

NYSERDA Home Electrification and Appliance Rebates (HEAR) Program: Appliance Upgrade Program Manual

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Version 1.0 – Retailer Only

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1. Background

1.1. Program Overview

The U.S. Department of Energy (DOE) has introduced the Home Electrification and Appliance Rebates (HEAR) program using funding from the Inflation Reduction Act (IRA). The IRA established population-based formula grant funding to be provided to State Energy Offices to develop and implement programs under administrative rules established by the DOE.

NYSERDA is currently seeking approval from the DOE to administer the Appliance Upgrade Program (Program), under HEAR, that will provide incentives to income-eligible owners and renters of single- and multi-family residential buildings (Customers) for a pre-defined list of energy efficiency and electrification improvements (Qualified Electrification Projects, QEP). Subject to approval of the Program by the DOE, NYSERDA intends to offer these prescriptive rebates to Customers at or below 150% of the State's Area Median Income (AMI)). The formula grant amount to NYS is \$158.4 Million through 2031, with a portion of the total formula grant used for the Appliance Upgrade Program.

Subject to final approval from the DOE, through the Program, NYSERDA intends to offer incentives for QEPs that include induction cooktops/ranges/stoves/ovens¹, heat pump clothes dryers, and electrical wiring and service panel upgrades necessary for such appliance installations².

The rebates offered through the Appliance Upgrade Program under the HEAR Program will further drive adoption of high-efficiency appliances to help New York State meet its electrification goals under the Climate Leadership and Community Protection Act (the Climate Act).

The amount of funding available for Customers to claim and use for an eligible appliance purchase and installation is limited and will be offered on a first-come, first-served basis while funding lasts.

1.2. Program Contacts

Participants may contact NYSERDA's hotline at 1-866-NYSERDA (1-866-697-3732) or email IRAretail@nyserda.ny.gov to report any issues or problems.

¹ Incentives will be available post-October 2024. This Program Manual will be updated with this future revision.

² Participating Contractors are eligible to receive up to \$500/dwelling unit in QEP installation incentives, which includes a \$200/dwelling unit for any projects located in a disadvantaged community (DAC).

2. Program and Project Status Definitions

2.1. Program Definitions

Appliance Coupon – An incentive from the IRA funding that is provided to Customers through the Appliance Upgrade Program as an Appliance Coupon. The Appliance Coupon is supplied by a Participating Retailer and is set based on eligible Customer rebate amounts (as shown in Table 2: Customer Rebates). The Appliance Coupon may be issued to Program Participants upon approval of a Program application.

Area Median Income (AMI) - Refers to the midpoint of the State's Area Median income distribution, meaning that half of the households in a region earn more than the median and half earn less than the median.

Customer – An income-eligible New York State homeowner, building owner or renter who may participate in the Program or is a current or former participant in the Program.

Disadvantaged Community (DAC) – Communities identified by the New York's Climate Justice Working Group (CJWG) located in census tracts that are disproportionately impacted by the effects of climate change and environmental burdens, and/or contain population characteristics and health vulnerabilities that can contribute to more severe adverse effects of climate change. In addition to the geographic criteria, any household with an annual income at or below 60 percent of the State Median Income or that are otherwise categorically eligible for low-income programs (e.g., Home Energy Assistance Program (HEAP)), are included in the State's definition of a DAC. See NYSERDA's [website](#) to view New York State's map of listed DACs.

ENERGY STAR® – A program run by the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy (DOE) that promotes energy efficiency by providing information on the energy consumption of products and devices using different standardized methods.

Home Electrification and Appliance Rebates (HEAR) – A program authorized by the IRA that provides rebates for a range of QEPs to low-to-moderate income (LMI) households defined as households with an income less than 150% of the area median.

Implementation Contractor – Organization working under contract with NYSERDA to provide administrative and support functions such as project approvals, technical support, reporting, invoicing, and payment management to Participating Retailers and Participating Contractors.

