

Title 9-A Green Jobs-Green New York Program

Revised and Updated as of January 1, 2018

§ 1890. Short title

This title shall be known and may be cited as the “green jobs-green New York act of 2009”.

§ 1891. Definitions

As used in this section, the following terms shall have the following meanings:

1. “Applicant” means a person who owns, leases or manages a structure and who has the authority to contract for the provision of qualified energy efficiency services to such structure.

2. “Authority” shall have the same meaning as in subdivision two of section eighteen hundred fifty-one of this article.

3. “Constituency-based organization” means an organization incorporated for the purpose of providing services or other assistance to economically or socially disadvantaged persons within a specified community, and which is supported by, or whose actions are directed by, members of the community in which it operates.

4. “Distribution utility” means any gas or electric corporation providing gas or electricity to end use consumers that is a public utility company, including a municipality, or a public utility authority organized pursuant to article five of this chapter.

5. “Eligible project” means qualified energy efficiency services for a non-residential structure, a residential structure or a multi-family structure. An eligible project shall not be considered (a) a major capital improvement pursuant to subparagraph (g) of paragraph one of subdivision g of section 26-405 of the administrative code of the city of New York, subparagraph (k) of paragraph one of subdivision g of section 26-405 of the administrative code of the city of New York, paragraph six of subdivision c of section 26-511 of the administrative code of the city of New York, paragraph three of subdivision d of section six of section four of chapter five hundred seventy-six of the laws of nineteen hundred seventy-four, and the second undesignated paragraph of paragraph (a) of subdivision four of section four of chapter two hundred seventy-four of the laws of nineteen hundred forty-six; or (b) an individual apartment improvement pursuant to subparagraph (e)

of paragraph one of subdivision (g) of section 26-405 of the administrative code of the city of New York, paragraph thirteen of subdivision c of section 26-511 of the administrative code of the city of New York, paragraph one of subdivision d of section six of section four of chapter five hundred seventy-six of the laws of nineteen hundred seventy-four, and clause five of the second undesignated paragraph of paragraph (a) of subdivision four of section four of chapter two hundred seventy-four of the laws of nineteen hundred forty-six.

6. “Energy audit” means a formal evaluation of a building’s energy consumption for the purpose of identifying methods to improve energy efficiency and conserve energy, including associated health and safety issues, conducted pursuant to standards established by the authority.

7. “Green jobs-green New York revolving loan fund” or “revolving loan fund” means the green jobs-green New York revolving loan fund created by subdivision one of section eighteen hundred ninety-six of this title.

8. “Multi-family structure” means a multi-unit residential building with five or more dwelling units.

9. “Non-residential structure” means a building that is used or occupied by a small business or a not-for-profit corporation.

10. “Not-for-profit corporation” means a corporation defined in subdivision five of paragraph (a) of section one hundred two of the not-for-profit corporation law.

11. “Program” means the green jobs-green New York energy conservation and community sustainability program created by this title.

12. “Qualified energy efficiency services” means a modification to a structure, based on recommendations contained in an energy audit performed under the program created under section eighteen hundred ninety-two of this title or as otherwise approved by the authority, which is consistent with standards established by the authority, that will increase the energy efficiency and conservation of an 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 qualified 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 qualified 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.

13. "Residential structure" means a residential building that has four or fewer dwelling units.

14. “Small business” shall have the same meaning as in section one hundred thirty-one of the economic development law.

15. “Structure” means (a) a non-residential structure, (b) a residential structure, and (c) a multi-family structure.

§ 1892. Purpose

There is hereby created a green jobs-green New York program. The purpose of the program is to:

1. promote energy efficiency, energy conservation and the installation of clean energy technologies;
2. reduce energy consumption and energy costs;
3. reduce greenhouse gas emissions;
4. support sustainable community development;
5. create green job opportunities, including opportunities for new entrants into the state’s workforce, the long-term unemployed and displaced workers; and
6. use innovative financing mechanisms to finance energy efficiency improvements through energy cost savings.

