Consumer Protection Plan

NYSERDA Home Energy Rebate Programs

Home Electrification and Appliance Rebates (HEAR)

October 18, 2024

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Acronyms and Abbreviations

AIA American Institute of Architects

AC Air Conditioner

AMI Area Median Income

AEE Association of Energy Engineers

ASHRAE American Society of Heating, Refrigeration, and Air Conditioning Engineers

BA-P BPI Building Analyst Professional

BPI Building Performance Institute

CAZ Combustion Appliance Zone

CEM Certified Energy Manager

CO Carbon Monoxide

COI Certificate of Insurance

DHW Domestic Hot Water

DOE Department of Energy

HEAR Home Electrification and Appliance Rebate Program – IRA Section 50122

HER Home Efficiency Rebates - IRA Section 50121

HERS Home Energy Rating System

HVAC Heating, Ventilation, and Air Conditioning

IRA Inflation Reduction Act

LEED Leadership in Energy and Environmental Design

MAP Minimum Advertised Price

MSRP Manufacturer Suggested Retail Price

NATE North American Technician Excellence

NORA National Oilheat Research Alliance

NREL National Renewable Energy Laboratory

NYHEP New York Home Energy Portal

NYS New York State

NYSERDA New York State Energy Research and Development Authority

QA Quality Assurance

QC Quality Control

SMI State Median Income

SQA Standards and Quality Assurance

Program Entities

Below is a description of the entities and program participants.

**U.S. Department of Energy (DOE):** Federal government agency that administers the Inflation Reduction Act Home Energy Rebate Programs; Federal grantor.

**Implementation Contractor:** The organizations that work under contract with NYSERDA to provide administrative and support functions such as project approvals, technical support, loan origination, loan servicing, reporting, invoicing, and installation verification.

**NYSERDA:** The New York State Energy Research and Development Authority (NYSERDA) works to promote energy efficiency, renewable energy, and emissions reduction across New York’s economy and energy system. NYSERDA has responsibility for the administration and oversight of many programs including EmPower+.

**Participating Contractor / Qualified Contractor:** Independent contractors qualified and approved by NYSERDA to offer energy assessments, installations, program incentives, and/or financing. They contract with the customer to complete specified measures.

**Program Staff:** Staff from the various entities responsible for administering the program.

**Quality Assurance Contractor/Inspector:** Service provider under contract with NYSERDA responsible for inspection services. These inspection services are fully separate and independent from the Program Implementer.

**Recruitment Consultant:** NYSERDA will procure a Retailer and Contractor Recruitment Consultant to conduct outreach to, enroll, manage, and provide technical assistance to eligible entities.

Summary

The New York State Energy Research and Development Authority (NYSERDA) has a comprehensive Consumer Protection Plan for its Home Energy Rebate Programs, designed to ensure customer satisfaction and address any concerns related to the services offered. This plan outlines a multipronged approach, including a robust customer feedback and contact information system, a detailed customer concern resolution process, and a structured qualification process for contractors. NYSERDA is committed to a process of continuous improvement and will review the Consumer Protection Plan annually or more frequently, if appropriate, based on lessons learned.

Updates to the plan will be available on NYSERDA’s website with a summary table of the major material changes being listed at the beginning of this document. Notification of the revised plan will be sent via email to the NYSERDA’s stakeholder mailing list, which reaches Participating Contractors, program partners, community hubs, the Department of Energy, and other stakeholders who have signed up for notifications.

This plan covers the EmPower+ program, and Appliance Upgrade Program. To contact a representative of the relative program regarding this plan or for supplemental information, email [info.residential@nyserda.ny.gov](mailto:info.residential@nyserda.ny.gov) or call 1-866-NYSERDA (1-866-697-3732).

Key Features:

* **Participating Contractors and Qualification Process:** NYSERDA currently maintains a network of more than 240 approved Participating Contractors across NYS working with EmPower+, ensuring they meet specific certifications and program requirements. Additional Participating Contractors will be added to support the implementation of the Inflation Reduction Act (IRA) Home Energy Rebate offers. Participating Contractors are independent contractors approved by NYSERDA to offer energy assessments, installations, program incentives, and/or financing. Participating Contractors must agree to and sign a Participation Agreement, which establishes the terms and conditions under which NYSERDA-qualified Participating Contractors may offer program incentives and/or financing to qualified customers in New York State. This Participating Contractor qualification process includes requirements for oversight of subcontractors and emphasizes the importance of maintaining up-to-date certification documentation and complying with program standards.
* **Customer Feedback:** NYSERDA employs a dedicated system to handle customer questions, concerns, and complaints that is accessible via email and a toll-free number. The resolution process involves multiple stages, including initial review and assignment, contractor communication, and escalation procedures for unresolved issues. This system ensures that all customer concerns are addressed promptly and effectively, with a focus on Quality Control (QC) and contractor accountability.
* **Operational** **Process**: A series of practices to provide checks and balances as projects proceed through the workflow from audit to payment.
* **Consumer Satisfaction Surveys:** Conducted quarterly for all completed projects, these surveys gather feedback on various aspects of the program, from the application process to the quality of work and benefits experienced post-project. This feedback is crucial for continuous improvement.
* **Customer Concern Resolution Process:** A thorough feedback process, consisting of several stages from initial concern to mediation and, if necessary, escalation. This process is designed to foster communication between customers and contractors, with NYSERDA facilitating to ensure satisfactory resolution of issues. Tactics include written warnings, mediation efforts, and potential disciplinary actions against contractors failing to address concerns adequately.
* **Project Issues Resolution Process:** A defined process is in place for addressing any non-compliance issues identified during quality assurance inspections. This includes corrective measures for any problems found and a structured approach for contractors to demonstrate compliance.
* **Continuous Improvement:** NYSERDA is committed to preventing fraud, waste, and abuse within its programs. Included are mechanisms for price review, project workflow automation, and Quality Assurance (QA) procedures to ensure the highest standards are maintained.

This Consumer Protection Plan demonstrates NYSERDA's commitment to ensuring high-quality service delivery, contractor accountability, and customer satisfaction. Through detailed processes for feedback, resolution, and continuous improvement, NYSERDA aims to uphold the integrity of its programs and ensure that consumer interests are protected and prioritized.

NYSERDA’s Programs Overview

The New York State Energy Research and Development Authority (NYSERDA) has established several programs to provide energy efficiency and clean energy solutions to income-eligible households. These programs help homeowners and tenants reduce energy usage and costs, improve home comfort, address related health and safety concerns, and protect the environment through a range of energy-saving measures.

The IRA Home Electrification and Appliance Rebates (HEAR) program aims to improve home energy efficiency and offset greenhouse gas emissions through financial incentives. NYSERDA will leverage existing programs, workflows, systems, and contractor networks to implement HEAR funding.

NYSERDA has existing established teams, programs, systems, and processes serving the 1–4-unit buildings sector, and customers purchasing eligible products through a retailer.

For the 1–4-unit building low-income sector, NYSERDA will leverage the existing EmPower+ program to accelerate rebate deployment to customers. Using existing program workflows, systems, and Participating Contractor networks will allow New York State to rapidly deploy HEAR rebates to customers and extend the reach of available federal funding for consumer rebates by cost-sharing our administrative and program implementation costs with other funding sources.

Similarly, NYSERDA will establish a new Appliance Upgrade Program channel to provide HEAR rebates for certain purchases through participating retail establishments.

# EmPower+

## Overview

EmPower+ is a program established by the New York State Energy Research and Development Authority (NYSERDA) to provide energy efficiency and clean energy solutions to income-eligible households. The program helps homeowners and renters reduce energy use and costs, improve home comfort, address related health and safety concerns, and protect the environment through a range of energy-saving measures. Through EmPower+, income-eligible owners of existing 1–4 family households can receive a no-cost comprehensive home energy assessment to pinpoint where energy and dollars are being wasted and receive a customized plan to lower energy usage.

NYSERDA will leverage its existing EmPower+ program to enable the deployment of the Home Energy Rebate programs authorized by the Inflation Reduction Act (IRA) of 2022. The Home Energy Rebate programs will be incorporated into the existing EmPower+ program, thereby leveraging existing program workflows, systems, and contractor networks. This will allow New York State to deploy HEAR rebates to income-eligible households and extend the reach of available federal funding for consumer rebates by cost-sharing the administrative and program implementation costs with other funding sources.

The EmPower+ program will continue to serve income-eligible households below 80 percent of the State’s Area Median Income (AMI).

Under its existing EmPower+ program, NYSERDA defines low-income households as those with a combined income less than or equal to 60 percent of the State’s Median Income (SMI). These households can receive:

* No-cost home energy assessments.
* No-cost measures were installed at the time of the home energy assessment.
* For single-family owner/rental properties, the project funding cap is $10,000 per project.
  + Such properties are also eligible for a rebate of up to $14,000 through HEAR funding.
* For 1–4-family rental units, project funding caps are based on $10,000 for the initial unit and $5,000 for each additional income-eligible unit.
  + Each unit is also eligible for a rebate of up to $14,000 through HEAR funding.

Under its existing EmPower+ program, NYSERDA defines moderate-income households as those with combined income less than or equal to 80 percent of the AMI. Moderate-income households can receive:

* No-cost comprehensive home energy assessments.
* No-cost measures were installed at the time of the home energy assessment.
* Households can apply for a discount of up to 100 percent of the cost of eligible energy efficiency improvements:
  + For single-family owner/rental properties, the project funding cap is $5,000 per project. Such properties are also eligible for a rebate of up to $14,000 through HEAR funding.
  + For 1–4 family rental units, project funding caps are based on $5,000 for the initial unit and $2,500 for each additional income-eligible unit. Each unit is also eligible for a rebate of up to $14,000 through HEAR funding.

For 2–4-family homes, if 50 percent or more of the units are income-eligible for EmPower+, then the entire building is considered income-eligible.

## Participating Contractors and Qualification Process

An important component of consumer protection is having qualified and vetted contractors participating in EmPower+. NYSERDA currently maintains a list of more than 180 Participating Contractors participating in the program throughout New York State and performs outreach to continuously add new contractors to the program. The approved Participating Contractor list can be accessed at this website: <https://www.nyserda.ny.gov/Contractors/Find-a-Contractor/Empower-Plus-Contractors>.

