

STATE OF NEW YORK

8575--A

Cal. No. 1213

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 -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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1 low- to moderate-income (LMI) customers, there are some gaps in cover-
2 age, including LMI tenants who do not live in buildings covered by
3 existing LMI programs, individuals who do not qualify as LMI customers,
4 rental properties, and where existing programs do not remove or mitigate
5 up-front financial burdens for customers;

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

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

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

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

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

23 § 66-x. Energy efficiency weatherization improvements. 1. As used in
24 this section:

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

29 (b) "weatherization improvement project" means a project implemented
30 by a gas corporation, electric corporation or combination gas and elec-
31 tric corporation to improve the integrity of a building envelope or a
32 series of contiguous building envelopes, including but not limited to
33 locating and sealing air leaks, increasing insulation, weatherstripping
34 windows and doors and moisture control such as installing attic vents;

35 (c) "weatherization pilot program" means a program developed by a gas
36 corporation, electric corporation or combination gas and electric corpo-
37 ration for the purpose of implementing weatherization improvement
38 projects in targeted pilot areas, for a series of contiguous properties
39 which shall generally be no less than two hundred feet in the aggregate.
40 To the extent possible, the program shall be developed in coordination
41 with a utility non-pipe alternative project, including a thermal energy
42 network project, and shall leverage all local, state, and federal fund-
43 ing available;

44 (d) "targeted pilot areas" means the specific geographic regions
45 selected for the implementation of the weatherization pilot program.
46 Targeted pilot areas shall include:

47 (i) single-family homes and multi-family buildings built before nine-
48 teen hundred eighty located within disadvantaged communities as identi-
49 fied by the climate justice working group; and

50 (ii) a mix of urban, suburban, and rural regions.

51 Each dwelling in the targeted pilot area shall be eligible for the
52 weatherization pilot program;

53 (e) "energy audit" means a review of a series of contiguous dwellings
54 for the purpose of building a weatherization strategy which includes,
55 but is not limited to, sealing air leaks, examining insulation, inspect-
56 ing all furnaces and ductwork, and upgrading heating and cooling

1 systems. Documentation of denial of access to a dwelling to complete the
2 review shall qualify as completion for purposes of this section; and
3 (f) "project labor agreement" shall mean a pre-hire collective
4 bargaining agreement between a gas corporation, electric corporation,
5 combination of gas and electric corporation or a third party on behalf
6 of such corporation or corporations, and a bona fide building and
7 construction trade labor organization establishing the labor organiza-
8 tion as the collective bargaining representative for all persons who
9 will perform work on a public work project, and which provides that only
10 contractors and subcontractors who sign a pre-negotiated agreement with
11 the labor organization can perform project work. All contractors and
12 subcontractors associated with this work shall be required to utilize an
13 apprenticeship agreement as defined in article twenty-three of the labor
14 law.

15 2. The commission shall initiate a proceeding within three months of
16 the effective date of this section to support the development of weath-
17 erization pilot programs for the purpose of meeting the greenhouse gas
18 emissions and equity goals of the Climate Leadership and Community
19 Protection Act (CLCPA).

20 3. Within six months of the effective date of this section, each gas
21 corporation, electric corporation, or combination gas and electric
22 corporation shall submit to the commission for review and approval a
23 weatherization pilot program plan. The weatherization pilot program
24 plans shall be made publicly available on the commission's website and
25 be subject to a public comment period of no less than sixty days. All
26 plans submitted to the commission shall include, but not be limited to,
27 the following: (a) the buildings and customers eligible for the proposed
28 program, which shall include a description of how the proposed program
29 fills existing gaps related to low- to moderate-income (LMI) customers
30 and other customers in targeted pilot areas; (b) a description of the
31 weatherization improvement projects to be included in the proposed
32 program; (c) a staffing plan identifying the workforce and specific work
33 to be performed; (d) maps of the locations of these projects, which
34 should target contiguous properties over entire street blocks; (e) a
35 description of job training or workforce development efforts necessary
36 to implement the proposed plan; (f) proposed total annual costs of the
37 program; (g) projected annual greenhouse gas emissions reductions
38 resulting from the proposed program; and (h) the projected savings on
39 pipeline and other equipment repair or replacement from the reduction in
40 usage. In developing weatherization pilot program plans, a gas corpo-
41 ration, electric corporation, or combination electric and gas corpo-
42 ration shall coordinate with other utility participants and the New York
43 state energy research and development authority.

44 4. Within one year of the effective date of this section, the commis-
45 sion shall determine whether it is in the public interest to approve or
46 modify such weatherization pilot program plans and shall issue an order
47 directing each gas, electric, or combination gas and electric corpo-
48 ration to implement such weatherization pilot programs. In determining
49 whether a weatherization pilot program is in the public interest, the
50 commission shall consider whether the program: (a) facilitates energy
51 reliability and reduces energy costs for customers in targeted pilot
52 areas; (b) supports the state's achievement of the greenhouse gas emis-
53 sions reduction goals of the CLCPA; and (c) promotes job training and
54 workforce development.

1 5. The gas corporation, electric corporation, or combination gas and
2 electric corporation shall collect data to inform strategies for the
3 weatherization pilot program. Such data shall include:

4 (a) for every eligible housing unit: (i) if applicable, the number of
5 vacant units in a building and reason for vacancy; and (ii) whether an
6 energy audit was agreed to (possible answers include: yes, no: owner
7 refused, no: tenant refused, no: owner could not be reached, no: tenant
8 could not be reached, and no: other).

9 (b) for housing units that have undergone energy audits: (i) age,
10 type, and estimated retirement date of heating source or heating system;
11 (ii) any deferred maintenance, including, but not limited to: roof
12 repairs, vermiculite in attic, knob-and-tube wiring, mold in attic,
13 water in basement, asbestos tape in basement, and asbestos shingles; and
14 (iii) the results of the energy audit. Such data shall be anonymized
15 and aggregated by zip code and be made available on such gas corpo-
16 ration, electric corporation, or combination gas and electric corpo-
17 ration's website.

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

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

38 8. Any weatherization pilot program approved or modified under this
39 section shall require that energy audits are conducted by employees of
40 the gas corporation, electric corporation, or combination gas and elec-
41 tric corporation represented by a bona fide labor organization of juris-
42 isdiction that is actively engaged in representing the gas corporation,
43 electric corporation, and combination gas and electric corporation
44 employees. The use of contractors is prohibited except as necessary for
45 training or implementation of the program.

46 9. Every weatherization improvement project shall be subject to a
47 project labor agreement.

48 § 4. This act shall take effect immediately.