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

1093

2011-2012 Regular Sessions

I N S E N A T E

January 5, 2011

Introduced by Sens. PARKER, KLEIN, MONTGOMERY, PERKINS, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to the creation of the sustainable energy loan program to assist homeowners in the installation of distributed generation renewable energy sources or energy efficiency improvements

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

Section 1. The general municipal law is amended by adding a new article 17-B to read as follows:

ARTICLE 17-B

SUSTAINABLE ENERGY LOAN PROGRAM

SECTION 795. LEGISLATIVE INTENT.
796. DEFINITIONS.
797. SUSTAINABLE ENERGY LOAN PROGRAM.
798. STATE CAPITAL GRANTS AND/OR LOANS TO ASSIST THE SUSTAINABLE ENERGY LOAN PROGRAM.

S 795. LEGISLATIVE INTENT. IT IS THE INTENT OF THE LEGISLATURE TO PROMOTE ENERGY EFFICIENCY AMONG THE PEOPLE OF THE STATE. MANY OF THE AVAILABLE RENEWABLE ENERGY TECHNOLOGIES ARE COSTLY ENDEAVORS THAT PROPERTY OWNERS OF THE STATE CANNOT AFFORD TO MAKE. THIS LEGISLATION WOULD HELP LOWER ENERGY COSTS, REDUCE GREENHOUSE EMISSIONS AND MAKE ENERGY EFFICIENCY IMPROVEMENTS MORE AFFORDABLE BY OFFERING A SUSTAINABLE ENERGY LOAN PROGRAM TO ASSIST HOMEOWNERS IN THE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES OR ENERGY EFFICIENCY IMPROVEMENTS THROUGH LOANS OFFERED BY THE MUNICIPALITY TO BE REPAID OVER A PERIOD OF TIME THROUGH AN ANNUAL TAX ON THE PROPERTY.

S 796. DEFINITIONS. 1. "DISTRIBUTED GENERATION" SHALL MEAN THE GENERATION OF ENERGY CLOSE TO THE POINT OF USE.

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

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2. "RENEWABLE ENERGY SOURCES" SHALL MEAN THE PRODUCTION OF ENERGY THROUGH HYDRO, SOLAR, GEOTHERMAL, BIOMASS, AND WIND SOURCES.

S 797. SUSTAINABLE ENERGY LOAN PROGRAM. 1. (A) EACH MUNICIPALITY SHALL OFFER A SUSTAINABLE ENERGY LOAN TO HOMEOWNERS FOR THE FINANCING OF THE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES OR ENERGY EFFICIENCY IMPROVEMENTS THAT ARE PERMANENTLY FIXED TO THE RESIDENTIAL PROPERTY.

(B) SUCH LOAN SHALL ONLY BE AVAILABLE TO OWNERS OF DEVELOPED RESIDENTIAL PROPERTY THAT ARE UNDERGOING CAPITAL UPGRADES OR IMPROVEMENTS.

(C) SUCH LOANS SHALL NOT BE AVAILABLE TO FINANCE PARCELS UNDERGOING DEVELOPMENT.

2. THE LOAN REFERENCED IN SUBDIVISION ONE OF THIS SECTION SHALL BE REPAID BY THE HOMEOWNER THROUGH A CONTRACTUAL ASSESSMENT LEVIED ON THE PROPERTY WHERE THE SUSTAINABLE ENERGY LOAN WAS RECEIVED AND APPLIED.

3. THE MUNICIPALITY SHALL DISTRIBUTE INFORMATION TO HOMEOWNERS AND REPORT TO THE LEGISLATURE, IDENTIFYING THE FOLLOWING INFORMATION:

(A) THE KINDS OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES OR ENERGY EFFICIENCY IMPROVEMENTS THAT MAY BE FINANCED THROUGH THE USE OF CONTRACTUAL ASSESSMENTS;

(B) IDENTIFICATION OF THE MUNICIPAL OFFICIAL AUTHORIZED TO ENTER INTO CONTRACTUAL ASSESSMENTS ON BEHALF OF THE MUNICIPALITY;

(C) A MAXIMUM AGGREGATE DOLLAR AMOUNT OF CONTRACTUAL ASSESSMENTS;

(D) A METHOD FOR SETTING REQUESTS FROM PROPERTY OWNERS FOR FINANCING THROUGH CONTRACTUAL ASSESSMENTS IN PRIORITY ORDER, IN THE EVENT THAT REQUESTS APPEAR LIKELY TO EXCEED THE AUTHORIZATION AMOUNT; AND

(E) A PLAN FOR RAISING A CAPITAL AMOUNT REQUIRED TO PAY FOR WORK PERFORMED PURSUANT TO CONTRACTUAL ASSESSMENTS INCLUDING:

