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

621

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. KAVANAGH, COLTON, DINOWITZ, ENGLEBRIGHT, GORDON, JAFFEE, MILLMAN, REILLY, J. RIVERA, SPANO, TITONE, BACALLES, FINCH, McDONOUGH, RAIA, TOBACCO, WALKER, O'DONNELL, HOOPER -- Multi-Sponsored by -- M. of A. BOYLAND, CAMARA, DelMONTE, DIAZ, GIGLIO, GUNTHER, JOHN, LENTOL, LUPARDO, MAYERSOHN, MOLINARO, PEOPLES, PERRY, ROBINSON, SALADINO, SCHIMEL, THIELE, WEISENBERG -- read once and referred to the Committee on Housing

AN ACT to amend the public authorities law, in relation to allowing increased loan amounts for costs related to energy efficiency improvements

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

Section 1. The public authorities law is amended by adding a new section 2429-g to read as follows:

S 2429-G. ENERGY EFFICIENT MORTGAGES. 1. IN ADDITION TO ANY OTHER MORTGAGE THAT THE AGENCY IS AUTHORIZED TO MAKE, THE AGENCY MAY MAKE ENERGY EFFICIENT MORTGAGES.

2. AN ENERGY EFFICIENT MORTGAGE IS SUBJECT TO THE SAME TERMS AND CONDITIONS AS ANY OTHER MORTGAGE ISSUED BY THE AGENCY, EXCEPT THAT THE AGENCY MAY PROVIDE THE LOAN IN AN AMOUNT IN EXCESS OF THE PURCHASE PRICE TO COVER THE COSTS OF HOME IMPROVEMENTS THAT WOULD MAKE THE BUILDING MORE ENERGY EFFICIENT.

3. TO BE ELIGIBLE FOR INCLUSION IN AN ENERGY EFFICIENT MORTGAGE, THE ENERGY EFFICIENT IMPROVEMENTS MUST BE COST EFFECTIVE, MEANING THAT THE TOTAL COST OF THE IMPROVEMENTS IS LESS THAN THE TOTAL PRESENT VALUE OF THE ENERGY SAVED OVER THE USEFUL LIFE OF THE ENERGY EFFICIENT IMPROVEMENT.

4. THE COST OF THE ENERGY IMPROVEMENTS AND ESTIMATE OF THE ENERGY SAVINGS SHALL BE DETERMINED BY A HOME ENERGY RATING REPORT. SUCH REPORT SHALL BE ISSUED BY A HOME ENERGY RATING SYSTEM OR ENERGY CONSULTANT.

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

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5. THE COST OF HAVING AN ENERGY RATING PERFORMED MAY BE INCLUDED AS PART OF THE ENERGY EFFICIENT MORTGAGE.

6. THE LENDER WILL PLACE ALL MONEYS RELATED TO ENERGY EFFICIENT IMPROVEMENTS IN AN ESCROW ACCOUNT. THE LENDER WILL REIMBURSE THE BORROWER FOR ANY EXPENSE RELATED TO THE ENERGY EFFICIENT IMPROVEMENTS UP TO THE AMOUNT IN THE ESCROW ACCOUNT UPON AN INSPECTION THAT VERIFIES THAT THE IMPROVEMENTS HAVE BEEN PERFORMED AND THAT THE ANTICIPATED ENERGY SAVINGS WILL BE ACHIEVED.

S 2. This act shall take effect immediately.