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

5558

2011-2012 Regular Sessions

I N A S S E M B L Y

February 23, 2011

Introduced by M. of A. ENGLEBRIGHT, BOYLAND, COOK, JAFFEE, COLTON, REILLY, MAISEL, CASTRO, GUNTHER, PHEFFER, BARRON, MILLMAN, HOOPER, ROSENTHAL, LIFTON, LAVINE -- Multi-Sponsored by -- M. of A. BOYLE, CAHILL, GABRYSZAK, GLICK, GOTTFRIED, LATIMER, MAYERSOHN, PEOPLES-STOKES, PERRY, SCHIMEL, THIELE, TITONE, WEISENBERG -- read once and referred to the Committee on Energy

AN ACT to amend the general municipal law, in relation to establishing the green loans program to provide financing for the purchase and installation of residential solar and wind energy generating systems, and for the performance of improvements to improve the energy efficiency of residential dwellings

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 section 96-c to read as follows:

S 96-C. GREEN LOANS PROGRAM. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING DEFINITIONS:

A. "MUNICIPALITY" MEANS A COUNTY, CITY, TOWN OR VILLAGE.

B. "RESIDENTIAL REAL PROPERTY" MEANS REAL PROPERTY HAVING AN OWNER OCCUPIED DWELLING UNIT THEREON.

C. "RESIDENTIAL SOLAR ENERGY GENERATING SYSTEM" MEANS AN ARRANGEMENT OR COMBINATION OF COMPONENTS INSTALLED ON RESIDENTIAL REAL PROPERTY THAT UTILIZES SOLAR RADIATION TO PRODUCE ENERGY DESIGNED TO PROVIDE HEATING, COOLING, HOT WATER AND/OR ELECTRICITY. SUCH TERM SHALL NOT INCLUDE EQUIPMENT THAT IS PART OF A NON-SOLAR ENERGY SYSTEM.

D. "RESIDENTIAL WIND ENERGY GENERATING SYSTEM" MEANS AN ARRANGEMENT OR COMBINATION OF COMPONENTS INSTALLED ON RESIDENTIAL REAL PROPERTY, INCLUDING POWER CONDITIONING EQUIPMENT, DESIGNED TO PROVIDE ELECTRICITY OR MECHANICAL ENERGY THROUGH THE PROCESS OF CONVERTING WIND ENERGY INTO MECHANICAL AND/OR ELECTRIC ENERGY, AND STORING OR DISTRIBUTING SUCH ENERGY.

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

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2. THE GOVERNING BODY OF ANY MUNICIPALITY MAY, BY LOCAL LAW OR ORDINANCE, ESTABLISH A GREEN LOANS PROGRAM PURSUANT TO THIS SECTION USING MONIES MADE AVAILABLE FROM FEDERAL GRANTS AND OTHER MONIES THAT MAY BE USED FOR THE PURPOSES OF THIS PROGRAM. SUCH A PROGRAM SHALL PROVIDE MUNICIPAL LOANS AND FINANCING TO OWNERS OF RESIDENTIAL REAL PROPERTY WITHIN SUCH MUNICIPALITY FOR ALL COSTS OR ANY PORTION OF THE COSTS OF PURCHASING AND INSTALLING A RESIDENTIAL SOLAR ENERGY GENERATING SYSTEM AND/OR A RESIDENTIAL WIND ENERGY SYSTEM UPON THE RESIDENTIAL REAL PROPERTY; AND/OR THE COSTS OF THE PERFORMANCE OF AN ENERGY EFFICIENCY ANALYSIS OF THE DWELLING UPON RESIDENTIAL REAL PROPERTY AND THE COMPLETION OF ENERGY EFFICIENCY IMPROVEMENTS UPON SUCH DWELLING BY A CERTIFIED CONTRACTOR.

3. EACH SUCH LOCAL LAW OR ORDINANCE SHALL PROVIDE FOR THE TERMS AND CONDITIONS FOR THE AWARDING AND REPAYMENT OF LOANS AND FINANCING FOR RESIDENTIAL SOLAR ENERGY GENERATING SYSTEMS AND RESIDENTIAL WIND ENERGY SYSTEMS; PROVIDED, THAT ALL SUCH LOANS AND FINANCING SHALL BE REPAID BY MEANS OF TWENTY EQUAL, ANNUAL CHARGES IMPOSED UPON THE SUBJECT RESIDENTIAL REAL PROPERTY AT THE SAME TIME OTHER MUNICIPAL REAL PROPERTY TAXES ARE IMPOSED. EVERY LOAN ISSUED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO A FIXED RATE OF INTEREST ESTABLISHED AT THE TIME OF THE GRANTING OF SUCH LOAN.

4. EACH SUCH LOCAL LAW OR ORDINANCE SHALL PROVIDE FOR THE TERMS AND CONDITIONS FOR THE AWARDING AND REPAYMENT OF LOANS AND FINANCING FOR THE PERFORMANCE OF ENERGY EFFICIENCY ANALYSES OF DWELLINGS UPON RESIDENTIAL REAL PROPERTY AND THE COMPLETION OF ENERGY EFFICIENCY IMPROVEMENTS UPON SUCH DWELLINGS BY LICENSED CONTRACTORS; PROVIDED, THAT ALL SUCH LOANS AND FINANCING SHALL BE REPAID AT AN ANNUAL RATE EQUAL TO THE ANNUAL ENERGY SAVINGS TO THE OWNER OF THE RESIDENTIAL REAL PROPERTY AS A RESULT OF THE ENERGY EFFICIENCY IMPROVEMENTS PERFORMED WITH THE PROCEEDS OF THE LOANS OR FINANCING AND SHALL BE PAID AT THE SAME TIME OTHER MUNICIPAL REAL PROPERTY TAXES ARE IMPOSED. EVERY LOAN ISSUED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO A FIXED RATE OF INTEREST ESTABLISHED AT THE TIME OF THE GRANTING OF SUCH LOAN.

5. A MUNICIPALITY SHALL NOT PROVIDE LOANS OR FINANCING PURSUANT TO THIS SECTION TO AN OWNER OR OWNERS OF RESIDENTIAL REAL PROPERTY THAT HAVE RECEIVED A LOAN OR FINANCING FROM ANOTHER MUNICIPALITY PURSUANT TO THIS SECTION.

S 2. This act shall take effect immediately.