

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

5762--A

2009-2010 Regular Sessions

I N S E N A T E

June 3, 2009

Introduced by Sen. LEIBELL -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. Legislative intent. (a) It is the intent of the town of
2 Bedford 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 Bedford, the town has embarked upon
8 an effort to reduce energy demand from existing buildings so as to have
9 the town of Bedford meet statewide energy efficient goals. In order to
10 assist residents and businesses in the town of Bedford make energy effi-
11 ciency improvements more affordable and to promote the installation and
12 utilization of such improvements, it is necessary to set forth a mech-
13 anism to finance the cost of such energy efficiency improvements.
14 (c) Pursuant thereto, this legislation will help lower energy costs,
15 reduce greenhouse gas emissions and make energy efficiency and renewable
16 energy improvements more affordable by offering a sustainable energy
17 loan program to assist homeowners and businesses within the town of
18 Bedford in the installation of distributed generation renewable energy
19 sources or energy efficiency improvements. Such loans to be offered by
20 the town shall be repaid over a period of time through an annual assess-
21 ment on the property of the borrower.

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

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1 S 2. Town of Bedford sustainable energy loan program. 1. Definitions.
2 For the purposes of this act, the following terms shall have the follow-
3 ing meanings:

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

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

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

18 2. Sustainable energy loan program. (a) The town of Bedford, New York
19 at its discretion shall offer a sustainable energy loan to homeowners
20 and businesses for the financing of the installation of distributed
21 generation renewable energy sources and/or energy efficiency improve-
22 ments that will be permanently affixed to the property of the borrower.

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

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

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

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

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

42 3. Necessity. The town board of Bedford, New York located in Westches-
43 ter county declares that this legislation is necessary for the immediate
44 protection of the public interest and for the implementation of the
45 energy efficiency and greenhouse gas reduction plans of the town of
46 Bedford and the state of New York.

47 S 3. This act shall take effect immediately.