§ 1893. Administration by the authority

Within six months of the effective date of this title, the authority is hereby authorized and directed to establish and administer the green jobs-green New York program. The authority shall implement the program in consultation with the division of housing and community renewal, the department of labor, the office of temporary and disability assistance, the department of public service, the power authority of the state of New York, the Long Island power authority, the department of economic development and the department of environmental conservation. The authority is authorized and directed to:

1. use monies made available for the program pursuant to section eighteen hundred ninety-nine-a of this title to achieve the purposes of the program;
2. enter into contracts with constituency-based organizations and other entities through the competitive grants process authorized by this title;
3. enter into contracts with one or more program implementers to perform such functions as the authority deems appropriate; and
4. exercise such other powers as are necessary for the proper administration of the program.

§ 1894. Competitive grants for outreach, enrollment and related services

1. The authority shall issue one or more program opportunity notices or requests for proposals to solicit applications from partnerships or consortia comprised of constituency-based organizations which can connect community members to the program, including facilitating awareness of the program and enrollment, and (a) distribution utilities, (b) contractors that have signed enforceable agreements to meet standards set by the authority, including standards for local hiring and pre-apprenticeship and apprenticeship and other labor-management training program participation, (c) workforce development organizations that will recruit unemployed individuals, and provide training and job placement in conjunction with contractors pursuant to section eighteen hundred ninety-seven of this title; and/or (d) organized trades and their certification or apprenticeship programs. The authority shall specifically solicit applications that propose to demonstrate the feasibility of innovative financing mechanisms, including but not limited to applications undertaken in partnership with distribution utilities that propose to demonstrate the feasibility of on-bill financing. The public service commission and other appropriate agencies are authorized to coordinate with the authority and applicants in developing and implementing proposed demonstrations of innovative financing mechanisms.

2. In awarding grants, the authority shall:

(a) target communities in areas where energy costs are particularly high in relation to a measure of median household income as determined by the authority; or which have been designated as a nonattainment area for one or more pollutants pursuant to section 107 of the federal Clean Air Act (42 U.S.C. section 4207);

(b) give preference in awards to applicants that include significant participation by minority and women owned business enterprises and/or to applications to serve economically distressed communities;

(c) ensure that the awards as a whole reflect the geographic diversity of the state; and

(d) award a sufficient number of grants to make it possible to fully commit the resources allocated during the initial phase of the program.

3.

(a) The authority is authorized to consult with the department of public service, the division of housing and community renewal, the department of labor and the department of environmental conservation, as appropriate, in making any determinations contemplated by this section.

(b) The authority shall consult with representatives of businesses who provide home heating oil, propane and other petroleum-based heating products to develop innovative financing mechanisms for energy efficiency retrofits.

(c) The authority shall consult with the division of housing and community renewal and the council established pursuant to section eighteen hundred ninety-eight of this title to develop strategies to mitigate any adverse economic impact of the program on tenants, including but not limited to residents of in rent-regulated housing or recipients of housing subsidies.

4. Any organization using funding provided under the program for marketing or other outreach activities shall not commingle such marketing or outreach activities with any other advocacy or policy promotion efforts.

§ 1895. Energy audits

1. The program shall make available to applicants who would be eligible to apply for financial assistance under this section energy audits performed by certified auditors or auditors using commonly-employed energy auditing tools and technologies, as determined appropriate by the authority. The authority shall be authorized to dedicate an appropriate portion of program funds allocated for the funding of energy audits pursuant to section eighteen hundred ninety-nine-a of this

title to non-residential properties that are occupied or used by a small business or not-for-profit corporation with ten or fewer employees.

2. The authority shall establish standards for energy audits based on building type and other relevant considerations.

3. The authority shall establish a schedule of fees for energy audits based on the type and nature of the energy audit and other relevant considerations. The schedule shall include a sliding scale which provides that audit fees shall be waived for residential applicants whose demonstrated income is less than two times the median county household income, and the full fees shall be paid by applicants whose median county household income is not less than four times the median county household income. Applicants whose demonstrated incomes fall between these levels shall pay a pro rata percentage of the audit fees. The authority may provide for discounted fees for small businesses or not-for-profit corporations with ten or fewer employees.

§ 1896. Green jobs-green New York revolving loan fund

1.