To participate in EmPower+, Participating Contractors must read and agree to the terms of participation in both the Participation Agreement and Program Manual. Current versions of these documents are located on NYSERDA’s website: [Become a Participating Contractor - NYSERDA.](https://www.nyserda.ny.gov/All-Programs/Become-a-NYSERDA-Qualified-Contractor/Residential-Existing-Homes-Contractor/Become-an-Empower-Contractor)

To apply for the Program, contractors must have a minimum of six months- preferably with two or more years of energy efficiency experience, complete an onboarding interview, submit application documentation, and execute the program Participation Agreement. Participating Contractors must have the appropriate certifications or use a certified subcontractor for program work. Participating Contractors must document certified individuals, inform NYSERDA of any staff changes, and ensure subcontractors meet certification requirements. The full list of certification requirements can be found below. NYSERDA verifies Participating Contractors are current with their certifications via monthly communications with the Building Performance Institute (BPI).

Implementation staff perform an interview with the contractors after the initial application to determine their suitability for the program and make a recommendation to NYSERDA. NYSERDA then collects a Certificate of Insurance and a W-9, which is cross referenced with the IRS database prior to accepting the contractor into the program.

Participating Contractors must meet established performance criteria to continue to be eligible for contractor incentives including customer referrals. Participating Contractors must continually meet the minimum Quality Assurance standard requirements and must respond to all participant complaints in a timely manner to maintain a status of “Full”, meaning they are in full compliance with program standards. NYSERDA can change the Participating Contractor’s status to Probation, Suspension, or Termination for any reason including, but not limited to poor workmanship, lack of responsiveness, customer complaints, unprofessional behavior, or failure to meet minimum production requirements of the Program.

### Participating Contractor Certification Requirements

Work must meet Program specifications by individuals with proper credentials. Participating Contractors are responsible for ensuring work adheres to technical standards set by BPI or other certifying bodies.

Participating Contractors must meet Program Manual requirements, including employing certified staff and authorizing NYSERDA to verify certifications. NYSERDA may update these requirements from time to time.

### Audit Contractor

Audit Contractors are Participating Contractors performing home energy audits (home energy assessments), electric reduction, and/or direct install projects only. Personnel completing home energy assessments through the program must maintain one of the following certifications below:

* BPI Building Analyst
* BPI Building Analyst Technician
* BPI Energy Auditor
* Association of Energy Engineers (AEE) Certified Energy Auditor
* American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) Building Energy Assessment Professional
* Home Energy Rating System Program (HERS) Rater
* Leadership in Energy and Environmental Design (LEED) Rater
* Investor Confidence Project (ICP) QA Assessor

### Home Performance Contractor

Home Performance Contractors are Participating Contractors performing home energy assessments and maintaining the certification requirements for one or more of the home performance installation services outlined below. In addition to measuring certification, it is highly recommended that the Participating Contractor pursue any manufacturer’s training/certifications for any equipment they are installing as part of a Program project. Home performance measures must meet all Program installation and health and safety requirements as outlined in the [Program Manual](https://www.nyserda.ny.gov/All-Programs/Become-a-NYSERDA-Qualified-Contractor/Residential-Existing-Homes-Contractor/Become-an-Empower-Contractor).

Below are the certification requirements for each measure type:

* Shell/Envelope (for air sealing and insulation measures)
  + BPI Building Analyst Professional or
  + BPI Envelope Professional
  + NYSERDA will consider the following BPI advanced certifications instead of BPI Envelope Professional, provided the Participating Contractor can meet Program requirements, as outlined in Section 2.4 of the Program Manual:
    - BPI Crew Leader or
    - BPI Energy Auditor or
    - BPI Quality Control Inspector or
    - BPI Retrofit Installer Technician
* Central Air Conditioning (AC)
  + BPI AC/Heat Pump or
  + North American Technician Excellence (NATE) AC or
  + NATE Heat Pump
* Air Source Heat Pump
  + Technician Certification in accordance with 40 CFR 82.161 and
  + Manufacturer heat pump installation training certification and
  + BPI AC/Heat Pump or
  + NATE Heat Pump or
  + Approved Installer in [NYS Clean Heat](https://cleanheat.ny.gov/)
* Heat Pump Water Heater/Electric Water Heater
  + BPI AC/Heat Pump or
  + Manufacturer’s training/specification or
  + Company is a licensed plumber and/or electrician in the locality where the work will be performed or
  + Approved installer in NYS Clean Heat
* Oil Heat Work
  + BPI Heating Professional or
  + NATE Oil Heating or
  + National Oil heat Research Alliance (NORA) Oil Heat Silver or
  + NORA Oil Heat Gold
* Manufactured Homes (Mobile Homes)
  + BPI Manufactured Housing Professional Certification
  + Provide documentation of your company’s detailed procedures for serving manufactured homes. The details provided must be enough to demonstrate to Program Staff that the applicant exhibits proficiency with installing energy efficiency measures in the manufactured housing stock. NYSERDA reserves the right to request additional supporting information as necessary to establish a contractor’s experience. Acceptable documentation should include:
    - Type of work performed (Insulation/mechanicals)
    - Materials used
    - Number of manufactured homes served in the last 6 months
    - Installation methods
    - Any manufactured home-specific training received in the past 36 months
* Gas Heat Work/Domestic Hot Water Heaters
  + BPI Heating Professional or
  + NATE Gas Heating
* Pellet Stove
  + BPI Heating Professional or
  + Chimney Safety Institute of America (CSIA) – Certified Chimney Sweep or
  + National Fireplace Institute – Pellet Stove Specialist

### 1.2.4 Additional Requirements

In addition to staff certifications, Participating Contractors must also comply with the following:

* Participating Contractors must maintain specified levels of insurance, including commercial general liability insurance for bodily injury, including death and property damage; Workers' Compensation and Disability Benefits; and Professional Liability insurance applicable to contractors that only provide Energy Assessment services.
* Participating Contractors must provide to customers written warranties for labor and materials valid for a minimum of one year. The equipment installed shall carry at a minimum the manufacturer’s warranty plus optional extended warranty coverage.
* Participating Contractors must have a health and safety plan and maintain Safety Data Sheets for products and materials used.
* Participating Contractors must maintain a dispute resolution policy and work to settle disputes amicably with customers. The policy shall include protocols for a timely response, identification of responsible parties, documentation of corrective actions, results, and a means of identifying and addressing systemic issues. The policy shall not contain mandatory arbitration clauses. The policy shall require mediation if disputes cannot be settled amicably.
* Participating Contractors must ensure that all contracts and subcontracts submitted to the Program by the Participating Contractor are written in full compliance with the General Business Law, Article 36-A “HOME IMPROVEMENT CONTRACTS” and any other applicable statutory or regulatory provisions. Contracts and other documents submitted by the Participating Contractor must be clear, legible and include line-item detail for each installed measure, including nameplate and efficiency information. Contracts cannot contain mandatory arbitration clauses and must ensure inclusion of the holder-in-due course rule, so consumer protections are not lost just because the contract is assigned to a third-party creditor.

## Installation Requirements

Standards for EmPower+ program installations are established in the Residential Contractor Participation Agreement and the EmPower+ Program Manual. These requirements detail that all work must strictly adhere to state and local laws, codes, and permits, as well as program installation criteria and all manufacturers' specifications.

As part of its installation requirements, NYSERDA has established building envelope requirements when making investments in mechanical equipment. To ensure the efficiency of heat pump equipment, the home must meet minimum insulation levels and air tightness standards as shown below. In the event the home cannot be insulated to these levels, a heat pump should not be considered for installation through the program at this time; however, the insulation work should proceed in anticipation of a future heat pump installation.

**Table 1**: Building Envelope Standards for EmPower+

|  |  |
| --- | --- |
| **Area Required** | **Insulation Level** |
| **1–4 Family Homes** | |
| Attic Gable Walls | R-14 |
| Knee Walls | R-15 |
| Attic Roof Deck | R-28 or Fill to Capacity |
| Attic Floors/Open Attic | R-38 Average[[1]](#footnote-2) or Fill to Capacity |
| Attic Slope Ceilings | R-38 or Fill to Capacity |
| Attic Hatches | R-20 |
| Pull-Down Stairs | R-13 |
| Walls | R-14 or Fill to Capacity |
| Rim Joist | R-14 |
| Air Tightness | 7 ACH[[2]](#footnote-3) |
| **Mobile Homes** | |
| Walls | R-6 |
| Attic | R-24 |
| Belly | R-21 |
| Air Tightness | 12 ACH2 |

Additional heat pump requirements include:

* Primary heating system must be older than 5 years.
* Documentation on utility bill cost reduction.
* The Participating Contractor must perform and submit Manual J and Manual S calculations for the project.
* The pre-existing fossil fuel heating system must be decommissioned.

Individual installation requirements for other measures are found in the Program Manual.

To facilitate uniformity, the New York Home Energy Portal (NYHEP), the EmPower+ program workflow system, mandates contractors to standardize the submission of work scopes, final project details, and energy assessments for all EmPower+ projects. The EmPower+ program requires a fully executed contract between the building owner and the Participating Contractor that clearly itemizes all work to be performed and the corresponding price for each measure. Any language in sales documents and the contract must be the same. If financing is involved, all rules and requirements of the Financing product must be followed, including any disclosures, and cooling-off periods[[3]](#footnote-4). The process for QA inspections which verify and document that the installation standards are being met, are detailed further below in Section 1.9.

## NYSERDA Customer Concern Resolution and Contact Information

NYSERDA employs a robust multipronged approach to ensuring consumer protection and satisfaction. The program has a dedicated Customer Concern team which includes implementation and quality assurance contractors that evaluate each complaint and concern, addressing them as promptly as possible.

## Customer Feedback Process

Customers can ask general questions about NYSERDA’s programs or issue a complaint or concern by sending an email to [info.residential@nyserda.ny.gov](mailto:info.residential@nyserda.ny.gov) (for questions), [support.residential@nyserda.ny.gov](https://nysemail.sharepoint.com/sites/nyserda-ext/ExternalCollaboration/Contractors/SFR/IRARP/Shared%20Documents/Implementation%20Blueprints/Full-Scope%20Combined%20HEAR+HER%20Blueprint%20Documents/Full-Scope%20Consumer%20Protection%20Plan%20HEAR+HER/support.residential@nyserda.ny.gov) (for complaints or issues) or by calling 1-866-NYSERDA (1-866-697-3732).

More information about the program as well as this Consumer Protection plan is found here: <https://www.nyserda.ny.gov/empower>. Requests for hard copies of materials (for those without reliable internet access) and materials in different languages will be made available upon request using the contact information listed above.