(1) AMOUNTS TO BE ADVANCED BY THE MUNICIPALITY THROUGH FUNDS AVAILABLE TO IT FROM ANY SOURCE,

(2) A STATEMENT OF OR METHOD FOR DETERMINING THE INTEREST RATE AND TIME PERIOD DURING WHICH CONTRACTING RESIDENTIAL PROPERTY OWNERS WOULD PAY AN ASSESSMENT, AND

(3) A PLAN FOR RESERVE FUND OR FUNDS AND THE APPORTIONMENT OF ALL OR ANY PORTION OF THE COSTS INCIDENTAL TO FINANCING, ADMINISTRATION, AND COLLECTION OF THE CONTRACTUAL ASSESSMENT PROGRAM AMONG CONSENTING RESIDENTIAL PROPERTY OWNERS AND THE MUNICIPALITY.

4. THE APPROPRIATE MUNICIPAL OFFICIAL SHALL ENTER INTO CONSULTATIONS WITH THE COUNTY TAX ASSESSOR'S OFFICE TO REACH AN AGREEMENT CONCERNING THE ADDITIONAL FEES, IF ANY, THAT WILL BE CHARGED FOR INCORPORATING THE PROPOSED CONTRACTUAL ASSESSMENTS INTO THE ASSESSMENTS OF THE GENERAL TAXES OF THE COUNTY ON RESIDENTIAL REAL PROPERTY, AND A PLAN FOR FINANCING THE PAYMENT OF THOSE FEES.

5. THE MUNICIPALITY SHALL IMPLEMENT REPORTING MECHANISMS TO SHOW INDIVIDUALS OF THE STATE, AND THE LEGISLATURE, WHERE THE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES OR ENERGY EFFICIENCY IMPROVEMENTS ARE BEING MADE BY HOMEOWNERS WITHIN THE COUNTY.

6. THE AGGREGATE AMOUNT OF EACH SUSTAINABLE ENERGY LOAN PROVIDED BY THE MUNICIPALITY SHALL NOT EXCEED THE COST OF THE EQUIPMENT AND MATERIALS NECESSARY FOR THE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES OR ENERGY EFFICIENCY IMPROVEMENTS PLUS THE COSTS FOR INSTALLATION OF SUCH EQUIPMENT.

7. CONTRACTUAL ASSESSMENTS LEVIED PURSUANT TO THIS SECTION, AND THE INTEREST AND ANY PENALTIES THEREON, SHALL CONSTITUTE A LIEN AGAINST THE PARCELS OF LAND ON WHICH THEY ARE MADE UNTIL THEY ARE PAID.

S 798. STATE CAPITAL GRANTS AND/OR LOANS TO ASSIST THE SUSTAINABLE ENERGY LOAN PROGRAM. 1. THE STATE SHALL MAKE OR CONTRACT TO MAKE A STATE

CAPITAL GRANT AND/OR LOAN, WITHIN APPROPRIATIONS THEREFOR, TO A MUNICIPALITY TO ASSIST IN MEETING THE COST AND PLANS FOR THE SUSTAINABLE ENERGY LOAN PROGRAM ESTABLISHED BY SECTION SEVEN HUNDRED NINETY-SEVEN OF THIS ARTICLE, INCLUDING THE ADMINISTRATIVE AND OTHER RELATED EXPENDITURES TO BE INCURRED IN UNDERTAKING SUCH LOAN PROGRAM.

2. (A) ALL CONTRACTS FOR STATE CAPITAL GRANTS AND/OR LOANS ISSUED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO APPROVAL BY THE STATE COMPTROLLER, AND BY THE ATTORNEY GENERAL AS TO FORM.

(B) ADVANCES OR PROGRESS PAYMENTS MAY BE MADE ON ACCOUNT OF ANY STATE CAPITAL GRANT AND/OR LOAN CONTRACTED TO BE MADE PURSUANT TO THIS SECTION AND SUCH ADVANCES OR PAYMENTS SHALL NOT CONSTITUTE PERIODIC SUBSIDIES.

3. ANY SUCH STATE CAPITAL GRANT AND/OR LOAN SHALL BE IN SUCH AMOUNT, WITHIN APPROPRIATIONS THEREFOR, AS THE COMMISSIONER, IN HIS OR HER DISCRETION, MAY DEEM NECESSARY TO ASSIST THE MUNICIPALITY IN DISCHARGING ITS OBLIGATIONS IN CONNECTION WITH THE SUSTAINABLE ENERGY LOAN PROGRAM FOR WHICH THE GRANT AND/OR LOAN SHALL BE MADE.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Provided, however, that effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.