(a) There is hereby created a green jobs-green New York revolving loan fund. The revolving loan fund shall consist of:

(i) all moneys made available for the purpose of the revolving loan fund pursuant to section eighteen hundred ninety-nine-a of this title;

(ii) payments of principal and interest, including any late payment charges, made pursuant to loan or financing agreements entered into with the authority or its designee pursuant to this section; and

(iii) any interest earned by the investment of moneys in the revolving loan fund.

(b) The revolving loan fund shall consist of two accounts:

(i) one account which shall be maintained for monies to be made available to provide loans to finance the cost of approved qualified energy efficiency services for residential structures and multi-family structures, and

(ii) one account which shall be maintained for monies made available to provide loans to finance the cost of approved qualified energy efficiency services for non-residential structures. The initial balance of the residential account established in subparagraph (i) of this paragraph shall represent at least fifty percent of the total balance of the two accounts. The authority shall not commingle the monies of the revolving loan fund with any other monies of the authority or held by the authority, nor shall the authority commingle the monies between accounts. Payments of principal, interest and fees shall be deposited into the account created and maintained for the appropriate type of eligible project.

(c) In administering such program, the authority is authorized and directed to:

(i) use monies made available for the revolving loan fund to achieve the purposes of this section by section eighteen hundred ninety-nine-a of this title, including but not limited to making loans available for eligible projects;

(ii) enter into contracts with one or more program implementers to perform such functions as the authority deems appropriate;

(iii) establish an on-bill recovery mechanism for repayment of loans for the performance of qualified energy efficiency services for eligible projects provided that such on-bill recovery mechanism shall provide for the utilization of any on-bill recovery programs established pursuant to section sixty-six-m of the public service law and section one thousand twenty-hh of this chapter;

(iv) establish standards for customer participation in such on-bill recovery mechanism, including standards for reliable utility bill payment, current good standing on any mortgage obligations, and such additional standards as the authority deems necessary; provided that in order to provide broad access to on-bill recovery, the authority shall, to the fullest extent practicable, consider alternative measures of creditworthiness that are prudent in order to include participation by customers who are less likely to have access to traditional sources of financing;

(v) to the extent feasible, make available on a pro rata basis, based on the number of electric customers within the utility service territory, to combination electric and gas corporations that offer on-bill recovery pursuant to section sixty-six-m of the public service law and the Long Island power authority, up to five hundred thousand dollars to defray costs

directly associated with changing or upgrading billing systems to accommodate on-bill recovery charges;

(vi) within thirty days of closing of a loan to a customer, pay a fee of one hundred dollars per loan to the combination electric and gas corporation in whose service territory such customer is located or to the Long Island power authority if such customer is located in the service territory of that authority to help defray the costs that are directly associated with implementing the program;

(vii) within thirty days of closing of a loan to a customer, pay a servicing fee of one percent of the loan amount to the combination electric and gas corporation in whose service territory such customer is located or to the Long Island power authority if such customer is located in the service territory of that authority to help defray the costs that are directly associated with the program; and

(viii) exercise such other powers as are necessary for the proper administration of the program, including at the discretion of the authority, entering into agreements with applicants and with such state or federal agencies as necessary to directly receive rebates and grants available for eligible projects and apply such funds to repayment of applicant loan obligations.

2.

(a) The authority shall provide financial assistance in the form of loans for the performance of qualified energy efficiency services for eligible projects on terms and conditions established by the authority.

(b) Loans made by the authority pursuant to this section shall be subject to the following limitations:

(i) eligible projects shall meet cost effectiveness standards developed by the authority;

(ii) loans shall not exceed thirteen thousand dollars per applicant for approved qualified energy efficiency services for residential structures, and twenty-six thousand dollars per applicant for approved qualified energy efficiency services for non-residential structures, provided, however, that the authority may permit a loan in excess of such amounts if the total

cost of energy efficiency measures financed by such loan will achieve a payback period of fifteen years or less, but in no event shall any such loan exceed twenty-five thousand dollars per applicant for residential structures and fifty thousand dollars per applicant for non-residential structures; and for multi-family structures loans shall be in amounts determined by the authority, provided, however, that the authority shall assure that a significant number of residential structures are included in the program;

(iii) no fees or penalties shall be charged or collected for prepayment of any such loan; and

(iv) loans shall be at interest rates determined by the authority to be no higher than necessary to make the provision of the qualified energy efficiency services feasible.