## Consumer Satisfaction Surveys

Quarterly, NYSERDA conducts an email-based consumer satisfaction survey for every home completed in the last three months. The anticipated survey questions are below:

* On a scale of 1 (strongly disagree) to 5 (strongly agree), rate the following statements:
  + It was easy to understand the rebate requirements and provide the needed information.
  + It was easy to find a contractor/retailer.
  + The contractor/retailer provided a high-quality service.
  + The rebate was a major reason for my purchase.
  + My new efficiency upgrades perform well.
  + My home is more comfortable than it was before the new efficiency upgrades.
  + My energy bills have been lower since the new efficiency upgrades.
  + Overall, I am satisfied with my experience with the EmPower+ program.
  + I would recommend this program to a friend or family member who could use it.
  + I plan to do more to save energy in my home because of my experience with this program.
* On a scale of 1 (very dissatisfied) to 5 (very satisfied), please note your experience with each of the following:
  + Application/enrollment process.
  + Resolution of program issues (if any).
  + Contractor's explanation of the recommended upgrade(s) included in the project.
  + Contractor’s explanation of the project benefits.
  + Quality of contractor work.
  + Benefits experienced since the project was completed, such as lower energy usage.
  + Other benefits experienced since the project was completed, such as the home being more comfortable.
  + Resolution of contractor issues (if any).
  + Out-of-pocket customer cost of energy efficiency upgrades (if applicable).
* Would you recommend the program to a friend or family member? Why or why not?
* Would you recommend the contractor to a friend or family member? Why or why not?

Survey results are used to improve customers’ program experience and monitor a Participating Contractor performance. Low scores will be investigated to understand a customer’s concern. If a Participating Contractor has three (3) or more concerns open for more than 30 days, they will be contacted for customer service improvements.

## Customer Concern Resolution Process

When a customer reports an issue, a record is created in NYSERDA’s system for tracking customer concerns, contractor performance, and quality control inspections. Issues are logged into this system, allowing the Implementation Contractor to monitor progress and ensure timely resolution. A staff member will reach out within two business days to gather additional information and schedule quality control inspections as needed.

The following sections outline NYSERDA’s customer concern resolution process through various stages.

### 1.7.1 Customer Concern – Stage 1

In the first stage of addressing concerns, once all necessary information is gathered, the Implementation Contractor forwards the concern to the Participating Contractor within two business days. The Participating Contractor is asked to respond within five business days, or within 24-hours if the concern is urgent. After the Contractor responds, significant progress towards resolution is expected. If the Participating Contractor fails to respond within five business days or within 24-hours if the concern is urgent, the Implementation Contractor will send a written warning, via email. If ignored, the Implementation Contractor will attempt to contact the Contractor by phone and email three times. If it seems the Participating Contractor is purposely avoiding contact, the concern is escalated to a manager in the Implementation Contractor firm and/or NYSERDA program staff based on urgency. All communication is documented in the tracking system.

### 1.7.2 Customer Concern – Stage 2

If a concern remains active with minimal Participating Contractor involvement after 10 days, it is escalated to a manager, who drafts a warning letter emphasizing the contractor's responsibility to address concerns promptly.

Participating Contractors must provide a timeline for resolving the concern and any other active concerns. Participating Contractors are reminded that addressing customer concerns is crucial, and failure to do so may result in disciplinary action, such as incentive recoupment, probation, suspension, or termination from the Program. Repeated offenders’ risk disciplinary responses from the Program and BPI.

### 1.7.3 Customer Concern – Stage 2, Elevated (Mediation)

At the discretion of the Implementation Contractor or NYSERDA, if trust between the customer and Participating Contractor weakens to the point of requiring third-party mediation, then the concern is escalated to Stage 2, Mediation. Implementation Contractor staff shift their role from managing tasks to negotiating solutions. The Implementation Contractor gathers reasonably detailed customer requirements, shares them with the Participating Contractor, and negotiates responses, aiming for a documented agreement that includes photos and the specific negotiated details. If an agreement is reached, then it is shared in writing with all parties involved, and a Quality Control site visit may be arranged to determine the scope of work, which all parties must agree upon before the commencement of any work.

### Customer Concern – Stage 3

If a Participating Contractor has not responded effectively to the remedial strategies carried out during previous stages, the NYSERDA Staff will conduct a thorough examination of the case. Subsequently, they will draft and dispatch a comprehensive letter to the contractor stating the sequence of steps of the review process.

Where NYSERDA determines that the Participating Contractor has followed and will continue to follow their Customer Concern Resolution Policy that they have on file, the concern will continue to be tracked and assisted by all parties until the concern comes to resolution or is otherwise suspended or closed by the implementation contractor and NYSERDA.

Where NYSERDA determines that the Participating Contractor has not followed the Customer Concern Resolution Policy, any or all the following actions may result:

* The Participating Contractor may be given one additional opportunity to immediately follow through with the policy as stated.
* NYSERDA staff will work with their legal department to determine the next steps including further training, probation, suspension, or termination of the Participating Contractor from the program.

Participating Contractors with a track record of three customer concerns within a six-month timeframe (or more than three percent of total jobs) will be subject to a program review for possible probation from the program. Subsequently, the Implementation Contractor shall provide NYSERDA with a recommendation considering the severity of the past six months of concerns regarding program production, and Quality Assurance Inspection results.

### Additional Considerations and Resources for the Customer Concern Process

The Implementation Contractor has staff who can review technical concerns and offer testing guidance or recommendations on remediation.

If there is a major problem with health or safety concerns, and the Participating Contractor is not fixing it, or if a problem requires the intervention of a third-party, then Program Staff will usually ask for a third-party, Quality Assurance Inspection first. This is for complaints about the work done within a year after the project is finished. If needed, the Implementation Contractor may visit the home as necessary.

If the Implementation Contractor determines a site visit is not needed, but the customer still wants someone to check things out, then NYSERDA will decide the best course of action such as sending a service representative to inspect the work, which may be at the Participating Contractor’s expense, and the Implementation Contractor may also visit the site if needed. After the visit, the Implementation Contractor will write a report within five business days.

The main goal is to make sure customers and Participating Contractors can trust and talk to each other again. The Participating Contractor will have to submit in writing how they plan to address issues, and both the homeowner and Participating Contractor must agree on this plan. To make sure everything is fixed properly, the Implementation Contractor will require the Participating Contractor to take pictures as proof and the homeowner will need to sign off that the plan was completed.

Weekly meetings are held between NYSERDA and the Implementation Contractor to provide updates on the status of concerns.

### Procedures for Repairs After One-Year Contractor Warranty

The process of addressing customer concerns that occur after one year since project completion begins with information being forwarded to the Participating Contractor to address the issue. However, if it appears that intervention by the NYSERDA would be beneficial, then further review may be considered. This review could take the form of a comprehensive analysis of all documentation, consultations with the customer and/or Participating Contractor, or an inspection at the project site.

If the issue is identified as the customer's responsibility – such as insufficient maintenance or repairs that exceed the scope of the project – then the customer is informed through a phone call and/or email. If necessary, a letter from NYSERDA approved by its legal department is then sent to the customer.

There may be cases where the issue is deemed to be the responsibility of the Participating Contractor. Examples include situations where the Participating Contractor’s job is under warranty. The problem could also be deemed a workmanship issue regardless of when the work was done, such as when a customer discovers that insulation was not installed at the agreed-to amounts when a wall was opened two years after the work was carried out.

Instances of NYSERDA covering the cost of repairs are rare, however the following situations may be taken into consideration.

If the issue is the responsibility of the Participating Contractor, but the Participating Contractor is no longer participating in NYSERDA programs yet remains in business, several steps may be taken. The program team will check if there are any pending payments to the Participating Contractor and, if so, determine whether these funds can be rerouted to cover the cost of resolving outstanding issues. The team may then reach out to the Participating Contractor to talk about concerns related to the project. If the Participating Contractor resists addressing the issue, then NYSERDA can make a claim with the insurance company that was protecting the Participating Contractor when the work was accomplished or can refer the issue and contractor to the New York State Attorney General and/or the New York Inspector General.

If the issue is the responsibility of the Participating Contractor but the Participating Contractor has since gone out of business, then the program team will take similar steps. If any funds are due to the now-defunct Participating Contractor, then the team will consider if these can be applied to the resolution cost. If no such funds are due, they will assess whether providing further help through NYSERDA, such as covering some or all the repairs or replacement costs, could be a viable solution. This usually comes into play if the problem has arisen within a reasonable time frame (i.e., early failure of equipment), represents a critical issue, and if the customer, who is unable to pay for the repairs, falls under the low-to-moderate income category.

If the manufacturer is found to be at fault and the problem arises beyond the one-year Participating Contractor warranty but within the manufacturer’s warranty, then the customer must work with the manufacturer. NYSERDA may help the customer by funding all or part of the labor cost under conditions such as the ones described previously.

If the Implementation Contractor turns out to be at fault due to misguided information to the Participating Contractor, then financial responsibility for resolving the issue lies with the Implementation Contractor.

## Project Data Review

NYSERDA uses the NYHEP for data collection and management for EmPower+. NYHEP facilitates several crucial functions: it assigns customers to suitable Participating Contractors, collects data to generate home energy assessment reports, enables contractors to submit their work scopes, and allows Implementation Contractors to review and approve these work scopes. The Participating Contractor submits the final project and requests payment through this platform.

Per the requirements of the IRA Home Energy Rebates the NYHEP has the following functions:

* Basic data validation for the modeling tool.
* Data capture from home assessments, including pictures of the home which can be used to verify address.
* Ensuring that the scope of work aligns with program requirements.
* Verifying that the installation address matches the address of the eligible entity. When a customer enters their application information into the Salesforce-based application software, the address is verified using Geographic Information System (GIS) technology. This information is then sent to NYHEP. The contractor will use the address from the application to confirm the location of completion of an energy audit and/or installation.
* Checking that the rebate amount aligns with the existing EmPower+ program corresponding income category. Using the income level determined at the time of customer application, the NYHEP system enforces the correct measure and dwelling unit incentive caps.
* Producing a document for the contractor and customer that shows the amount of IRA funds a customer is eligible for, enforcing IRA dwelling unit caps and subtracting out any prior IRA rebates claimed.
* Producing a document which itemizes the measures on a work scope and includes an estimate of the projected energy savings of the project. This document, called the Test Out Forms, is then signed by the customer at project and uploaded by the contractor at final project submission for verification.
* Storing pre- and post-installation photographs, capturing make and model number of applicable equipment.
* Collecting proof of combustion safety testing on fossil fuel equipment installed in homes where fossil fuel systems have been impacted by the installation.
* Collecting proof of commission testing on Heating, Ventilation, and Air Conditioning (HVAC) equipment installed in homes.