Inflation Reduction Act (IRA) – A 2022 bill that provides nearly \$400 billion to support clean energy and address climate change, including \$8.8 billion for the Home Energy Rebates.

Installation – Appliance is installed in its intended location by a Participating Contractor (i.e., setup where the Customer intends to use it and plugged in) and the appliance is deemed to be operational.

MyEnergy portal – NYSERDA's Salesforce-based platform used by Customers, Participating Contractors, and Hub representatives to submit applications, view project status and submit Quality Installation documentation (Participating Contractors only). The MyEnergy portal is also

used by Participating Retailers to upload Appliance Coupons and sales documentation for the reimbursement of redeemed Appliance Coupons.

New York State Energy Research and Development Authority (NYSERDA) – A state public benefit corporation that works to promote energy efficiency, renewable energy, and emissions reduction across New York State’s economy and energy system.

Participating Contractor³ – A contractor approved by NYSERDA to participate in the Program and perform appliance and/or electrical (wiring and/or panel upgrade) installations as well as submit applications. Participating Contractors encompass electricians, plumbers and appliance installers.

Participating Retailer - A retail entity that has been approved by NYSERDA via applying to the Program’s open solicitation (PON 5859) to participate in the Program.

Program – Refers to the IRA HEAR Appliance Upgrade Program

Program Administrator – Refers to NYSERDA as the Program Administrator for the Program

Program Participant – Refers to Customers, Participating Contractors and Regional Clean Energy Hub (Hub) representatives as entities who can submit applications for participation in the Program.

Qualified Electrification Project (QEP) - A project funded under HEAR that is comprised of Program measures (heat pump clothes dryers, electrical upgrades (wiring and/or panel)) and meets the requirements of this Program.

Quality Installation (QI)⁴ – the installation of a QEP performed by a Participating Contractor that meets the necessary Program and quality assurance (QA) requirements and adheres to the appropriate municipal local laws, codes, permits and any other applicable regulations.

Qualified project cost – comprised of the costs that are invoiced to the Customer (or designated entity on their behalf, like a Participating Contractor) for the purchase and installation of a QEP.

Recruitment and Contractor Recruitment Consultant (Recruitment Consultant) – An entity hired by NYSERDA to conduct outreach to, and enroll, eligible contractors and retailers who can apply to participate in the Program via NYSERDA’s open solicitation (PON 5859)⁵. This consultant will evaluate, onboard, and manage Participating Contractors and Retailers to ensure that they meet quality assurance (QA) and Program requirements.

Regional Clean Energy Hub (Hub) – An entity created by NYSERDA to connect people to the clean energy economy through a team of trusted, knowledgeable, community-based organizations in and from various regions of New York State and have experience with clean energy, energy efficiency, workforce and economic development, education, health, and housing.

³ Requirements to enroll as a Participating Contractor will be detailed in a subsequent Program Manual version.

⁴ Quality Installation requirements will be detailed in a subsequent Program Manual version.

⁵ PON 5859 will be revised to include enrollment for contractors as it currently only includes retailers.

Retailer Participation Agreement (Agreement) – An Agreement which establishes the terms and conditions under which NYSERDA-qualified Participating Retailers may offer Appliance Coupons to income-eligible Customers in New York State.

Subcontractor – A person who performs Work directly or indirectly for or on behalf of the Participating Contractor (and whether or not in privity of contract with the Contractor) but not including any employees of the Contractor or the Subcontractors.

2.2 Program Process and Project Status Definitions⁶

2.1.1. Program Process Overview

After creating an account in the MyEnergy portal, Program Participants will be able to submit QEP applications. The application and eligibility processes are detailed further in Section 3. NYSERDA's Implementation Contractor (IC) will be responsible for reviewing and approving such applications as well as issuing the respective Appliance Coupons to Program Participants via email. Appliance Coupons will be eligible for redemption at the selected Participating Retailer. Appliance Coupons are further discussed in Section 4, including the reservation and redemption process for Program Participants.

