

STATE OF NEW YORK

9096

IN SENATE

February 3, 2026

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to establishing the office of energy and equity; and to amend the state finance law and the public authorities law, in relation to establishing the energy affordability fund

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

1 Section 1. The executive law is amended by adding a new section 94-e
2 to read as follows:

3 § 94-e. Office of energy and equity. 1. Legislative intent. The
4 legislature hereby finds and declares that access to affordable energy
5 is essential to the health, safety, and economic well-being of the resi-
6 dents of the state of New York. Excessive household energy costs impose
7 a disproportionate burden on low- and moderate-income households,
8 seniors, persons with disabilities, and residents of disadvantaged
9 communities, increasing the risk of utility arrearages, service termi-
10 nations, housing instability, and adverse health outcomes.

11 The legislature further finds that the state administers multiple
12 energy affordability, bill assistance, energy efficiency, and weatheri-
13 zation programs through various agencies and public authorities. The
14 administration of such programs is fragmented, resulting in administra-
15 tive barriers, inconsistent eligibility determinations, limited coordi-
16 nation, and gaps in participation. As a result, many eligible households
17 do not receive the full scope of energy affordability assistance for
18 which they qualify, and statewide energy burdens remain unacceptably
19 high.

20 The legislature further finds that improving energy affordability is a
21 matter of statewide concern and is integral to advancing economic equi-
22 ty, consumer protection, housing stability, and environmental justice. A
23 coordinated, transparent, and data-driven approach is necessary to
24 ensure that energy affordability programs are effective, equitable, and
25 accessible. Accordingly, the legislature finds that it is necessary to
26 establish an Office of Energy and Equity within the department of state

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

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1 to: coordinate and streamline the administration of energy affordabili-
2 ty programs; maximize the support available to eligible households;
3 reduce administrative and structural barriers to access; collect and
4 report data regarding program participation and outcomes; and provide
5 policy recommendations to improve the effectiveness, equity, and acces-
6 sibility of such programs.

7 2. Definitions. For purposes of this section, the following terms
8 shall have the following meanings:

9 (a) "energy affordability program" means any program administered by
10 the state that is intended to reduce a household's energy burden,
11 including but not limited to any programs that provide utility bill
12 assistance, improve energy efficiency, or support weatherization, pre-e-
13 lectrification, or electrification.

14 (b) "energy burden" means the percentage of household income spent on
15 electricity, natural gas, or other forms of home energy.

16 3. Office for energy and equity. There is hereby created within the
17 department of state the office of energy and equity. The purpose of the
18 office shall be to ensure equitable access to all energy affordability
19 initiatives available in the state, streamline the administration of
20 such initiatives, and maximize energy affordability support for eligible
21 households.

22 4. Organization of the office of energy and equity. (a) The secretary
23 shall appoint an executive director of the office to accomplish the
24 responsibilities set forth in this section. Such executive director
25 shall receive an annual salary within amounts appropriated and shall
26 serve at the pleasure of the secretary.

27 (b) The secretary shall have the power to establish, consolidate,
28 reorganize, or abolish any organizational units within the office as the
29 secretary determines to be necessary for efficient operation thereof.
30 The secretary shall assign functions to any such unit and may appoint
31 staff, agents, and consultants, prescribe their duties, and fix their
32 compensation within amounts appropriated.

33 5. Powers and duties of the office of energy and equity. The office
34 of energy and equity shall have the power and responsibility to:

35 (a) coordinate and streamline the administration of energy affordabil-
36 ity programs across state agencies, authorities, and offices to reduce
37 administrative barriers and improve household access to energy afforda-
38 bility programs;

39 (b) evaluate whether eligible households are receiving the full range
40 of available energy affordability programs for which they qualify and
41 identify opportunities to maximize the effectiveness and reach of such
42 support;

43 (c) promote transparency, accountability, and effectiveness in the
44 design, administration, and delivery of energy affordability programs;

45 (d) collect, analyze, audit, and publicly report on data related to
46 the administration, participation, and outcomes of energy affordability
47 programs;

48 (e) intervene or participate in any proceeding that impacts energy
49 affordability before any state agency, authority, or office;

50 (f) request and receive from any state or local authority, agency,
51 department, or division of the state or political subdivision such
52 assistance, personnel, information, books, records, other documentation
53 and cooperation necessary to perform their duties; and

54 (g) enter into cooperative agreements with other government offices to
55 efficiently carry out their work.