Personnel assigned for data/file review undergo a robust training protocol. NYHEP extends basic data quality assurances as part of its project review and approval mechanism. Project reviewers are required to have BPI Building Science credentials alongside the necessary implementation training. For complex projects demanding advanced approval, staff with multiple BPI credentials and years of technical experience review the project.

At the final review step of every project the reviewer compares the final submitted work scope to program approved work scope to make sure the installed measures are the same as the approved measures. They will also review photos of completed work to confirm it meets program requirements and to verify installation. If there are discrepancies, the reviewer will note what the discrepancies are and send the project back to the contractor for resolution, prior to any payment being processed. If further questions arise about the project, and third-party quality assurance inspection will be conducted, including a field visit, as described in the section below. If discrepancies are found at that time, they will either be corrected by the contractor, or the program record will be amended to correct the data.

To prevent incorrect claims from being processed, work scope submissions containing inaccurate, false, or incorrect information are returned to the Participating Contractor for revision with coaching notes. Repeated returned work scope submissions to the same contractor will trigger outreach to provide virtual and/or in-person training and coaching. Fraudulent submissions will trigger disciplinary action, such as incentive recoupment, probation, suspension, or termination from the Program.

## Post-Installation QA Inspections

### 1.9.1 Quality Assurance Overview

NYSERDA's Standards and Quality Assurance (SQA) team provides third-party QA and monitoring through contractor QA vendors. The QA system is made up of various components such as the review of qualifications and credentials, establishment of program standards, and comprehensive field inspections. The QA inspections verify the work scope agreed upon in the contract, the accuracy of site analysis, and ensure that installations comply with program stipulations, BPI standards, NEEP guide to installing air-source heat pumps in cold climates, and specific elements of the New York State Uniform Building Code as they relate to specific measures within the project work scope and the overarching quality of the installation. NYSERDA or its representatives have the right, within reasonable bounds, to visit the customer site at any point in time before, during, or after installation of the work scope agreed upon to evaluate overall compliance.

Quality Assurance inspectors are required to hold the following credentials – A BPI Building Analyst or a BPI Energy Auditor, a BPI Envelope Professional, and a BPI Air Conditioning and Heat Pump certification. Some staff members may also hold additional (though not mandatory) credentials, such as BPI Heating Professional or BPI Manufactured Housing certifications. Relatedly, NYSERDA’s 50123 IRA Contractor Training Grant application supports workers with the same skill sets through training and certification reimbursement. These certifications are also in line with the certifications NYSERDA uses to qualify contractors for EmPower+ Participating Contractors.

Contractors are required to follow all QA/QC procedures as detailed in their Participation Agreement and the Program Manual. Those who are participating for the first time are given a 'Provisional' status and must successfully complete a minimum of three projects, each meeting the Standard Quality requirements score of three or higher, out of a total possible score of five, where three is considered passing. Provisional Participating Contractors must fulfill these quality requirements either by the end of their sixth inspected project or within a year from the date of completion of their first project, whichever happens first. They are advised to attend at least the first three field inspections as it gives them a chance to understand first-hand the Program's quality expectations and the field inspection process.

Provisional Participating Contractors who have successfully demonstrated their ability to install quality projects and meet program requirements will be moved to “Full” Status. For Full Status Participating Contractors, the target inspection rate is 10 percent of completed projects, with a minimum of one inspection every quarter. However, the field inspection rate can be modified by NYSERDA based on the individual performance of each participating contractor.

Each inspection receives a score on a five-point scale. This score is an indicator of the overall quality and compliance with program requirements, based on the number and type of non-conformances observed. The inspection scores can be interpreted as follows:

* 5 Passing score. The project is fully compliant and employs best practices.
* 3-4 Passing score. The project is considered fully acceptable.
* 1-2 Failing score. The project has major or critical non-conformance issues.

Participating Contractors with high-quality scores and proven, well-defined internal QA and Quality Control (QC) procedures might be considered for a lower inspection rate. However, under any circumstance, the program’s average inspection rate will not be reduced to less than 5 percent.

### 1.9.2 Inspection Details

Each Quality Assurance inspection type requires the following:

* An introduction to the customer, including the QA Field Inspector’s name and company.
* A description of the inspection and testing procedures.
* An overview of the program and answer customer questions.
* Ask customer questions about any identified project concerns after having reviewed project documentation.
* Determine whether health and safety issues were identified by the Participating Contractor audit and assess whether the approved work scope addressed those issues.
* Determine whether the most cost-effective energy efficiency measures were recommended by the Participating Contractor through the home energy assessment, whether the approved and contracted measures were installed, whether change orders were documented properly (if applicable), and whether the installed measures meet program standards.
* Review of customer’s signed document(s) to confirm signature and, if applicable, properly comply with e-signature requirements.

The Quality Assurance Inspector will conduct one of three inspection types based on the project type.

### 1.9.3 Field Inspection: Comprehensive (Whole House) Upgrades

The inspection includes:

* Complete exterior visual inspection, i.e., chimneys, ventilation, roofing, siding, windows, foundation, obstructions, and landscaping.
* Complete interior inspection, i.e., visual inspection, place home under winter conditions, test carbon monoxide (CO) levels, and set up blower door.
* Complete basement inspection, i.e., visual inspections of condition, insulation levels, and distribution system, measure CO in Combustion Appliance Zone (CAZ), gas leak detection, combustion efficiency testing, and worst-case depressurization.
* Complete attic inspection.
* Conduct a blower door test.
* Complete building shell inspection with thermal imaging infrared scan required for all times when temperature delta allows for good imaging results, i.e., insulation levels in walls, attics, floors, windows, and doors.
* Verify wall insulation installation using a combination of the following:
  + Probing around outlets or drilling holes is required on all projects.
  + Pulling and checking under siding.
  + Borescope.
  + Infrared scans, conditions permitting.
  + Core sampling to verify density as directed by NYSERDA.
* Appliance and lighting inspections to determine if the recommended measures were the most cost-effective.
* Ensure all approved energy conservation measures are installed, operating, and in compliance with Program requirements, BPI standards, NEEP guide to installing air-source heat pumps in cold climates, and applicable codes.

### 1.9.4 Field Inspection: Direct Install Application: Direct Install projects (Not applicable to HEAR-eligible projects)

The inspection includes:

* Appliance and lighting inspections to determine if the recommended measures were the most cost-effective.
* Determine whether all energy efficiency and conservation measures approved by the program were installed, and that they operate properly and in compliance with technical/manufacturer standards, applicable BPI building science standards, and Program requirements.

### 1.9.5 Desk Review: Measure Verification (Non-Standard Inspection)

Under special circumstances, as determined by NYSERDA, this review may be completed, which includes the following steps:

* The Participating Contractor will provide equipment technical data sheet and nameplate photo for the installed energy conservation measure, e.g., appliance, heating equipment, water heater, etc.
* The Desk Reviewer will verify the installation with the customer, including total cost and homeowner cost-share.

## QA Inspection Outcomes

In all cases, a copy of each QA inspection report is made available to the Participating Contractor. For projects with a failing score, the Participating Contractor must resolve the inspection items that caused the failing score. This usually takes the form of revisiting the site to re-work or complete the original work scope. In rare cases, resolution may include compensation to the homeowner and/or the Program if re-work is not feasible.

QA inspection nonconformances are examined periodically for trends. Participating contractors may receive virtual and/or in-person training and coaching. Unresolved QA non-conformances or repeated failures may result in disciplinary action, such as incentive recoupment, probation, suspension, or termination from the Program.

## Quality Assurance Records

The SQA module maintains all the QA inspection records in a system referred to as NYSERDA’s Partner Portal. Moreover, the portal incorporates dashboards and other useful reports detailing sampling rates, findings, corrective actions undertaken, and proof of conformance with specifications. These records are retained for six (6) years and are available upon request by DOE. This Portal includes a function for automated email communication about project inspections. After the preparation of the inspection report, contractors, and others involved receive an email with a link that directs to the inspection report.

# Appliance Upgrade Program

## Overview

Through the Appliance Upgrade Program, NYSERDA will be providing rebates for induction cooktops/ranges/stoves, heat pump clothes dryers, and electrical wiring and service panel upgrades. Eligible program participants will be authorized to reserve a coupon(s) for appropriate appliance(s) and/or electrical upgrade(s) after their income and measure eligibility is acquired, reviewed and approved by NYSERDA. Building owners, tenants and, Participating Contractors will have the ability to reserve coupon(s). NYSERDA intends to create a user interface that will allow customers and Participating Contractors (working on behalf of the customer) to apply and redeem coupon rebates for the aforementioned appliances, and services. The user interface will also be used for Participating Retailers to submit transaction documentation for reimbursement of redeemed coupon.

## Participating Contractors and Qualification Process

To ensure DOE requirements are met and appliances are installed correctly, NYSERDA will develop a network of Participating Contractors, including electricians and plumbers, who can install induction stoves/cooktops/ranges or heat pump clothes dryers and upgrade the electrical wiring and service panels. Only these Participating Contractors will be eligible to perform installations and receive incentives for such work under the Appliance Upgrade Program. There will be a solicitation, which will remain open, and those contractors eligible to become Participating Contractors will be added to the list for the duration of the Appliance Upgrade Program. Criteria will be outlined for contractors in section 2.2.1 and retailers in 2.3, respectively. Participating Contractors will be subject to the Quality Assurance (QA) process detailed in section 2.10.

NYSERDA will procure a Retailer and Contractor Recruitment Consultant (Recruitment Consultant) to conduct outreach to, and enroll, eligible contractors who apply through the solicitation. They will evaluate (outlined below), onboard, and manage these Participating Contractors to ensure they meet QA and Program standards. The Recruitment Consultant will also be trained to provide assistance throughout the project process on key areas such as coupon reservation, redemption, and payment.

