

PROGRAM BILL # 202

S. _____
Senate

EXTRAORDINARY SESSION #4

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

GENEMULA

(Authorizes municipalities to create
a municipal sustainable energy loan
program)

Gen Mun. mun. energy loan program

AN ACT

to amend the general municipal law,
in relation to authorizing municipi-
palities to create a municipal
sustainable energy loan program

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal

s20 Adams	s03 Foley	s24 Lanza	s12 Onorato	s09 Skelos
s15 Addabbo	s08 Fuschillo	s39 Larkin	s37 Oppenheimer	s14 Smith
s55 Alesi	s22 Golden	s01 LaValle	s11 Padavan	s25 Squadron
s48 Aubertine	s47 Griffo	s40 Leibell	s21 Parker	s58 Stachowski
s42 Bonacic	s06 Hannon	s52 Libous	s30 Perkins	s16 Stavisky
s46 Breslin	s36 Hassell-	s45 Little	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	Thompson	s05 Marcellino	s56 Robach	Cousins
s32 Diaz	s10 Huntley	s62 Maziarz	s41 Saland	s60 Thompson
s17 Dilan	s07 Johnson, C.	s43 McDonald	s19 Sampson	s49 Valesky
s29 Duane	s04 Johnson, O.	s13 Monserrate	s23 Savino	s59 Volker
s33 Espada	s34 Klein	s18 Montgomery	s31 Schneiderman	s53 Winner
s44 Farley	s26 Krueger	s38 Morahan	s28 Serrano	s57 Young
s02 Flanagan	s27 Kruger	s54 Nozzolio	s51 Seward	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a010 Conte	a148 Hayes	a017 McKeivitt	a067 Rosenthal
a001 Alessi	a032 Cook	a083 Heastie	a022 Meng	a118 Russell
a021 Alfano	a142 Corwin	a028 Hevesi	a102 Miller, J.	a012 Saladino
a105 Amedore	a085 Crespo	a048 Hikind	a038 Miller, M.	a113 Sayward
a084 Arroyo	a107 Crouch	a018 Hooper	a052 Millman	a029 Scarborough
a035 Aubry	a063 Cusick	a144 Hoyt	a103 Molinaro	a016 Schimel
a136 Bacalles	a045 Cymbrowitz	a060 Hyer-Spencer	a132 Morelle	a140 Schimminger
a099 Ball	a138 DelMonte	a042 Jacobs	a037 Nolan	a145 Schroeder
a124 Barclay	a034 DenDekker	a095 Jaffee	a128 Oaks	a122 Scozzafava
a014 Barra	a116 Destito	a057 Jeffries	a069 O'Donnell	a064 Silver
a040 Barron	a081 Dinowitz	a131 John	a137 O'Mara	a100 Skartados
a082 Benedetto	a114 Duprey	a112 Jordan	a051 Ortiz	a093 Spano
a079 Benjamin	a003 Eddington	a074 Kavanagh	a150 Parment	a121 Stirpe
a073 Bing	a004 Englebright	a065 Kellner	a088 Paulin	a011 Sweeney
a055 Boyland	a130 Errigo	a129 Kolb	a141 Peoples-	a110 Tedisco
a008 Boyle	a072 Espallat	a135 Koon	Stokes	a002 Thiele
a089 Bradley	a071 Farrell	a025 Lancman	a039 Peralta	a061 Titone
a044 Brennan	a005 Fields	a091 Latimer	a058 Perry	a031 Titus
a092 Brodsky	a123 Finch	a013 Lavine	a023 Pheffer	a062 Tobacco
a046 Brook-Krasny	a007 Fitzpatrick	a050 Lentol	a068 Powell	a054 Towns
a147 Burling	a143 Gabryszak	a125 Lifton	a087 Pretlow	a115 Townsend
a117 Butler	a090 Galef	a127 Lopez, P.	a146 Quinn	a015 Walker
a101 Cahill	a133 Gantt	a053 Lopez, V.	a097 Rabbitt	a041 Weinstein
a096 Calhoun	a036 Gianaris	a126 Lupardo	a009 Raia	a020 Welsenberg
a043 Camara	a077 Gibson	a111 Magee	a006 Ramos	a024 Weprin
a106 Canestrari	a149 Giglio	a120 Magnarelli	a134 Reilich	a070 Wright
a026 Carrozza	a066 Glick	a059 Maisel	a109 Reilly	a094 Zebrowski
a086 Castro	a108 Gordon	a030 Markey	a078 Rivera, J.	
a119 Christensen	a075 Gottfried	a027 Mayersohn	a080 Rivera, N.	
a033 Clark	a098 Gunther	a019 McDonough	a076 Rivera, P.	
a047 Colton	a139 Hawley	a104 McEneny	a056 Robinson	

1) Single House Bill (introduced and printed separately in either or both
houses). Uni-Bill (introduced simultaneously in both houses and printed as one
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed
copies of bill and 4 copies of memorandum in support (single house); or 4 signed
copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. The general municipal law is amended by adding a new arti-
2 cle 5-L to read as follows:

3 ARTICLE 5-L

4 MUNICIPAL SUSTAINABLE ENERGY LOAN PROGRAM

5 Section 119-ee. Legislative findings and declaration.

6 119-ff. Definitions.

7 119-gg. Sustainable energy loan program.