2.1.2. Program Process Definitions

The Program QEP statuses are detailed below. These statuses will be used by the Implementation Contractor to track and approve projects at the appropriate stage. As noted for the respective stages, some may be shared by Appliance Coupons. Program Participants will have visibility into the status of their QEPs by logging into the MyEnergy portal. Participating Retailers will not have visibility into the QEP stages, only the Appliance Coupon stages.

Unsubmitted – incomplete application by a Customer/Participating Contractor/Hub representative.

Submitted – Program Participant has submitted an application to the MyEnergy portal for an Appliance Coupon.

Under Review – Application is under review for accuracy, eligibility and completeness by the Implementation Contractor.

Pending Approval – Application requires additional confirmation from the IC (i.e., second opinion by the IC and/or Program Administrator).

Approved – Application has been approved by the IC. An Appliance Coupon is issued via email to the Program Participant (see Section 2.1.3. for corresponding Appliance Coupon status in this stage).

⁶ A subsequent version of this Program Manual will detail Program statuses and requirements for the stages beyond installation, which includes submission of Quality Installation documentation by a Participating Contractor. This version will only include those statuses related to application submission and Appliance Coupons as related to Participating Retailers.

Rejected – The IC has completed the application review and deemed that the Customer is not eligible to the Program. Note: this status is also shared by an Appliance Coupon that has been issued to the Customer, see Section 2.1.3. for the status.

Documentation Submitted – Participating Retailer has submitted the sales documentation (see Section 6.1.) and is ready for review by the IC.

Documentation Denied – the sales documentation submitted by the Participating Retailer has been reviewed by the IC and rejected for reimbursement. The Participating Retailer will be responsible for remedial actions.

Completed – Submitted sales documentation by the Participating Retailer for an appliance purchase and redeemed Appliance Coupon has been approved by the IC. At this stage, the Participating Retailer is eligible to receive reimbursement for the Appliance Coupon amount applied at the point-of-sale.

Closed – The QEP has been invoiced/payment has been completed.

2.1.3. Appliance Coupon Statuses⁷

Unassigned – Appliance Coupon has been created and available in the MyEnergy portal, but has not yet been assigned to a QEP.

Approved – “Unassigned” Appliance Coupon has been assigned to a QEP and issued to the Program Participant by the IC.

Cancelled – the current date has exceeded the expiration date of the Appliance Coupon or the Customer has requested that their QEP be cancelled or the submitted application is a duplicate.

Rejected – after 30 days in the “Cancelled” status, the QEP (including the Appliance Coupon) has automatically been moved to the “Rejected” status. The Program funds held with the unredeemed Appliance Coupon are released.

3. Customer Eligibility

3.1. Income Eligibility

3.1.1. Overview

As noted in Table 2, the available Customer incentive amounts are dependent on the State’s Area Median Income (AMI). In the Program, Customers will be eligible for up to 50% or 100% of the qualified project cost with a maximum amount of \$840. To confirm eligibility in the Program, Program Participants will be required to submit an application in the MyEnergy portal, which will

⁷ A subsequent version of this Program Manual will detail the coupon statuses for the electrical coupon.

be reviewed by the IC and confirm their income and measure eligibility. A subsequent version of this Manual will detail the eligible documents to submit for confirmation of income eligibility.

3.2. Measure Eligibility⁸

3.2.1. Eligible Measures

In October 2024, incentives will be available to eligible Customers for ENERGY STAR® certified heat pump clothes dryers and all-in-one washer-dryers (with a heat pump dryer), as well as electrical service upgrades and electrical wiring upgrades necessary for such appliance installations. A single address can receive rebates for one or all these services up to a maximum of \$14,000. The table below summarizes the available rebates for eligible Customers.