In determining whether to make a loan, and the amount of any loan that is made, the authority is authorized to consider whether the applicant or borrower has received, or is eligible to receive, financial assistance and other incentives from any other source for the qualified energy efficiency services which would be the subject of the loan. In determining whether a loan will achieve a payback period of fifteen years or less pursuant to subparagraph (ii) of this paragraph, the authority may consider the amount of the loan to be reduced by the amount of any rebates for qualified energy efficiency services received by the applicant or by the authority on behalf of an applicant.

(c) Applications for financial assistance pursuant to this section shall be reviewed and evaluated by the authority or its designee pursuant to eligibility and qualification requirements and criteria established by the authority. The authority shall establish standards for (i) qualified energy efficiency services, and (ii) measurement and verification of energy savings. Such standards shall meet or exceed the standards used by the authority for similar programs in existence on the effective date of this section.

(d) The amount of a fee paid for an energy audit provided under section eighteen hundred ninety-five of this title may be added to the amount of a loan that is made under this section to finance the cost of an eligible project conducted in response to such energy audit. In such a case, the amount of the fee may be reimbursed from the fund to the borrower.

(e) In establishing an on-bill recovery mechanism:

(i) the cost-effectiveness of an eligible project shall be evaluated solely on the basis of the costs and projected savings to the applying customer, using standard engineering

assessments and prior billing data and usage patterns; provided however that based upon the most recent customer data available, on an annualized basis, the monthly on-bill repayment amount for a package of measures shall not exceed one-twelfth of the savings projected to result from the installation of the measures provided further that nothing herein shall be construed to prohibit or prevent customers whose primary heating energy source is from deliverable fuels from participating in the program;

(ii) the authority shall establish a process for receipt and resolution of customer complaints concerning on-bill recovery charges and for addressing delays and defaults in customer payments; and

(iii) the authority may limit the availability of lighting measures or household appliances that are not permanently affixed to real property.

(f) Prior to or at the closing of each loan made pursuant to this section, the authority shall cause a notice to be provided to each customer receiving such loan stating, in clear and conspicuous terms:

(i) the financial and legal obligations and risks of accepting such loan responsibilities, including the obligation to provide or consent to the customer's utility providing the authority information on the sources and quantities of energy used in the customer's premises and any improvements or modifications to the premises, use of the premises or energy consuming appliances or equipment of any type that may significantly affect energy usage;

(ii) that the on-bill recovery charge will be billed by such customer utility company and that failure to pay such on-bill recovery charge may result in the customer having his or her electricity and/or gas terminated for non-payment, provided that such utility company follows the requirements of article two of the public service law with respect to residential customers;

(iii) that incurring such loan to undertake energy-efficiency projects may not result in lower monthly energy costs over time, based on additional factors that contribute to monthly energy costs;

(iv) that the program is operated by the authority and it is the sole responsibility of the authority to handle consumer inquiries and complaints related to the operation and

lending associated with the program, provided further that the authority shall provide a mechanism to receive such consumer inquiries and complaints.

(g) Any person entering into a loan agreement pursuant to this section shall have the right to cancel any such loan agreement until midnight of the fifth business day following the day on which such person signs such agreement provided the loan proceeds have not yet been disbursed.

3. The authority shall evaluate the cost-effectiveness of the on-bill recovery mechanism on an on-going basis. (a) In conducting such evaluation, the authority shall request each customer to provide:

(i) information on energy usage and/or permission to collect information on energy usage from utilities and other retail vendors, including but not limited to information required to be furnished to consumers under article seventeen of the energy law;

(ii) information on other sources of energy used in the customer's premises; and

(iii) information on any improvements or modifications to the premises that may significantly affect energy usage.

(b) At a minimum the authority shall collect and maintain information for dates prior to the performance of qualified energy efficiency services, to establish a baseline, and for dates covering a subsequent time period to measure the effectiveness of such measures. Such data shall be correlated with information from the energy audit and any other relevant information, including information on local weather conditions, and shall be used to evaluate the on-bill recovery program and to improve the accuracy of projections of cost-effectiveness on an on-going basis. An analysis of such data shall be included in the annual report prepared pursuant to section eighteen hundred ninety-nine of this title.