With regards to the evaluation and onboarding of Participating Contractors, for contractors who do not already participate in an existing NYSERDA program, this process will consist of reviewing applications (detailed below in “Participating Contractor Documentation Requirements (Non-Fast Tracked)”), and cross-checking submitted information with customer references, for example, to ensure no fraudulent application information. Additionally, NYSERDA’s application process requests a Certificate of Insurance and asks a series of screening questions, such as prior felony convictions, the principal or owner being debarred by a government agency, or prior disciplinary action in other NYSERDA programs, etc. Applicants also have to provide at least two customer references, which will trigger a customer satisfaction survey to be sent to the references listed. For contractors currently participating in NYSERDA programs, this onboarding process will be done with the respective program team to confirm that the applicant meets the requirements outlined under “Participating Contractors Eligible for Fast-Track.” A list of all Participating Contractors will be developed and maintained by the Recruitment Consultant and publicly hosted on the NYSERDA website. The aforementioned evaluation process and regular checks by the Recruitment Consultant will ensure that this list contains only Participating Contractors with legitimate employees and sub-contractors.

As noted above, NYSERDA plans to fast-track the application process for good-standing Participating Contractors, which include those in the following NYSERDA program: [EmPower+](https://www.nyserda.ny.gov/All-Programs/Become-a-NYSERDA-Qualified-Contractor/Residential-Existing-Homes-Contractor/Become-an-Empower-Contractor). For contractors currently participating in utility-run programs like the NYS Clean Heat Program, they will be required to submit a full application. NYSERDA intends to streamline the enrollment process to qualify such contractors quickly and efficiently.

The Recruitment Consultant will also assist NYSERDA in developing a process for ensuring Participating Contractors meet the terms and conditions outlined in their Participation Agreement. This will include the parameters of what is considered a quality installation (defined in section 3.4) and the repercussions of failing to address project issues or deficiencies; all items will be outlined in the Program Manual. The Recruitment Consultant will have a process in place to handle customer complaints, Participating Contractor remediation, and a disciplinary framework to suspend and/or terminate problematic Participating Contractors who do not sufficiently address customer concerns or QA issues identified during the inspection. Participating Contractors will be terminated and delisted from the Participating Contractor list when the Participating Contractor has multiple customer complaints and/or QA issues with their projects and fail to take any remedial action to resolve the issue(s). This overall process is further discussed in the below sections, specifically 2.4 through 2.11.

**Participating Contractors Eligible for Fast-Track:**

* Participating contractor in NYSERDA programs (e.g., EmPower+).
  + Contractors, where the main and/or sub-contractor(s) include licensed electricians and/or plumbers with gas qualifications, will be prioritized.
* Requirements:
  + Signed Participation Agreement under a Qualified Program
    - Includes requirements for: Certificate of Insurance (COI) for General Liability Insurance
* Good standing in their current Participating Program, which includes:
  + Average QA score above 3 (out of 5)
  + No probation or suspension
  + Has not been the subject of more than one investigation regarding customer concerns in the past year

**Participating Contractors Ineligible for Fast-Track:**

* A contractor that does not have a Participation Agreement with NYSERDA under an existing Qualified Program
* A contractor participating in utility-run programs
* A contractor new to all programs (both NYSERDA and utility-run)

**Participating Contractor Documentation Requirements (Non-Fast Tracked)**

The below requirements are further detailed in section 4.2.

* Completed Program Application and signed Participation Agreement
* COI for General Liability Insurance
* Business Qualifications
  + MWBE, SDVOB
  + Work Experience
  + Proof of financial stability
* Customer References
* Geographic Coverage – identify where in New York State they offer their services.
* Staff Plan – identify staff (one, at a minimum) that will be responsible for the work associated with the service category or subcategory of this Participating Contractor network.
* Contractors, where the main and/or sub-contractor(s) include licensed electricians and/or plumbers with gas qualifications, will be prioritized.

### Participating Contractor Certification Requirements

* For Electricians:
  + Proof of electrician license from the appropriate municipality

Exception: Electricians performing work in municipalities that do not require licenses

* + Provide for at least one employee
* For Plumbers:
  + Proof of plumbing license (with gas qualification) from the appropriate municipality
  + Provide for at least one employee
* Appliance installers who are not licensed electricians or plumbers will be encouraged to apply, and requirements is outlined in the [Program Manual](https://portal.nyserda.ny.gov/servlet/servlet.FileDownload?file=00Pcr000001TeZUEA0)

## Participating Retailers and Qualification Process

As described above in section 3.2, NYSERDA will have an open solicitation to enroll both Participating Contractors and Participating Retailers. This solicitation will remain open for the duration of the Appliance Upgrade Program. The minimum requirements for eligible retailers, distributors and manufacturers include the following:

* Adhere to the non-connected pathway outlined in the [Program Manual](https://portal.nyserda.ny.gov/servlet/servlet.FileDownload?file=00Pcr000001TeZUEA0), Section 4.2. Appliance Coupons – for Participating Retailers and Section 6.1. Participating Retailer Reimbursement Process
* Currently sell ENERGY STAR® certified heat pump clothes dryers and/or induction stoves/cooktops/ranges and/or all-in-one washer-dryers (with heat pump clothes dryer) at point-of-sale through brick-and-mortar stores and/or online.
  + Manufacturers and distributors are eligible for enrollment if they sell direct-to-consumer (DTC) online and/or in brick-and-mortar stores.
  + Manufacturers, distributors and retailers must ensure available stock of the respective appliance types for purchase before the start of their participation in the Program (aside from induction /cooktops/ranges).[[4]](#footnote-5)
* Must provide the option for delivery
  + Retailers, manufacturers and distributors must adhere to the respective requirements in the [Program Manual](https://portal.nyserda.ny.gov/servlet/servlet.FileDownload?file=00Pcr000001TeZUEA0), Sections 5.2.2. through 5.2.4.
* Possess desktop, laptop, or tablet computers with access to the internet and a modern browser as well as the ability to create and upload .csv files.
  + All desktop and/or laptop and/or tablet computers must be equipped with antivirus software protection.
* Possess (or create if not yet available) active email accounts for the Participating Retailer point-of-contact (applicant) and all staff who will access the MyEnergy portal.
  + Accounts must be created before enrollment is finalized.
* Sign a NYSERDA Appliance Upgrade Program Retailer Participation Agreement, which includes key requirements, like:
  + Submitting data to the Implementation Contractor for Appliance Coupon reimbursement.
  + Submitting data to NYSERDA to be reported to the DOE.
* Participate in quarterly Participating Retailer meetings for training and program updates.
* Must meet relevant consumer protection requirements in NYSERDA’s Consumer Protection Plan.
* Participating Retailers must also adhere to requirements in the [Program Manual](https://portal.nyserda.ny.gov/servlet/servlet.FileDownload?file=00Pcr000001TeZUEA0), Section 8. Consumer Protection and Quality Assurance (QA).

The Recruitment Consultant discussed above in section 3.2 will also be responsible for developing and maintaining the list of Participating Retailers; they will review the retailer, manufacturer and distributor submissions and add those who qualify to the public-facing list on the NYSERDA website. The Recruitment Consultant will also be responsible for ensuring that Participating Retailers adhere to the requirements outlined in their Participation Agreement.

* Participating Retailers will be removed from the Participating Retailer list if they fail to comply with the terms outlined in the Participation Agreement such as price gouging with no corrective actions, detailed in section 3.8.1
* Instances of fraud
* Applying appliance coupons to ineligible products (e.g., non-Energy Star certified)
* Failure to provide the correct coupon amount at the point-of-sale to a program participant’s appliance purchase

Participating Retailers will be listed on the NYSERDA website and on the Participating Retailer pulldown menu of the MyEnergy application. If a Participating Retailer is found committing fraud, price-gouging or violating any other terms and conditions of their Participation Agreement, the Recruitment Consultant will take corrective action. If the Participating Retailer does not take any corrective action or continues to fail to meet program requirements, NYSERDA will delist the Retailer and expel them from the Program.

## Installation Requirements

The DOE Program Requirements and Application Instructions require that the State must define minimum standards of a quality installation. Thus, a quality installation is defined as one performed by a Participating Contractor that meets applicable state and local laws, codes, and permits, and includes measure-specific criteria outlined in the Program Manual. Per the Data & Tools Requirements Guide, NYSERDA will provide the DOE with the necessary documentation to confirm that all installations done by a Participating Contractor are quality installations. As described in section 3.2, NYSERDA will enter into contracts directly with Participating Contractors, which will ensure consistent contract terms and conditions. The Program Manual will detail all installation documentation requirements, which are listed below. Installation documentation for project scopes that include electrical or plumbing work will be specified in the Program Manual. Such requirements will include adherence to state and local laws, codes, and permits as well as manufacturers' specifications.

General requirements for Participating Contractor installations and/or Participating Contractor-driven projects include, but are not limited to, the following:

* Post-installation photo (geo-tagged)
  + Specific photo requirements are detailed below in section 3.11.2
* Confirmation that the appliance is operational upon installation
* If the Participating Contractor applied and purchased the appliance on behalf of the customer, they will need to provide the itemized receipt, which includes information such as:
  + Make and model of the appliance (or SKU)
  + Purchase date
  + Customer incentive amount
  + Appliance cost

If the Participating Contractor applied, purchased the appliance, and arranged delivery on behalf of the customer, then they will need to provide the delivery proof from the Participating Retailer.

* Copy of itemized invoice from the contractor(s), which will include:
* Labor costs
* Materials costs
  + Customer incentive
  + If multiple Participating Contractors are involved in the project, then they will each need to submit invoices for the above items

A photo of the existing appliance (known as the pre-installation photo) will be required for all projects to ensure that they meet the DOE requirements for the appliance measures.

## NYSERDA Customer Concern Resolution and Contact Information

NYSERDA will have an Implementation Contractor who will be responsible for customer support, including complaints or other issues associated with the project. Customers will be able to call NYSERDA’s hotline to report any issues or problems. Both Participating Retailers and Participating Contractors enrolled in the Appliance Upgrade Program effort will be required to sign a Participation Agreement with terms and conditions including additional Considerations and Resources for the Customer Concern Process.

The Implementation Contractor has staff who can review technical concerns and offer testing guidance or recommendations on remediation.

If there is a major concern with the health or safety of the installation or operation of the appliance or electrical work, and the Participating Contractor has not addressed it, or if a problem requires the intervention of a third-party, NYSERDA will request a third-party, Quality Assurance Inspection first. This is for complaints about the work done within a year after the project is finished. If needed, the NYSERDA Standards and Quality Assurance (SQA) Contractor may visit the home as necessary.