1 6. Reports. On July first, two thousand twenty-seven and annually
2 thereafter, the state office of energy and equity shall issue a report
3 to the governor and the legislature, and make such report available to
4 the public free of charge on a publicly available website, containing,
5 but not limited to, the following information:

6 (a) The most recent statewide five-year average energy burden of
7 households, as reported by the U.S. Census Bureau, and/or by other
8 publicly available, comparable sources;

9 (b) The estimated number of, and equivalent energy burdens for, house-
10 holds with incomes:

11 (i) less than but at or above sixty percent of the state median
12 income;

13 (ii) less than sixty percent of the state median income but at or
14 above the federal poverty level; and

15 (iii) less than the federal poverty level;

16 (c) An inventory of all energy affordability programs administered by
17 each state agency, authority, or office, including but not limited to:

18 (i) the purpose, eligibility criteria, benefit structure, and the
19 entity responsible for administration of the program;

20 (ii) the most recent calendar year statewide number of residential
21 utility customers enrolled in any energy affordability program, summa-
22 rized by type of program;

23 (iii) information regarding the use of funds, including, to the extent
24 practicable, the total funds collected, allocated, and expended for each
25 energy affordability program and the financial impact of such programs
26 on residential households; and

27 (iv) identified barriers to participation in energy affordability
28 programs;

29 (d) The most recent calendar year statewide total of residential util-
30 ity service terminations;

31 (e) Equivalent data as reported in paragraphs (a) through (d) of this
32 subdivision, aggregated as practicable by energy utility service area,
33 state economic region, county, disadvantaged community or other
34 geographic or political subdivision; and

35 (f) Policy recommendations and suggested statutory or regulatory
36 amendments that the office deems necessary to improve the effectiveness,
37 equity, and accessibility of energy affordability programs.

38 § 2. The state finance law is amended by adding a new section 99-uu to
39 read as follows:

40 § 99-uu. Energy affordability fund. 1. There is hereby established in
41 the joint custody of the commissioner of taxation and finance and the
42 state comptroller a special fund to be known as the "energy affordabili-
43 ty fund".

44 2. The energy affordability fund shall consist of moneys received by
45 the state pursuant to subdivision twenty-seven of section eighteen
46 hundred fifty-four of the public authorities law and all other moneys
47 appropriated, credited, or transferred thereto from any other fund or
48 source pursuant to law.

49 3. Moneys of the fund shall be expended to support and promote energy
50 affordability programs administered by any state agency, authority, or
51 office, for the following purposes:

52 (a) to provide funding, on a priority basis, for the low-income home
53 energy assistance program, as referenced in section ninety-seven of the
54 social services law, in circumstances when federal funding is unavail-
55 able or insufficient to operate the program;

1 (b) to reduce the energy burdens of households statewide whose annual
2 energy burdens are greater than six percent of their income; and

3 (c) to enable the continuity or restoration of service for residential
4 utility customers whose service is at risk of termination for non-pay-
5 ment, or who have had their service terminated for non-payment.

6 4. Moneys in the energy affordability fund shall be kept separate from
7 and shall not be commingled with any other moneys in the custody of the
8 comptroller or the commissioner of taxation and finance. Provided,
9 however, that any moneys of the fund not required for immediate use may,
10 at the discretion of the comptroller, and in consultation with the
11 director of the division of the budget, be invested by the comptroller
12 in obligations of the United States or the state. The proceeds of any
13 such investment shall be retained by the fund as assets to be used for
14 purposes of the fund.

15 5. Monies shall be payable from the fund on the audit and warrant of
16 the comptroller on vouchers approved and certified by the executive
17 director of the office of energy and equity.

18 § 3. Section 1854 of the public authorities law is amended by adding a
19 new subdivision 27 to read as follows:

20 27. Beginning in the state fiscal year two thousand twenty-six--two
21 thousand twenty-seven, the authority is authorized, as deemed feasible
22 and advisable by the trustees, to make available an amount up to five
23 hundred million dollars annually to the office of energy and equity to
24 fund programs established or implemented by or within the office of
25 energy and equity.

26 § 4. This act shall take effect on the first of April next succeeding
27 the date on which it shall have become a law.