(c) All information collected by the authority shall be confidential and shall be used exclusively for the purposes of this subdivision.

4. Qualified energy efficiency services that have been paid for in whole or in part with the proceeds of a loan under this title shall be considered a special energy project pursuant to section eighteen hundred fifty-one of this article.

5.

(a) For each loan issued for qualified energy efficiency services that is to be repaid through an on-bill recovery mechanism, the New York state energy research and development authority shall record, pursuant to article nine of the real property law, in the office of the appropriate recording officer, a declaration with respect to the property improved by such services of the existence of the loan and stating the total amount of the loan, the term of the loan, and that the loan is being repaid through a charge on an electric or gas meter associated with the property. The declaration shall further state that it is being filed pursuant to this section and, unless fully satisfied prior to sale or transfer of the property, the loan repayment utility meter charge shall survive changes in ownership, tenancy, or meter account responsibility and, until fully satisfied, shall constitute the obligation of the person responsible for the meter account. Such declaration shall not constitute a mortgage and shall not create any security interest or lien on the property. Upon satisfaction of the loan, the authority shall file a declaration of repayment pursuant to article nine of the real property law.

(b) The recording officer shall record such declarations in the same book, provided under section three hundred fifteen of the real property law, in which such recording officer records deeds.

§ 1897. Training services

1. The authority, in consultation with the department of labor, shall enter into contracts with constituency-based organizations, workforce development organizations, labor organizations, and other training-related organizations, for the purpose of supporting the “green jobs-green New York program” with employment and training services. Such contracts shall provide for (a) training of individuals to participate in outreach and marketing activities, perform energy audits and provide qualified energy efficiency services and (b) provision of job placement services to such individuals. To the extent permitted by statute, regulation or federal grant a preference shall be given for training and placement of women, minorities, low-income individuals and populations with barriers to employment.

2. Training services authorized pursuant to this subdivision shall include, as appropriate, but not be limited to:

- (a) incremental occupational training to unemployed workers with good work histories;
- (b) work-readiness and entry-level technical training to individuals with weak work histories;

- (c) apprenticeship qualifying, apprenticeship and labor-management certification training;
- (d) training that is designed to lead to certification in energy auditing and energy performance contracting;
- (e) skills upgrading for incumbent workers, including workers performing weatherization activities under division of housing and community renewal programs;
- (f) work support, where appropriate and to the extent that funding is available, to individuals who obtain employment through the “green jobs-green New York program” created by this title, to assist such individuals to retain employment and continue to upgrade their skills.

3. For quality assurance purposes, organizations providing training services pursuant to this section shall possess certifications and accreditations deemed appropriate by the authority, in consultation with the department of labor.

4. The authority, in cooperation with the department of labor, shall facilitate coordination between constituency-based organizations, workforce development organizations, labor organizations and auditing and energy performance services contractors to provide job opportunities for individuals participating in training programs and receiving placement services pursuant to this section.

5. The authority, in cooperation with the department of labor, shall:

- (a) encourage local workforce investment boards created pursuant to the federal workforce investment act of 1998 (Public Laws 105-220) to make available training and job placement services authorized pursuant to this subdivision within each local workforce investment area:

- (b) access training services available through the department of labor; and

- (c) apply for available federal funding for appropriate training services pursuant to the provisions of the american recovery and reinvestment act of 2009 (Public Laws 111-5) and any other applicable federal law.

6. The department of labor shall coordinate with the authority in implementing this section.

7. The authority shall prescribe conditions for training that will include identifiable standards for all education and training activities authorized under this section, and will designate a certificate

to be issued to any trainee that successfully meets such standards and completes the required education and training.

§ 1898. Advisory council

1. The authority shall establish a green jobs-green New York advisory council to advise the authority on the creation and implementation of the program. The council shall consist of:

(a) the president of the authority; the secretary of state; the commissioner of housing and community renewal; the commissioner of labor; the commissioner of temporary and disability assistance; the chair of the department of public service; the president of the power authority of the state of New York; the president of the Long Island power authority; the commissioner of economic development; the commissioner of environmental conservation; or the designees of such persons; and

(b) representatives of constituency-based community groups; consumer advocates on utility and housing issues; community-based workforce development groups; unions, including building trades and property services; home performance contractors; large-scale construction contractors; and investment market experts.