If the Implementation Contractor determines a site visit is not needed, but the customer still asks for one, NYSERDA will decide the best course of action such as sending a service representative to inspect the work, which may be at the Participating Contractor’s expense, and the SQA Contractor may also visit the site if needed. After the visit, the SQA Contractor will write a report within five business days and submit it to NYSERDA.

The key objective is to foster trust between the customer and Participating Contractor to ensure the customer’s needs are being met. The Participating Contractor will have to submit in writing how they plan to address issues, and both the homeowner and the Participating Contractor must agree on this plan. To make sure everything is fixed properly, the Implementation Contractor will require the Participating Contractor to take pictures as proof and the homeowner will need to sign off that the plan was completed.

NYSERDA will hold weekly meetings with the Implementation Contractor to provide updates on the status of customers’ concerns.

## Customer Feedback Process

Customers can ask general questions about NYSERDA’s Appliance Upgrade Program or issue a complaint or concern by sending an email to AUP@nyserda.ny.gov or by calling 1-866-NYSERDA (1-866-697-3732). The Implementation Contractor will be responsible for managing these telephone and email communications with customers. The Implementation Contractor will also submit monthly progress reports to the NYSERDA Program Team, which include this data as well as improvements implemented and programmatic recommendations for NYSERDA. In their communications with participants, if the Implementation Contractor observes consistent programmatic pain points, they will flag those for the Program Team in their progress reports and regular check-ins. The Program Team will consider these areas for improvement and implement them to enhance the program participant experience, Implementation Contractor workflow, and overall functionality of the program. If any such feedback includes Participating Contractors and/or Participating Retailers, the Implementation Contractor will alert the Recruitment Consultant to coordinate the response with the latter leading. If the Implementation Contractor observes any actions taken by program participants, Participating Contractors and/or Participating Retailers that would result in program removal or termination from their respective lists, the Implementation Contractor will immediately notify the Recruitment Consultant and Program Team for corrective actions. Any program changes will be reflected in the Program Manual. Revisions to the Consumer Protection Plan will be made based on these changes as deemed appropriate by the Program Team.

## Consumer Satisfaction Surveys

NYSERDA will issue Consumer Satisfaction Surveys to all completed projects within three months after the project’s completion, which will include, but not be limited to the following questions:

* On a scale of 1 (strongly disagree) to 5 (strongly agree), rate the following statements:
  + It was easy to understand the rebate requirements and provide the needed information.
  + It was easy to find a contractor/retailer.
  + The contractor/retailer provided a high-quality service.
  + The rebate was a major reason for my purchase.
  + My new efficiency upgrades perform well.
  + My home is more comfortable than it was before the new efficiency upgrades.
  + My energy bills have been lower since the new efficiency upgrades.
* Overall, I am satisfied with my experience with the Appliance Upgrade Program.
  + I would recommend this program to a friend or family member who could use it.
  + I plan to do more to save energy in my home because of my experience with this program.

## Customer Concern Resolution Process

### 2.8.1 Pricing Concerns for Retailers and Contractors:

For Participating Retailers, NYSERDA is currently gathering pricing information on qualified ENERGY STAR heat pump dryers and induction cooktops/ranges. Based on the current pricing of these appliances, NYSERDA will develop an average cost for each appliance. Based on the Manufacturer’s Suggested Retail Price (MSRP) and Minimum Advertised Price (MAP) which are common in the appliance industry, NYSERDA’s Implementation Contractor will be reviewing applications to check if pricing deviates significantly from the MSRP. If the Implementation Contractor identifies pricing deviations well above the MSRP, the Participating Retailer will be contacted by NYSERDA to determine the reason for the high cost. If the retailer’s justification is not considered valid and it is apparent that the Participating Retailer is price-gouging, the Implementation Contractor will take punitive action and work with the retailer to adjust their pricing. Since most retailers strive to offer competitive prices, it is expected that instances of price-gouging will be rare. Retailers will sign participation agreements and attest to follow the consumer protection requirements outlined by the Federal Trade Commission Bureau of Consumer Protection. The Participation Agreement will also require the retailer to follow the holder-in-due-course rule so consumer protections are not lost. If NYSERDA’s Implementation Contractor determines these requirements are not being met by the retailer, NYSERDA will give the retailer ten (10) business days to comply. If the retailer is still non-compliant, NYSERDA reserves the right to terminate the Participation Agreement and suspend or altogether terminate the retailer from offering HEAR rebates.

Additionally, NYSERDA is gathering pricing information on electrical wiring and panel upgrades from contractors in various regions of New York State. NYSERDA will use this information to determine a median cost based on location and work scope. As part of the project review process, NYSERDA’s Implementation Contractor will be reviewing contractor-submitted invoices before remitting payment (for both coupon reimbursement and installation incentive). If the Implementation Contractor identifies pricing deviations above a specified threshold (e.g., 20 percent), NYSERDA will contact the Participating Contractor to determine the rationale for the high cost. If NYSERDA determines that the price increase is invalid, and the Participating Contractor is price gouging, NYSERDA will coordinate with the Recruitment Consultant to initiate an investigation against such Participating Contractor to determine whether the customer received a fair rate or not. If multiple occurrences of price gouging occur by the same Participating Contractor, NYSERDA will follow the process outlined in the Participation Agreement and reserves the right to suspend and/or terminate the agreement to remove the Participating Contractor from HEAR Appliance Upgrade Program.

Participating Contractors must maintain a dispute resolution policy and work to settle disputes amicably with customers. The policy shall include protocols for a timely response, identification of responsible parties, documentation of corrective actions, results, and a means of identifying and addressing systemic issues. The policy shall not contain mandatory arbitration clauses. The policy shall require mediation if disputes cannot be settled amicably

### Customer Concern – Stage 1

For the Retail Point-of-Sale effort, NYSERDA anticipates following the same customer resolution path and the disciplinary action for Participating Contractors as the EmPower+ Program. In the first stage of addressing concerns, once all necessary information is gathered, the Implementation Contractor forwards the concern to the Participating Contractor within two business days. The Participating Contractor is asked to respond within five business days, or within 24-hours if the concern is urgent. After the Participating Contractor responds, significant progress towards resolution is expected. If the Participating Contractor fails to respond within five business days, the Implementation Contractor will send a written warning, via email. If ignored, the Implementation Contractor will attempt to contact the Participating Contractor by phone and email three times. If it seems the Participating Contractor is deliberately avoiding contact, the concern is escalated to a manager in the Implementation Contractor firm and/or NYSERDA based on urgency. All communication will be documented in NYSERDA’s tracking system.

### 2.8.3 Customer Concern – Stage 2

If a concern remains active with minimal Participating Contractor involvement after ten days, it is escalated to a manager, who drafts a warning letter emphasizing the Participating Contractor's responsibility to address concerns promptly.

Participating Contractors must provide a timeline for resolving the concern and any other active concerns. Participating Contractors are reminded that addressing customer concerns is crucial, and failure to do so may result in disciplinary action, such as fund recoupment probation, suspension, or termination from the Program.

### 2.8.4 Customer Concern – Stage 2, Elevated (Mediation)

At the discretion of the Implementation Contractor or NYSERDA, if trust between the customer and the Participating Contractor weakens to the point of requiring third-party mediation, then the concern is escalated to Stage 2. The Implementation Contractor will shift from managing tasks to negotiating solutions. The Implementation Contractor gathers reasonably detailed customer requirements, shares them with the Participating Contractor, and negotiates responses, aiming for a documented agreement that includes photos and the specific negotiated details. If an agreement is reached, then it is shared in writing with all parties involved, and a Quality Control site visit may be arranged to determine the scope of work, which all parties must agree upon before the commencement of any work.

### 2.8.5 Customer Concern – Stage 3

If a Participating Contractor has not responded effectively to the remedial strategies carried out during previous stages, the Program Staff will conduct a thorough examination of the case. Subsequently, they will draft and dispatch a comprehensive letter to the Participating Contractor stating the sequence of steps of the review process.

Where NYSERDA determines that the Participating Contractor has followed and will continue to follow the Customer Concern Resolution Policy that they have on file, the concern will continue to be tracked and assisted by all parties until the concern comes to resolution or is otherwise suspended or closed by the implementation contractor and NYSERDA.

Where NYSERDA determines that the Participating Contractor has not followed the Customer Concern Resolution Policy, any or all the following actions may result:

* The Participating Contractor may be given one additional opportunity to immediately follow through with the policy as stated.
* NYSERDA staff will work with their legal department to determine the next steps including further training, probation, suspension, or termination of the Participating Contractor from the program.

Participating Contractors with a track record of three customer concerns within a six-month timeframe (or more than 3 percent of total jobs) will be subject to a program review for possible probation from the program. Subsequently, the Implementation Contractor shall provide NYSERDA with a recommendation considering the severity of the past six months of concerns regarding program production, and Quality Assurance Inspection results.

## Project Data Review

NYSERDA will be creating a user interface for the data collection and management of the Appliance Upgrade Program effort. This user interface will allow Participating Retailers and Contractors to upload project information, which will include the following:

* The public-facing portion of the user interface will allow consumers to apply and reserve a rebate coupon, which will be reviewed by the Implementation Contractor to confirm income and measure eligibility.

During the application process, the customer (or Participating Contractor applying on their behalf) will enter the site address. Based on their selection, the system (MyEnergy portal) will present the customer or Participating Contractor with three income ranges to calculate whether the customer is below 80%, between 80% and 150% or above 150% AMI. The customer’s eligible incentive amounts will be presented to them after the application is reviewed and approved by the Implementation Contractor. Applicants above the 150% AMI threshold will be referred to other NYSERDA or utility programs.

* Enables Participating Retailers to submit appliance and equipment data for the coupons redeemed and the appliance or equipment purchased, including make, model, price, date purchased, and customer incentive amount. Through this interface, the Participating Retailer will be reimbursed on a monthly cadence for the coupons redeemed in the last 30 days.
* Allow Participating Contractors to reserve and redeem coupons on behalf of the customer as well as submit quality installation documentation for review and approval by the Implementation Contractor; the Implementation Contractor will remit payment (for both the incentive and coupon reimbursement) once all documents are approved.

The Implementation Contractor was competitively selected through RFP 4965, which sought to procure a contractor for centralized services such as customer service and project processing (i.e., application review). The IC was competitively selected through this process based on their strong prior experience in this area, particularly in reviewing projects like those in the Appliance Upgrade Program.

