S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

September 4, 2009

Introduced by M. of A. THIELE -- read once and referred to the Committee on Energy

AN ACT in relation to creating a sustainable energy loan program in the town of Southampton

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. (a) It is the intent of the town of Southampton to promote energy efficiency among residents and businesses within the town, including the promotion of energy efficiency improvements and the utilization of renewable energy sources in existing buildings within the town.

(b) In order to address the issue of global climate change and greenhouse gas emissions in the town of Southampton, the town has embarked upon an effort to reduce energy demand from existing buildings so as to have the town of Southampton meet statewide energy efficient goals. In order to assist residents and businesses in the town of Southampton make energy efficiency improvements more affordable and to promote the installation and utilization of such improvements, it is necessary to set forth a mechanism to finance the cost of such energy efficiency improvements.

(c) Pursuant thereto, this legislation will help lower energy costs, reduce greenhouse gas emissions and make energy efficiency and renewable energy improvements more affordable by offering a sustainable energy loan program to assist homeowners and businesses within the town of Southampton in the installation of distributed generation renewable energy sources or energy efficiency improvements. Such loans to be offered by the town shall be repaid over a period of time through an annual assessment on the property of the borrower.

S 2. Town of Southampton sustainable energy loan program. 1. Definitions. For the purposes of this act, the following terms shall have the following meanings:

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

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(a) "Distributed generation" shall mean the generation of energy close to the point of use.

(b) "Renewable energy source" shall mean solar, wind, photovoltaics, tidal, geothermal, fuel cell technologies and low-impact, run-of-river hydroelectric electric generating equipment with capacity up to thirty megawatts with no new storage impoundment.

(c) "Energy efficiency improvement" shall mean a material improvement made to an existing residential or business property that reduces energy consumption, including but not limited to caulking, weatherstripping, air sealing, insulation, heating and cooling systems upgrades, solar thermal systems and conservation measures, in a cost-effective manner as determined by the town, provided, however, that "energy efficiency improvement" does not include a household appliance, such as a washing machine or refrigerator, that is not permanently fixed to real property.

2. Sustainable energy loan program. (a) The town of Southampton, New York at its discretion shall offer a sustainable energy loan to homeowners and businesses for the financing of the installation of distributed generation renewable energy sources and/or energy efficiency improvements that will be permanently affixed to the property of the borrower.

(b) The town of Southampton is authorized to use monies made available for the program from federal grants that may be used for this purpose, to implement the sustainable energy loan program.

(c) Such loans shall only be available to owners of improved residential and commercial properties that are undergoing capital improvements or upgrades.

(d) The loans issued by the town pursuant to this program, shall be repaid by the borrower through an assessment levied by the town on the real property where the sustainable energy loan was applied. Such assessment shall be included annually within the town real property tax bill which is transmitted to the borrower until repaid in full.

(e) The aggregate amount of each sustainable energy loan provided by the town of Southampton shall not exceed the actual cost of the equipment and materials necessary for the installation of distributed generation renewable energy sources or energy efficiency improvements, including the installation costs of such equipment.

(f) Assessments levied pursuant to this section, including any interest and penalties, shall constitute a lien upon the parcel of real property for which the loan is made.

3. Necessity. The town board of Southampton, New York located in Suffolk county declares that this legislation is necessary for the immediate protection of the public interest and for the implementation of the energy efficiency and greenhouse gas reduction plans of the town of Southampton and the state of New York.

S 3. This act shall take effect immediately.