

5867

2009-2010 Regular Sessions

I N S E N A T E

June 15, 2009

Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT in relation to creating a sustainable energy loan program in the city of Binghamton

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

1 Section 1. Legislative intent. 1. It is the intent of the city of
2 Binghamton to facilitate efforts of its residents and businesses to
3 utilize energy more efficiently and utilize renewable energy sources,
4 thereby reducing carbon emissions and achieving substantial environ-
5 mental and financial benefits.
6 2. In order to assist residents and businesses in the city of Bingham-
7 ton by making energy audits and energy efficiency improvements more
8 affordable and promoting the installation and utilization of such
9 improvements, it is necessary to set forth a mechanism to finance the
10 cost of such energy audits and energy efficiency improvements.
11 3. Pursuant thereto, this legislation will help lower energy costs,
12 reduce greenhouse gas emissions and make energy audits and energy effi-
13 ciency improvements more affordable by offering a sustainable energy
14 loan program to assist property owners within the city of Binghamton in
15 the installation of energy efficiency improvements. Such loans to be
16 offered by the city shall be repaid over a period of time through an
17 annual assessment on the property of the borrower.
18 S 2. City of Binghamton sustainable energy loan program. 1. Defi-
19 nitions. For the purposes of this act, the following terms shall have
20 the following meanings:
21 (a) "Energy efficiency improvement" shall mean a material improvement
22 made to an existing residential or commercial property that reduces
23 energy consumption, including but not limited to caulking, weatherstrip-
24 ping, air sealing, insulation, heating and cooling systems upgrades,
25 solar thermal systems and conservation measures, in a cost-effective

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

LBD14352-01-9

1 manner as determined by the city; provided, however, that "energy effi-
2 ciency improvement" does not include a household appliance, such as a
3 washing machine or refrigerator, that is not permanently fixed to real
4 property.

5 (b) "Energy audit" shall mean a formal evaluation by a certified
6 contractor of the energy consumption of a residential property for the
7 purpose of identifying methods to improve energy efficiency and reduce
8 energy waste.

9 2. Sustainable energy revolving loan fund program. (a) The city of
10 Binghamton, New York at its discretion shall offer a sustainable energy
11 loan to homeowners and businesses for the financing of the performance
12 of energy audits and the installation of material energy efficiency
13 improvements that will be affixed to the property of the borrower.

14 (b) The city of Binghamton is authorized to use monies made available
15 for the program from federal grants, for the purpose of implementing the
16 sustainable energy loan program.

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

22 (d) The aggregate amount of each sustainable energy loan provided by
23 the city of Binghamton shall not exceed the actual cost of performing
24 the energy audit, of installing energy efficiency improvements, includ-
25 ing the costs of necessary equipment and materials and installation
26 costs and of reasonable administrative costs.

27 (e) Assessments levied pursuant to this section, including any inter-
28 est and penalties, shall constitute a lien upon the parcel of real prop-
29 erty for which the loan is made.

30 (f) At the discretion of the city of Binghamton, such loans may also
31 be offered for other demonstrated measures to reduce the generation of
32 greenhouse gases that are permanently installed on residential real
33 property.

34 3. Necessity. The city council of Binghamton, New York declares that
35 this legislation is necessary for the immediate protection of the public
36 interest and for the implementation of the energy efficiency and green-
37 house gas reduction plans of the city of Binghamton and the state of New
38 York.

39 S 3. This act shall take effect immediately.