As noted above, the Implementation Contractor will conduct desk reviews to confirm the income and measure eligibility of all rebate applications to ensure all required information is included. Such processes will mitigate the risk of an ineligible application being approved, thereby providing an ineligible Customer with coupons. Should an ineligible Customer receive coupons in error, the Implementation Contractor will confirm the status (i.e., whether coupons have been redeemed) and work with NYSERDA to remedy the situation. For coupons that have not been redeemed, the Implementation Contractor may contact the selected Participating Retailer (and Contractor, if applicable) to cancel the coupons, and refer the Customer to a potentially eligible program for their participation. If one or both coupons (with the Participating Retailer and Contractor, respectively) have been redeemed, then the Implementation Contractor will inform NYSERDA of the redeemed coupon amounts to alert the DOE of the ineligible line item in the respective reporting data set. For all scenarios where an ineligible Customer has received coupons in error, the Implementation Contractor will work with NYSERDA to determine the root cause of the issue and revise the appropriate Program processes to reduce the risk of the issue reoccurring. NYSERDA will also reserve the right to collect coupon amounts from the Implementation Contractor where the coupon was issued in error.

The Implementation Contractor will also maintain QA records for onsite inspections. Implementation staff have prior experience in similar projects, and be trained and credentialed to review the unique aspects of these applications and will access, review, and verify the following items for all projects, including, but not limited to:

* Ensuring the installed appliance is listed on ENERGY STAR’s Qualified Product List.
* Maintaining records on QA inspections, including sampling rates, findings, corrective actions taken and verification of conformance.
* Ensuring that the scope of work aligns with Program requirements.
* Verifying that the installation address matches the address of the eligible entity.
* For Qualified Electrification Projects (QEPs) involving a Participating Contractor, verification that the installation address matches the address of the eligible entity (on the application) will be done through geotagged photos that are submitted as part of the quality install documentation. Participating Contractors will submit this documentation after installation and before payment is remitted (for both the installation incentives and coupon reimbursement)
* For QEPs that do not involve a Participating Contractor (self-install by a customer), verification of the installation address will be done through the QA process, where customers will be requested to provide a geotagged photo of the installed QEP.

Checking that the rebate amount aligns with the consumer’s corresponding income category, shown in Table 3, shown below

In addition to desk reviews of each application, the application portal, MyEnergy, has automated QA functionality that can verify if the site address is a valid New York State address, and the correct rebate amount is calculated based on the customer’s income. MyEnergy will also compare IRA rebates previously received or currently in-process for a given address to prevent duplicate payments. This built-in functionality serves as an additional layer of protection from errors, inaccuracies, or fraudulent activity.

**Table 2.** Customer Program Rebates

|  |  |  |  |
| --- | --- | --- | --- |
| **Customer Program Rebates** | | | |
| Measure Type | Rebate Amount  Per Dwelling Unit | 80-150% AMI | <80% AMI |
| Heat Pump Clothes Dryer[[5]](#footnote-6)[[6]](#footnote-7) | $840 | **Up to 50% of qualified project cost[[7]](#footnote-8)** | **Up to 100% of qualified project cost**[[8]](#footnote-9)6 |
| Induction Cooktop/Stove/Range[[9]](#footnote-10)5 | $840 |
| Electrical Service Upgrade | $4,000 |
| Electrical Wiring Upgrade | $2,500 |
| Maximum per Dwelling Unit | $14,000 |

* Confirming that the rebate amount does not exceed the HEAR $14,000 per household cap before the coupons are allowed to be reserved by the participant.
* Collecting pre- and post-installation photographs as other quality installation data (e.g., final work scope and invoice). Storing itemized receipts and invoices from the retailer and/or contractor, respectively.

## Post-Installation QA Inspections

After a project is completed and paid for within the Appliance Upgrade Program channel, NYSERDA may provide additional desk review and/or in-person field inspections to ensure quality installations for participating customers.

### 2.10.1 Quality Assurance Overview

NYSERDA's SQA team provides third-party QA and monitoring through contractor QA vendors. The QA system is made up of various components such as the review of qualifications and credentials, establishment of program standards, and comprehensive field inspections. The QA inspections verify the work scope agreed upon in the contract, the accuracy of site analysis, and ensure that installations comply with program stipulations and DOE requirements, as they relate to the overarching quality of the installation. NYSERDA or its representatives have the right, within reasonable bounds, to visit the customer site at any point in time before, during, or after installation of the work scope agreed upon to evaluate overall compliance.

Quality Assurance inspectors ensure appliance installations meet basic safety requirements and comply with New York State Uniform Fire Prevention and Building Code requirements.

Participating Contractors who are participating for the first time are given a 'Provisional' status and must successfully complete a minimum of five projects, each meeting the Standard Quality requirements score of three or higher, out of a total possible score of five. Provisional Participating Contractors must fulfill these quality requirements either by the end of their sixth inspected project or within a year from the date of completion of their first project, whichever happens first. They are advised to attend at least the first three field inspections as it gives them a chance to understand first-hand the Program's quality expectations and the field inspection process.

Provisional Participating Contractors who have successfully demonstrated their ability to install quality projects and meet program requirements will be moved to “Full” Status. For Full Status Participating Contractors, the target inspection rate is 10 percent of completed projects, with a minimum of one inspection every quarter. However, the field inspection rate can be modified by NYSERDA based on the individual performance of each Participating Contractor.

Each inspection receives a score on a five-point scale. This score is an indicator of the overall quality and compliance with program requirements, based on the number and type of non-conformances observed. The inspection scores can be interpreted as follows:

* 5 Passing score. The project is fully compliant and employs best practices.
* 3-4 Passing score. The project is considered fully acceptable.
* 1-2 Failing score. The project has major or critical non-conformance issues.

Participating Contractors with high-quality scores and proven, well-defined internal QA and Quality Control (QC) procedures might be considered for a lower inspection rate. However, under any circumstance, the program’s average inspection rate will not be reduced to less than 5 percent.

If items are delivered but not installed by a retailer and photos are collected as a part of the retailer delivery service, the photos will be requested to be sent to NYSERDA or the Implementation Contractor to document the delivery to the specific customer address. For equipment installed by a Participating Contractor, photos will be required as part of quality installation proof at the designated address.

### 2.10.2 Inspection Details

NYSERDA will develop a Standards and Quality Assurance Checklist for the SQA contractor to perform inspections. The SQA contractor will inspect two types of appliance installations: induction cooktops/ranges/stoves/ovens and heat pump dryers. For gas appliance replacements, the SQA contractor will inspect the appliance area to ensure that the gas line is properly disconnected and capped. For projects with existing electrical appliances, the SQA contractor will confirm that the new appliance is installed correctly (i.e., new heat pump dryer that replaced an electrical resistance dryer is properly plugged into a 240V outlet). If there are any electrical or wiring upgrades, the SQA contractor will inspect the project to ensure that it complies with the 2017 National Electric Code (NEC) requirements and/or the electrical code requirements of the local authority of jurisdiction.

Any projects that fail inspection (score of 1 or 2) will be reported to NYSERDA and their Implementation Contractor to follow up with the Participating Contractor to fix and resolve any issues identified during the inspection.

## Quality Assurance Records

Upon purchase, the Participating Retailer must verify that the appliance is an eligible measure (e.g., heat pump dryer) and part of the Qualified Products List maintained by the Recruitment Consultant (i.e., ENERGY STAR® certified). The appliance coupon will be voided after use by the customer or Participating Contractor. The Participating Retailer will report this purchase information to NYSERDA along with the: reservation ID, Universal Product Code (UPC) or product description, ENERGY STAR rating, rebate amount, appliance cost, purchase date, and proof of delivery to site address (if opted by the customer or contractor). For Participating Contractor-driven projects, post-installation documentation must include an invoice, appliance receipt (if purchased on behalf of the customer) and photos (discussed in section 2.11.2).

### 2.11.1 Appliance Testing

Appliance testing can be performed by the Participating Contractor or the customer. The individual conducting the specific testing shall turn on the appliance and ensure it is functioning properly. Any malfunctioning or non-working appliances shall be reported by the program participant to NYSERDA, their Implementation Contractor and Recruitment Consultant for coordination and resolution with the Participating Retailer.

### 2.11.2 Photographs

Installations performed by Participating Contractors are required to submit photo documentation of the full scope, including installed equipment. Accurate photo documentation is essential for program quality control and allows the option for inspection desk reviews. Participating Contractors must submit separate documentation for each project (i.e., household and/or unit). Photos must be detailed and clear enough to allow program staff to confidently confirm the appliance and other upgrades, such as electrical wiring and/or service panel are installed and operating as intended. Photos or on-site indications of incomplete work or improperly installed measures will require follow-up photos demonstrating correct installation. The following are the requirements for photo documentation.

* All photos must be clear with legible labels or nameplates and geotagged to confirm the customer’s address.
* Appliance and electrical wiring and service panel equipment photos must include legible photos of the product label(s) and photo(s) showing the equipment installed.

### Project Completion Documentation

The Participating Contractor must submit the required photo documentation and a copy of the retailer/distributor receipt, if they applied on behalf of the customer. The Participating Contractor must also submit a copy of their itemized receipt showing the total cost of materials and labor.

# Continuous Improvement

NYSERDA has implemented a comprehensive process to prevent and identify fraud, waste, and abuse in its residential programs, ensuring continuous improvement across all initiatives.

For EmPower+ projects, NYSERDA requires set pricing for air sealing, insulation, and other measures to guarantee fair and equitable services for customers. These prices are reviewed annually to determine appropriate rates for program work. Participating Contractors must justify any work outside these ranges, and NYSERDA periodically reviews and updates these ranges to reflect current market conditions.

In EmPower+, NYSERDA uses NYHEP, to automate project workflows and review work scopes. The platform include robust data validation tools to ensure compliance with program rules. Projects that fall outside set parameters undergo secondary and tertiary approvals to verify they meet program guidelines.

All completed projects are subjected to a final inspection, which may involve a desk review or a site visit. A trained Implementation Contractor examines all documents, work scopes, photographs, and communications to ensure the project adheres to program standards.

