

9120

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 Brookhaven

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

1 Section 1. Legislative intent. (a) It is the intent of the town of
2 Brookhaven to promote energy efficiency among residents and businesses
3 within the town, including the promotion of energy efficiency improve-
4 ments and the utilization of renewable energy sources in existing build-
5 ings within the town.
6 (b) In order to address the issue of global climate change and green-
7 house gas emissions in the town of Brookhaven, the town has embarked
8 upon an effort to reduce energy demand from existing buildings so as to
9 have the town of Brookhaven meet statewide energy efficient goals. In
10 order to assist residents and businesses in the town of Brookhaven to
11 make energy efficiency improvements more affordable and to promote the
12 installation and utilization of such improvements, it is necessary to
13 set forth a mechanism to finance the cost of such energy efficiency
14 improvements.
15 (c) Pursuant thereto, this legislation will help lower energy costs,
16 reduce greenhouse gas emissions and make energy efficiency and renewable
17 energy improvements more affordable by offering a sustainable energy
18 loan program to assist homeowners and businesses within the town of
19 Brookhaven in the installation of distributed generation renewable ener-
20 gy sources or energy efficiency improvements. Such loans to be offered
21 by the town shall be repaid over a period of time through an annual
22 assessment on the property of the borrower.
23 S 2. Town of Brookhaven sustainable energy loan program. 1. Defi-
24 nitions. For the purposes of this act, the following terms shall have
25 the following meanings:

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

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

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

7 (c) "Energy efficiency improvement" shall mean a material improvement
8 made to an existing residential or business property that reduces energy
9 consumption, including but not limited to caulking, weatherstripping,
10 air sealing, insulation, heating and cooling systems upgrades, solar
11 thermal systems and conservation measures, in a cost-effective manner as
12 determined by the town, provided, however, that "energy efficiency
13 improvement" does not include a household appliance, such as a washing
14 machine or refrigerator, that is not permanently fixed to real property.
15 2. Sustainable energy loan program. (a) The town of Brookhaven, New
16 York, at its discretion shall offer a sustainable energy loan to home-
17 owners and businesses for the financing of the installation of distrib-
18 uted generation renewable energy sources and/or energy efficiency
19 improvements that will be permanently affixed to the property of the
20 borrower.

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

24 (c) Such loans shall only be available to owners of improved residen-
25 tial and commercial properties that are undergoing capital improvements
26 or upgrades.

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

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

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

40 3. Necessity. The town board of Brookhaven, New York, located in
41 Suffolk county declares that this legislation is necessary for the imme-
42 diate protection of the public interest and for the implementation of
43 the energy efficiency and greenhouse gas reduction plans of the town of
44 Brookhaven and the state of New York.

45 S 3. This act shall take effect immediately.