or
2 replacement from the reduction in usage. In developing weatherization
3 program plans, a gas corporation, electric corporation, or combination
4 electric and gas corporation shall coordinate with other utility partic-
5 ipants and the New York state energy research and development authority.

6 4. Within one year of the effective date of this section, the commis-
7 sion shall determine whether it is in the public interest to approve or
8 modify such weatherization program plans and shall issue an order
9 directing each gas, electric, or combination gas and electric corpo-
10 ration to implement such weatherization programs. In determining whether
11 a weatherization program is in the public interest, the commission shall
12 consider whether the program: (a) facilitates energy reliability for
13 customers; (b) supports the state's achievement of the greenhouse gas
14 emissions reduction goals of the CLCPA; and (c) promotes job training
15 and workforce development.

16 5. The commission shall authorize each gas corporation, electric
17 corporation or combination gas and electric corporation to fully recover
18 in the context of rate or other duly authorized proceedings the costs
19 associated with each such corporation's weatherization program. Each gas
20 corporation, electric corporation or combination gas and electric corpo-
21 ration shall defer any unrecovered expenses associated with an approved
22 or modified weatherization program as a regulatory asset pending a
23 subsequent rate or other duly authorized proceeding. All unrecovered
24 expense balances shall accrue carrying charges at such corporation's
25 pre-tax approved rate of return.

26 6. Each gas, electric, or combination gas and electric corporation
27 shall report to the commission, on a quarterly basis, and until
28 completion of the weatherization programs as determined by the commis-
29 sion, the status of each weatherization program. The commission shall
30 post and make publicly available such reports on its website. The report
31 shall include, but not be limited to: (a) projects completed pursuant to
32 the program; (b) barriers to implementation, if any; (c) costs of the
33 program; (d) number of jobs retained, created or enhanced by the
34 program; and (e) any other such information the commission deems to be
35 in the public interest.

36 7. Any weatherization program approved or modified under this section
37 shall demonstrate that the gas corporation, electric corporation, or
38 combination gas and electric corporation has entered into a labor peace
39 agreement with a bona fide labor organization of jurisdiction that is
40 actively engaged in representing gas and electric corporation employees.
41 The labor peace agreement shall apply to the employees necessary for the
42 implementation of the weatherization program. The labor peace agreement
43 shall be an ongoing material condition of authorization to implement
44 such program.

45 § 4. This act shall take effect immediately.