Table 2: Customer Rebates

Customer Program Rebates			
Measure Type	Rebate Amount Per Dwelling Unit	80-150% AMI	<80% AMI
Heat Pump Clothes Dryer ⁹	\$840 ¹⁰	Up to 50% of qualified project cost	Up to 100% of qualified project cost
Electrical Service Upgrade	\$4,000		
Electrical Wiring Upgrade	\$2,500		
Maximum per address	\$14,000		

3.2.2. Changes to Incentive Amounts

NYSERDA reserves the right to make changes to the incentive offering, including but not limited to amount, timing, recipient, structure, incentive caps and total budget available. Any changes to the incentive offerings and will be done via a modification to this Program Manual with notice provided to Program Participants.

⁸ A subsequent version of this Program Manual will detail the process by which a Customer must confirm their measure eligibility in the RMES.

⁹ All-in-one washer-dryers (with a heat pump dryer) are eligible under this measure.

¹⁰ \$840 is the maximum amount available for the purchase of both a heat pump clothes dryer and induction stove/cooktop/range/oven. The latter will be included in a subsequent version of the Program Manual as it is currently not available for Retail Point-of-Sale incentives.

4. Appliance Coupons

4.1. Appliance Coupons - for Customers, Participating Contractors, and Hub Representatives

4.1.1. Overview

As noted in Section 2.1.1. Program Process Overview, upon application approval, Program Participants will be emailed a printable Appliance Coupon that contains a unique alpha-numeric code from the selected Participating Retailer for a heat pump clothes dryer. The Appliance Coupon may be used in-store or online, depending on the Participating Retailer. The code will be worth up to 50% or 100% of the qualified project cost worth a maximum of \$840 (shown in Table 2: Customer Rebates). This code is non-transferable between Program Participants and non-Program Participants. The Appliance Coupon code will be active for a minimum of 60 days.

The Appliance Coupon is only eligible for a new ENERGY STAR® certified heat pump clothes dryer (including an all-in-one washer-dryer with a heat pump dryer) as per Table 2; specific models will be included on the Qualified Products List (QPL). This QPL will be developed from the ENERGY STAR® Qualified Product List and updated regularly by the Recruitment Consultant. The QPL will be available on NYSERDA's website.

4.1.2. Receipt of Appliance Coupon

Once the application has been approved by the IC, the Program Participant will receive an email with the following instructions¹¹ on how to use their Appliance Coupon:

- The unique alpha-numeric Appliance Coupon code (specific to the Customer and chosen Participating Retailer)
- If applicable, a link to a Participating Retailer store locator tool (i.e., where the closest Participating Retailer is located based on entered location information)
- A link to the QPL detailing the eligible Program appliance models
- A link to the Program's Participating Contractor list

Once the Appliance Coupon has been emailed, NYSERDA will send automated email reminders to the Customer at 30 days, 7 days, and one day prior to expiration or until the Appliance Coupon has been deemed used.

4.1.3. Redemption – In-Store and Online

Upon receipt of the Appliance Coupon, only the range (50% or 100% up to \$840), not the actual incentive amount, will be indicated on the email with the Appliance Coupon code. To understand

¹¹ Instructions will be modified to include those specific to Participating Contractors, which will be included in a subsequent Program Manual version.

the potential incentives, Program Participants may visit the QPL to estimate the qualified project cost and their respective incentive amount.

In a brick-and-mortar store, the Participating Retailer will redeem the Appliance Coupon by manually entering the alphanumeric code at checkout. Similarly, in an online shopping experience, the Customer (or Participating Contractor on their behalf) will enter the alphanumeric code at the Participating Retailer's online checkout. Both use cases will apply the correct discount based on the eligible Customer range and automatically void the Appliance Coupon code. Please refer to the statuses in Section 2 for further detail.

If the Customer (or Participating Contractor on their behalf) is purchasing the appliance online, and opts for delivery by the Participating Retailer, then they must input the Customer's address from the QEP application. If the appliance is not delivered to such address, and the IC is not notified of the change, then the Customer risks the potential loss of incentives. Delivery addresses not in New York State are prohibited.

If delivery is not needed, then Customers and/or Participating Contractors may select store-pickup (if offered by the Participating Retailer).