2. The president of the authority shall serve as the chair of the council.

§ 1899. Annual reporting

No later than October first, two thousand ten and October first of each year thereafter, the president of the authority shall issue an annual report to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly concerning the authority's activities related to the green jobs-green New York program created pursuant to this title. Such report shall include, but not be limited to the following information:

1. The status of the authority's activities and outcomes related to section eighteen hundred ninety-five of this title. Such report shall include, but not be limited to:

(a) the number and type of energy audits performed pursuant to section eighteen hundred ninety-five of this title;

(b) any other contracts entered into relating to the program; and

(c) any recommendations for program improvements;

2. The status of the authority's activities and outcomes related to section eighteen hundred ninety-four of this title. Such report shall include, but not be limited to:

(a) contracts entered into pursuant to section eighteen hundred ninety-four of this title;

(b) the geographical area or areas served by each entity;

(c) the amount of the grants disbursed to each entity;

(d) any other contracts entered into relating to the program; and

(e) any recommendations for program improvements;

3. The status of the authority's activities and outcomes related to section eighteen hundred ninety-six of this title. Such report shall include, but not be limited to:

(a) the number of persons who have applied for and received financial assistance through the revolving loan fund;

(b) the revolving loan fund account balances;

(c) the number of loans in default;

(d) the amount and nature of the costs incurred by the authority for the activities described in paragraph (c) of subdivision one of section eighteen hundred ninety-six of this title;

(e) the authority's activities and outcomes related to establishing an on-bill recovery mechanism, including the number of persons who have applied for and who have received financial assistance that utilizes on-bill recovery and the results of the evaluation program performed pursuant to subdivision three of section eighteen hundred ninety-six of this title;

(f) the amount expended by the authority in support of the program and the purposes for which such funds have been expended;

(g) the number of customers participating in the program, separately stating the number of residential and non-residential customers and the amounts financed;

(h) the number of program participants who are in arrears in their utility accounts for electric and/or gas service;

(i) the number of program participants who are in arrears in their on-bill recovery charge payments;

(j) the number of program participants whose utility service has been terminated for non-payment;

(k) a description of the geographic distribution of loans made;

(l) an estimate of the energy savings resulting from this program;

(m) an estimate of the average project cost; and

(n) in consultation with the department of labor, an estimate of the number of jobs created under the program.

4. The status of the authority's activities and outcomes related to solicitation of applications to demonstrate the feasibility of innovative financing mechanisms as described in subdivision one of section eighteen hundred ninety-four of this title;

5. The status of the authority's activities and outcomes related to section eighteen hundred ninety-seven of this title. Such report shall include, but not be limited to:

(a) the number of individuals receiving training services;

(b) the type of training services provided to such individuals;

(c) the identity of organizations providing training services;

(d) the amount of funds awarded to each such organization; and

(e) the number of individuals placed in full-time employment; and

6. The overall effectiveness, progress and outcomes by the authority related to the green-jobs green[green jobs-green]* New York program. Such report shall include but not be limited to:

(a) key findings by the authority;

(b) to the extent possible a calculation of the energy savings achieved; and

(c) any recommendations for program improvements and expansion of the program.

§ 1899-a. Funds, administration and evaluation and coordination

1. The authority is authorized to accept, as agent of the state, any gift, grant, devise or bequest, whether conditional or unconditional, including but not limited to federal grants, and to use monies made available for the program from any public or private source, for the purpose of implementing the components of the program as set forth in section eighteen hundred ninety-three through section eighteen hundred ninety-nine of this title, inclusive.

2. The authority shall be entitled to recover from the monies made available for the program its own necessary and documented costs incurred in administering the program and evaluating the effectiveness of the program; provided, however, the sum that may be recovered for the authority's administrative costs shall not exceed seven percent of the monies made available for the program, and the sum that may be recovered for the authority's evaluation costs shall not exceed five percent of the monies made available for the program.