

5558

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 23, 2011

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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:

1     Section 1. The general municipal law is amended by adding a new  
2     section 96-c to read as follows:  
3     S 96-C. GREEN LOANS PROGRAM. 1. FOR THE PURPOSES OF THIS SECTION, THE  
4     FOLLOWING TERMS SHALL HAVE THE FOLLOWING DEFINITIONS:  
5     A. "MUNICIPALITY" MEANS A COUNTY, CITY, TOWN OR VILLAGE.  
6     B. "RESIDENTIAL REAL PROPERTY" MEANS REAL PROPERTY HAVING AN OWNER  
7     OCCUPIED DWELLING UNIT THEREON.  
8     C. "RESIDENTIAL SOLAR ENERGY GENERATING SYSTEM" MEANS AN ARRANGEMENT  
9     OR COMBINATION OF COMPONENTS INSTALLED ON RESIDENTIAL REAL PROPERTY THAT  
10    UTILIZES SOLAR RADIATION TO PRODUCE ENERGY DESIGNED TO PROVIDE HEATING,  
11    COOLING, HOT WATER AND/OR ELECTRICITY. SUCH TERM SHALL NOT INCLUDE  
12    EQUIPMENT THAT IS PART OF A NON-SOLAR ENERGY SYSTEM.  
13    D. "RESIDENTIAL WIND ENERGY GENERATING SYSTEM" MEANS AN ARRANGEMENT OR  
14    COMBINATION OF COMPONENTS INSTALLED ON RESIDENTIAL REAL PROPERTY,  
15    INCLUDING POWER CONDITIONING EQUIPMENT, DESIGNED TO PROVIDE ELECTRICITY  
16    OR MECHANICAL ENERGY THROUGH THE PROCESS OF CONVERTING WIND ENERGY INTO  
17    MECHANICAL AND/OR ELECTRIC ENERGY, AND STORING OR DISTRIBUTING SUCH  
18    ENERGY.

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

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1 2. THE GOVERNING BODY OF ANY MUNICIPALITY MAY, BY LOCAL LAW OR ORDI-  
2 NANCE, ESTABLISH A GREEN LOANS PROGRAM PURSUANT TO THIS SECTION USING  
3 MONIES MADE AVAILABLE FROM FEDERAL GRANTS AND OTHER MONIES THAT MAY BE  
4 USED FOR THE PURPOSES OF THIS PROGRAM. SUCH A PROGRAM SHALL PROVIDE  
5 MUNICIPAL LOANS AND FINANCING TO OWNERS OF RESIDENTIAL REAL PROPERTY  
6 WITHIN SUCH MUNICIPALITY FOR ALL COSTS OR ANY PORTION OF THE COSTS OF  
7 PURCHASING AND INSTALLING A RESIDENTIAL SOLAR ENERGY GENERATING SYSTEM  
8 AND/OR A RESIDENTIAL WIND ENERGY SYSTEM UPON THE RESIDENTIAL REAL PROP-  
9 erty; AND/OR THE COSTS OF THE PERFORMANCE OF AN ENERGY EFFICIENCY ANALY-  
10 SIS OF THE DWELLING UPON RESIDENTIAL REAL PROPERTY AND THE COMPLETION OF  
11 ENERGY EFFICIENCY IMPROVEMENTS UPON SUCH DWELLING BY A CERTIFIED  
12 CONTRACTOR.

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

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

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

38 S 2. This act shall take effect immediately.