Appliance Coupons may not be redeemed for the following products and/or services provided by the Participating Retailer: equipment accessories (e.g., hose), delivery, extended warranty and haul away of the existing appliance.

4.1.4. Post-Redemption – In-Store Only

After the appliance purchase is complete, it will be the Customer's or Participating Contractor's responsibility to arrange delivery to the QEP address with the Participating Retailer. If delivery by the Participating Retailer is requested, it must be to a valid New York State address. Participating Retailers may not deliver to any state outside of New York State. If the appliance is not delivered at the New York State address indicated on the QEP application, the Customer risks the potential loss of incentives.

Customers and/or Participating Contractors may pick-up the appliance at the time of purchase if delivery is not needed.

4.2. Appliance Coupons - for Participating Retailers

4.2.1. Overview

The Appliance Coupons created by the Participating Retailer will be assigned, based on eligible rebate range, to a QEP upon approval of a Program Participant's application. The Program Participant will receive the Appliance Coupon via email and present it at the Participating Retailer (in-store or online) where it must be validated, redeemed, and voided immediately after use (as discussed in Section 4.1.1.). Outside of the Appliance Coupon creation, Participating Retailers will perform all work in the MyEnergy portal. An account in the MyEnergy portal is required to participate.

4.2.2. Appliance Coupon Creation Requirements

Appliance Coupons must be structured based on the following criteria:

- Within each batch, there must be two sets of Appliance Coupons, one eligible for up to 50% off the QEP (heat pump clothes dryer for launch) and the other up to 100% with a maximum amount of \$840 to adhere with the DOE allowed rebate amounts.
 - The first batch of Appliance Coupons ready for upload into the MyEnergy portal must contain no less than 50 (25 for each range).
- Appliance Coupons must expire no less than 60 days and no more than 120 days into the future.
- A new batch of Appliance Coupons must be uploaded once previously uploaded Appliance Coupons are exhausted by the Program or will expire in less than 60 days.
- Appliance Coupons must be identifiable by a retailer-specific unique alpha-numeric coupon code that is valid for one-time use only.
 - Coupons that require the use of barcodes, QR codes, or other non-alpha-numeric code redemption are not compatible with the Program.
- Appliance Coupons must be structured such that they cannot exceed the QEP incentive structures detailed herein and are only redeemable for appliance model numbers on the Qualified Products List (QPL).
 - Appliance Coupons must be prohibited from applying to Participating Retailer services such as delivery, haul away and extended warranties as well as accessories, like hoses
- Appliance Coupons must be provided in .csv file in the provided NYSERDA template

5. Retailer Program Eligibility and Requirements

5.1. Retailer Enrollment

NYSERDA offers interested retailers the opportunity to participate in the Program by responding to the Program Opportunity Notice (PON 5859), which enrolls NYSERDA's Participating Retailers.

Retailers must apply and meet the minimum requirements in Section 5.2. NYSERDA's Recruitment Consultant will assist with the enrollment and onboarding to ensure all requirements and necessary qualifications are met..

5.2. Retailer Participation Requirements

5.2.1. Requirements Overview

The requirements for a retailer to participate in the Program include:

- Adhere to the non-connected pathway outlined in 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/ovens 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 are eligible for enrollment if they sell direct-to-consumer (DTC) online and/or in brick-and-mortar stores.
 - Retailers must ensure available stock of the respective appliance types for purchase in October 2024 (aside from induction stoves/cooktops/ranges/ovens).¹²
- Must provide the option for delivery
 - Retailers must adhere to the requirements in Sections 5.2.2. through 5.2.4.
- Possess desktop or 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 an antivirus software that is kept to the most level necessary.
- Possess (or create if not yet available) active email accounts for the Participating Retailer point-of-contact (applicant) and all users intended to 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 monthly Participating Retailer meetings for training and program updates.
- Must meet relevant consumer protection requirements in NYSERDA's Consumer Protection Plan.¹³
- Participating Retailers must also adhere to requirements in Section 8. Consumer Protection and Quality Assurance (QA).