Energy audits are also meticulously reviewed. Completed audits undergo a desktop data review to check data inputs, and a sampling of audits are further reviewed by comparing key inputs with publicly available data to detect anomalies. In the 1–4-unit programs, energy audits data inputs into NYHEP are controlled to ensure they fall within reasonable ranges. Similarly, the 5+ unit program incorporates quality control ranges within its scope of work tool. For the 5+ unit program, if a limited home assessment is completed, in addition to the quality control measures used to validate the scope of work, those assessments will also be subject to technical review to review the accuracy of the scope of work. The technical reviewer will validate the existing conditions of the buildings, that the proposed scope of work is reasonably based on the existing building conditions, and for installations of heat pumps for space heating/cooling, that the projected utility bill impact calculations are accurate and reasonable.

Monthly QA reports are analyzed to rank and review non-conformances, identifying procedures to reduce or eliminate their recurrence. The SQA team uses these reports to monitor contractor performance, identifying those who may need additional training or support to improve their work quality.

NYSERDA regularly assesses its QA processes, adapting to new technologies and program rules as necessary. This process includes a root-cause analysis to deeply investigate common deficiencies found during inspections, recommending remediation strategies such as contractor training or best practice sharing. Results are reviewed regularly to determine the effectiveness of these strategies, with further interventions applied if necessary to ensure quality work through the program. Market experts, including Participating Contractors, are invited to participate in this process, and recommendations to adjust the QA process may arise from these evaluations.

## Program Evaluation

NYSERDA currently conducts evaluation studies for all of its programs. A selection of key evaluation research objectives includes, but is not limited to, the following:

* Process Evaluation
  + Participant awareness of the programs.
  + Participants and contractors’ motivations to participation, identification of opportunities and barriers.
  + Participant and contractor satisfaction with various program elements, such as enrollment, equipment performance, contractor performance, timeliness of incentives, and engagement with NYSERDA.
  + Lessons learned on the integration of federal funds with an existing program.
* Impact Evaluation
  + First year, weather normalized average electricity, and natural gas and delivered fuel savings per household or building, as applicable, and as a percentage of baseline energy use.
  + First-year peak demand savings.
  + Assessment of increased electricity use due to fuel switching from natural gas and delivered fuels.
  + Assessment of baseline fuel poverty conditions which may result in snapback and negatively impact measurable realization rates.
  + Calculation of realization rate and assessment of savings estimates developed through EmPower+, and retail point of sale, as they vary by utility area, climate zone, contractor, measure type, disadvantaged community status, and income group (low or moderate income).
  + Drivers for realization rates +/- 100 percent.
  + Lifetime energy savings over the full life of measure by fuel type.

## Fiscal Review

NYSERDA ensures efficient and effective use of funds by utilizing the NYSERDA Enterprise Information System for financial management, meeting government standards. Targeted budgeting and quarterly forecasting ensure budgets are adjusted accordingly to stay within budget. Budget controls prevent expenditures from exceeding allocations for administrative and rebate costs. For 1–4-unit projects, administrative efficiencies will be achieved by leveraging the existing program system and incorporating NYHEP, which will streamline processes and minimize integration costs for HEAR funding. Automated checks and data quality control reports within NYHEP will ensure proper rebate allocation.

NYSERDA is also committed to a process of continuous improvement and as stated above, will review the Consumer Protection Plan annually and may adjust more frequently, if appropriate. As appropriate, updates to the Consumer Protection Plan will be communicated to all stakeholders, partners, and DOE.

# NYSERDA Home Energy Rebates Consumer Bill of Rights

1. Availability of Information   
   Consumers have the right to accurate, easily understood information about the Home Energy Rebate programs on the [NYSERDA IRA program website](https://www.nyserda.ny.gov/All-Programs/Inflation-Reduction-Act/Inflation-Reduction-Act-homeowners) and through a NYSERDA-managed consumer hotline or email, including access to information outlined in this Consumer Bill of Rights and required by NYSERDA’s Consumer Protection Plan. NYSERDA will provide hard copies of documents related to the Home Energy Rebate programs as requested by consumers. NYSERDA will provide program information in an ADA compliant format and in Spanish and other languages as appropriate.
2. Information on Home Energy Rebates   
   Consumers have the right to accurate, easily understood information on eligibility and qualifications for rebates under the Home Energy Rebate programs and how any available rebates may be applied to products.
3. Qualified Contractors   
   Consumers have the right to have work performed by a contractor from NYSERDA’s qualified contractor list. The qualified contractor list will be publicly available so consumers can readily confirm their contractor is on the list.
4. Information on Contractors    
   Consumers have the right to access easily understood information on how contractors are qualified by NYSERDA and how a contractor can be disqualified from the Home Energy Rebate programs. This information is located within the IRA Home Energy Rebates Consumer Protection Plan.
5. Installation Standards    
   Consumers have the right to assurance that installation of any products under the Home Energy Rebate programs are completed in a quality manner that complies with local and state laws, permits, codes, and industry standards.  Consumers may request third-party inspections of work completed through NYSERDA’s programs.
6. Energy Efficient Products    
   Consumers have the right to energy efficient products, including ENERGY STAR products, if applicable. Consumers participating in the Home Electrification and Appliance Rebates program may also have the right to select products from a list of qualified retailers developed by NYSERDA.
7. Impact on Energy Bills    
   Consumers have the right to accurate, easily understood information about estimated impacts on their energy bills from heat pump for space heating and cooling products installed through the Home Energy Rebate programs, including how those impacts are calculated.
8. Financing for Products    
   If a consumer chooses to finance any products under the Home Energy Rebate programs, the consumer has the right to information to allow them to make a determination that they can afford the home improvements or appliances. Prior to signing the loan documents offered through NYSERDA’s Residential Financing Program, consumers will be provided with information about payback period for their loan based on the proposed contract. Consumers also have a five-business day right to cancel period for NYSERDA’s Residential Financing contracts without penalty.
9. Confidentiality of Personal Identifiable Information   
   Consumers have the right to have any financial or other Personal Identifiable Information that they provide kept confidential except as necessary to verify income and administer the Home Energy Rebate programs.
10. Consumer Feedback and Complaints    
    Consumers have the right to communicate questions, concerns, complaints, or other feedback to NYSERDA by calling 1-866-NYSERDA or emailing using one of the email addresses listed below. Consumers also have the right to a prompt response to their communication; information on any corrective actions that will be taken in response to their communication; and accurate, easily understood information about any dispute resolution process.
    * For EmPower+, contact: [support.residential@nyserda.ny.gov](https://nysemail.sharepoint.com/sites/nyserda-ext/ExternalCollaboration/Contractors/SFR/IRARP/Shared%20Documents/Implementation%20Blueprints/Full-Scope%20Combined%20HEAR+HER%20Blueprint%20Documents/Full-Scope%20Consumer%20Protection%20Plan%20HEAR+HER/support.residential@nyserda.ny.gov)
    * For Appliance Upgrade Program, contact: IRAretailrebates@nyserda.ny.gov
11. Renters’ Rights    
    Consumers who occupy rental properties have the right to accurate, easily understood information about any products being installed in their home by the owner through the Home Energy Rebate programs. For consumers in low-income apartments or other low-income rental property, their rent cannot be increased because of the energy improvements installed except to cover documented increases in property taxes or operating and maintenance costs related to the improvements for a specified period of time. In addition, renters cannot be evicted so the landlord can obtain higher rent.

For all tenant-occupied properties that receive rebate amounts available only to households with incomes less than 80% AMI, NYSERDA will require the building owner to sign a statement acknowledging the owner agrees: to continue to rent the low income dwelling units to low-income tenants; not to evict a tenant to obtain higher rent tenants based upon the improvements; not to increase the rent of any tenant of the building as a result of the energy improvements with exception of increases to recover actual increases in property taxes and/or specified operating expenses and maintenance costs, for a specified period of time; and provide the details of these obligations to their tenants. Building owners will be required to submit documentation to confirm low-income status of households upon NYSERDA request.

If the property is sold within two years of receipt of the rebates, the aforementioned conditions apply to the new owner and must be part of the purchase agreement. Furthermore, if there is a new tenant in a designated low income dwelling unit within two years of receipt of the rebates, then written notice of the tenant’s rights and the building owners’ obligations must be included as an addendum to the lease.

In the event that NYSERDA discovers a breach of this term, NYSERDA will require the disclosure of the Tenants’ name and contact information. The owner will be required to pay a mandatory legal penalty in an amount that is a minimum of the amount of funding received through the applicable low-income rebate program but not to exceed two times the amount of funding received through the applicable program. NYSERDA will distribute these funds among the tenant’s pro rata which the tenants can use for attorney’s fees or other mitigative measures.

1. Consumer Responsibilities   
   Consumers understand that by participating in a Home Energy Rebate program, they have reasonable responsibilities and obligations to cooperate with program administrators, including potentially: (1) consenting to a home energy assessment prior to work being done, when applicable; (2) consenting to the testing of installed products during and/or after installation is complete; (3) consenting to an inspection and photographing of any products after installation; and (4) providing the qualified contractor, NYSERDA, and/or its implementation vendors with access to utility bills upon request. Consumers also understand that they will receive a customer satisfaction survey from NYSERDA several months after installation of any home improvements or appliances funded through a Home Energy Rebate program.

1. Average insulation of total attic area‐ some areas might have less than R‐38 if the total average of the combined attics is R-38. [↑](#footnote-ref-2)
2. Prior to the installation of heat pump heating equipment, the contractor must verify the home is tightened to at least 7 ACH for a 1–4 family home/12 ACH for a mobile home or below to ensure proper heating from heat pumps. If the contractor cannot perform a blower door test, they must use NYHEP to estimate the air leakage. [↑](#footnote-ref-3)
3. Prior to signing the loan documents offered through NYSERDA’s Residential Financing Program, consumers will be provided with information about payback period for their loan based on the proposed contract. Consumers also have a five-business day right to cancel period for NYSERDA’s Residential Financing contracts without penalty. [↑](#footnote-ref-4)
4. Retailers who only sell induction stoves/cooktops/ranges/ovens will be inactive in October 2024 until this measure is added to the Program. [↑](#footnote-ref-5)
5. All-in-one washer-dryers (with a heat pump dryer) are eligible under this measure. [↑](#footnote-ref-6)
6. Each household may receive up to $840 for each appliance type, [↑](#footnote-ref-7)
7. For appliance measures (heat pump clothes dryers and induction cooktops/stoves/ranges) the qualified project cost includes the following costs: appliance purchase, delivery, haul away, and sales tax. The qualified project cost does not include accessories (e.g., hoses). [↑](#footnote-ref-8)
8. [↑](#footnote-ref-9)
9. [↑](#footnote-ref-10)