8 § 119-ee. Legislative findings and declaration. The legislature finds
9 and declares that it is the policy of the state to achieve statewide
10 energy efficiency and renewable energy goals, reduce greenhouse gas
11 emissions and mitigate the effect of global climate change, and advance
12 a clean energy economy; and that to achieve such policy and goals the
13 state must promote the deployment of renewable energy systems and energy
14 efficiency measures throughout the state; and that municipalities would
15 fulfill an important public purpose by providing loans to property
16 owners for the installation of renewable energy systems and energy effi-
17 ciency measures.

18 § 119-ff. Definitions. For purposes of this article:

19 1. "Authority" means the New York state energy research and develop-
20 ment authority, as defined by subdivision two of section eighteen
21 hundred fifty-one of the public authorities law, or its successor.

22 2. "Credit support" means and includes direct loans, letters of cred-
23 it, loan guarantees, and insurance products; and the purchase of or
24 commitment to purchase, or the sale of or commitment to sell, debt
25 instruments, including subordinated securities.

26 3. "Energy audit" means a formal evaluation of the energy consumption
27 of a permanent building or structural improvement to real property,
28 conducted by a contractor certified by the authority, or certified by a

1 certifying entity approved by the authority for purposes of this arti-
2 cle, for the purpose of identifying appropriate energy efficiency
3 improvements that could be made to the property. In any city with a
4 population of one million or more, the city may, by local law, provide
5 for the certification of such contractors based upon criteria at least
6 as stringent as the state-wide criteria for certification adopted by the
7 authority for purposes of this article.

8 4. "Energy efficiency improvement" means and includes any renovation
9 or retrofitting of a building to reduce energy consumption, such as
10 window and door replacement, lighting, caulking, weatherstripping, air
11 sealing, insulation, and heating and cooling system upgrades, and simi-
12 lar improvements, determined to be cost-effective pursuant to criteria
13 established by the authority. However, "energy efficiency improvement"
14 shall not include lighting measures or household appliances that are not
15 permanently fixed to real property.

16 5. "Municipal corporation" means a county, town, city or village.

17 6. "Renewable energy system" means an energy generating system for the
18 generation of electric or thermal energy, to be used primarily at such
19 property, by means of solar thermal, solar photovoltaic, wind, geother-
20 mal, anaerobic digester gas-to-electricity systems, fuel cell technolo-
21 gies, or other renewable energy technology approved by the authority not
22 including the combustion or pyrolysis of solid waste.

23 7. "Renewable energy system feasibility study" means a written study,
24 conducted by a contractor certified by the authority, or certified by a
25 certifying entity approved by the authority for purposes of this arti-
26 cle, for the purpose of determining the feasibility of installing a
27 renewable energy system. In any city with a population of one million
28 or more, the city may, by local law, provide for the certification of

1 such contractors based upon criteria at least as stringent as the state-
2 wide criteria for certification adopted by the authority for purposes of
3 this article.

4 § 119-gg. Sustainable energy loan program. 1. The legislative body of
5 any municipal corporation may, by local law, establish a sustainable
6 energy loan program using federal grant assistance or federal credit
7 support available for this purposes.

8 2. Such program may make loans to the owners of real property located
9 within the municipal corporation to finance the installation of renewa-
10 ble energy systems and energy efficiency improvements, related energy
11 audits and renewable energy system feasibility studies, and the verifi-
12 cation of the installation of such systems and improvements. No municipi-
13 pal corporation shall make such a loan to an owner of property that has
14 received a loan from another municipal corporation pursuant to this
15 article.

16 3. Each such local law establishing the sustainable energy loan
17 program shall provide for the criteria for making such loans and the
18 terms and conditions for repayment of such loans. The sustainable ener-
19 gy loan program shall use such lists of cost effective energy efficiency
20 improvements for different building types as are approved by the author-
21 ity.

22 4. The municipal corporation shall verify and report on the installa-
23 tion and performance of renewable energy systems and energy efficiency
24 improvements financed by the loan program in such form and manner as the
25 authority may establish.

26 5. Every loan made under the sustainable energy loan program shall be
27 repaid over a term not to exceed the weighted average of the useful life
28 of such systems and improvements as determined by the municipal corpo-

1 ration. The municipal corporation shall set a fixed rate of interest
2 for the repayment of the principal amount of each loan at the time the
3 loan is made.

4 6. The principal amount of each such loan, excluding interest, shall
5 not exceed the lesser of ten percent of the appraised real property
6 value or the actual cost of installing the renewable energy system and
7 energy efficiency improvements, including the costs of necessary equip-
8 ment, materials, and labor, the costs of each related energy audit and
9 renewable energy system feasibility study, and the cost of verification
10 of such renewable energy system and energy efficiency improvements.

11 7. No such loan shall be made for energy efficiency improvements
12 unless determined to be appropriate through an energy audit, and no such
13 loan shall be made for a renewable energy system unless determined to be
14 feasible through a renewable energy system feasibility study.

15 8. The loan made under the sustainable energy loan program shall
16 constitute a lien upon the real property benefitted by such loan.

17 9. The municipal corporation may require the loan made under the
18 sustainable energy loan program to be repaid by the property owner
19 through a charge on the real property benefitted by such loan. Such
20 charge shall be on the real property and shall be levied and collected
21 at the same time and in the same manner as municipal taxes, provided
22 that such charge shall be separately listed on the tax bill, and
23 provided further that in the event such charge should not be paid in a
24 timely manner, no other municipal corporation shall be required to cred-
25 it or otherwise guarantee the amount of such unpaid charge to the munic-
26 ipal corporation which authorized the loan, notwithstanding any
27 provision of law to the contrary.

28 § 2. This act shall take effect immediately.