5.2.2. Overview of Online Order Requirements

As noted in Section 5.2.1., retailers with in-store and/or online shopping experiences may apply for enrollment as Participating Retailers, which includes online only retailers. Appliance Coupons are permitted for online use if the requirements in sections 5.2.1., 5.3.2. and 5.3.3. are met. If such requirements are not adhered to by the Participating Retailer, then they risk removal from the Program. Participating Retailers unsure about the eligibility of online orders should contact the Recruitment Consultant for assistance.

5.2.3. Orders for Delivery – Online and In-store

¹² Retailers who only sell induction stoves/cooktops/ranges/ovens will be inactive in October 2024 until this measure is added to the Program.

¹³ The Consumer Protection Plan is not final and contingent on DOE approval. Once approved, the Participation Agreement will be updated to reflect the effective date, thus confirming that the Participating Retailer will meet the requirements of the Consumer Protection Plan.

Orders placed with redeemed Appliance Coupons where the Customer (or Participating Contractor) opts for delivery must be reviewed by the Participating Retailer upon order receipt. Participating Retailers must validate that the inputted delivery address is a residence in NYS. Orders with a delivery address outside of NYS must immediately be cancelled. Participating Retailers who deliver orders outside of NYS will not be reimbursed for the redeemed Appliance Coupon amount.

5.2.4. Pickup Orders – Online Only

Online orders placed for pickup must be done with a NYS billing address and the designated pickup person must have a valid NYS ID to complete pickup. Orders placed (with redeemed Appliance Coupons) that have billing addresses outside of NYS must immediately be canceled upon receipt. As noted in Section 5.2.2., if a Participating Retailer is unsure about the eligibility of an online order, they should promptly contact the Recruitment Consultant upon receipt.

6. Rebate Distribution Process

6.1. Participating Retailer Reimbursement Process

Participating Retailers shall submit sales documentation within 30 days of Appliance Coupon redemption in a .csv template available on the MyEnergy portal. The .csv file headers will include:

- Unique Coupon Code
- Store Location
- List Price
- Rebate Amount
- Appliance Make
- Appliance Model Number
- Estimated Annual Energy Use
- Purchase Date
- Delivery Method
- Proof of delivery/delivery date
- Delivery address

The Participating Retailer will upload this data into the MyEnergy portal, where it will be reviewed by the IC. The IC will review the sales documentation to ensure that it is accurate and complete. If the Implementation Contractor finds an issue with the data, the project status will show a “Documentation Denied” status with a reason field. The Implementation Contractor will notify the Participating Retailer that the sales documentation is incomplete or incorrect via email notification. If the sales documentation is complete and accurate, then the Participating Retailer will be provided a report of the redeemed or “Completed” Appliance Coupon rebates, which will

include any data associated with the sales records in the MyEnergy portal. See Section 2. for further information on Appliance Coupon statuses.

6.2. Prompt Payment Policy

Once all necessary documentation is received from the Participating Retailers, NYSERDA will manage the payment process and ensure a timely project review. The targeted project review will be three to five business days.

In accordance with NYSERDA's prompt payment policy, NYSERDA will reimburse Participating Retailers for Appliance Coupon redemptions within 30 days from confirmed receipt of the invoice.

7. Purchased Equipment

7.1. Appliance Returns to Retailer¹⁴

In the event that a Customer or Participating Contractor - who has already redeemed an Appliance Coupon - wishes to return or exchange the appliance to the Participating Retailer, the following steps must be taken:

1. Customer or Participating Contractor contacts the IC.
2. The IC determines if the return is allowed per the Program requirements.
3. The Participating Retailer processes the return or exchange per their standard policies and confirms that a NYSERDA coupon was previously applied to the original sale. Note: if an exchange is requested, the Participating Retailer must confirm that the appliance is an eligible measure (heat pump clothes dryer) and listed on the QPL.
4. The Participating Retailer informs the IC of the return or exchange. The IC will manually delete the original sales documentation data and include a reason for return/exchange.
5. The Participating Retailer uploads the new sales documentation into MyEnergy portal.
6. The Participating Retailer is reimbursed or invoiced for adjustments deemed necessary to account for any returned or exchange item(s).

In the event that the Customer chooses to return and not exchange the appliance, the Participating Retailer shall not provide the Customer with cash nor merchandise credit worth the Appliance Coupon amount. If the Appliance Coupon did not cover the entire cost of the appliance, then the Customer is entitled to a refund of that difference in the original form of payment.

¹⁴ A subsequent version of this Program Manual will further revise this process based on the various specific return scenarios.

8. Consumer Protection and Quality Assurance (QA)

8.1. Consumer Protection

Retailers that sign the Participation Agreement attest to following the consumer protection requirements outlined by the [Federal Trade Commission Bureau of Consumer Protection](#).

Based on the Manufacturer's Suggested Retail Price (MSRP), NYSERDA's Implementation Contractor will be reviewing applications to check if pricing deviates significantly from the MSRP. If the IC 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 Participating 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 Participating Retailer to adjust their pricing. Since most retailers strive to offer competitive prices, it is expected that instances of price-gouging will be rare. However, since delivery and haul-away of the existing appliance are not included in the qualified project cost for the rebate, NYSERDA anticipates some retailers may fold these costs into the sale price of the appliance.

The Agreement will also require the Participating Retailer to follow the holder-in-due course-rule so consumer protections are not lost. If NYSERDA determines these requirements are not being met by the Participating Retailer, NYSERDA will give the Participating Retailer ten (10) business days to comply. If the Participating Retailer is still non-compliant, NYSERDA reserves the right to terminate the Participation Agreement and suspend or altogether terminate the Participating Retailer from offering HEAR rebates.

8.2. Quality Assurance Records

Per Section 6.1. Participating Retailer Reimbursement Process, Participating Retailers are required to submit sales documentation for the Appliance Coupons redeemed and the appliance purchased. This data will be used to confirm that the Participating Retailer is adhering to such requirements.

Participating Retailers will be removed from the Participating Retailer list if they fail to comply with the terms outlined in the Retailer Participation Agreement such as:

- Instances of fraud
- Applying Appliance Coupons to ineligible products (e.g., non-ENERGY STAR® certified)
- Failure to uphold the correct Appliance Coupon amount at the point-of-sale to a Program participant's appliance purchase

Participating Retailers should refer to the Retailer Participation Agreement for more details on the terms and conditions under which to participate. Any updates will be issued to the QA contact for all Participating Retailers as necessary to comply with changing standards or meet the goals of the Program.

8.3. Project Issues Resolution Process

The NYS Office of Information Technology Services (ITS) establishes and regularly updates policies, standards, and guidelines for information classification and security (collectively referred to as “ITS Policies”) to uniformly protect information entrusted to State Entities, including NYSERDA. All Information Assets collected and stored by, or on behalf of, NYSERDA are classified and managed per the policies and procedures outlined in the [New York State Information Classification Policy \(NYS-S14-002\)](#) ^[2]. In addition, the [New York State Information Security Policy \(NYS-P03-002\)](#) ^[2] sets forth the minimum requirements, responsibilities, and accepted behaviors to establish and maintain a secure environment to achieve the State's information security objectives. NYSERDA's Data Governance Office reviews the ITS Policies as needed in conjunction with NYSERDA's Information Security Officer and Chief Information Officer to ensure compliance.

Appendix A: Terms and Conditions

NYSERDA reserves the right to make revisions to the Program throughout the duration of the funding period.

NYSERDA reserves the right to make changes upon notice to the Participating Retailer. Programmatic changes announced through Program announcements will supersede policies and procedures in this Program Manual and the Retailer Participation Agreement. Such notifications shall be communicated via email and posted in accordance with the Program Manual.