

STATE OF NEW YORK

1335

2025-2026 Regular Sessions

IN SENATE

January 9, 2025

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the general municipal law, in relation to the municipal sustainable energy loan program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 119-ee of the general municipal law, as added by
2 chapter 497 of the laws of 2009, is amended to read as follows:

3 § 119-ee. Legislative findings and declaration. The legislature finds
4 and declares that it is the policy of the state to achieve statewide
5 energy efficiency and renewable energy goals, reduce greenhouse gas
6 emissions and mitigate the effect of global climate change, and advance
7 a clean energy economy; and that to achieve such policy and goals the
8 state must promote the deployment of renewable energy systems [~~and~~],
9 energy efficiency measures, qualifying water improvements, and low
10 carbon intensity building components throughout the state; and that
11 municipalities would fulfill an important public purpose by providing
12 loans to property owners for the installation of renewable energy
13 systems [~~and~~], energy efficiency measures, qualifying water improve-
14 ments, and the use of low carbon intensity building components.

15 § 2. Subdivisions 5, 6, 7 and 8 of section 119-ff of the general
16 municipal law, as amended by chapter 184 of the laws of 2020, are
17 amended to read as follows:

18 5. "Feasibility study" means a written study, conducted by a contrac-
19 tor certified by the authority, or certified by a certifying entity
20 approved by the authority for purposes of this article, for the purpose
21 of determining the feasibility of installing a renewable energy system
22 or qualifying water improvement. A municipal corporation may, by local
23 law, provide for the certification of such contractors based upon crite-

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

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1 ria at least as stringent as the state-wide criteria for certification
2 adopted by the authority for purposes of this article.

3 6. "Low carbon intensity building component improvement" means any
4 permanently affixed improvement to real property, whether as a component
5 of the new construction of a building or as the renovation or retrofit-
6 ting of an existing building, to reduce the carbon or other greenhouse
7 gas emissions of those components or the improved property.

8 7. "Municipal corporation" means a county, town, city or village.

9 8. "Qualifying water improvement" means any improvement to real prop-
10 erty, whether as a component of the new construction of a building or as
11 the renovation and retrofitting of an existing building, to reduce water
12 consumption, promote water conservation and storage, manage stormwater,
13 resist flooding, and mitigate contamination in potable water systems.

14 ~~[6.]~~ 9. "Real property" means any property, an interest in which is or
15 is eligible to be recorded or registered on municipal land ownership
16 records by the possessor of such interest.

17 ~~[7.]~~ 10. "Renewable energy system" means an energy generating system
18 for the generation of electric or thermal energy, to be used primarily
19 at such property, except when the owner of real property is a commercial
20 entity, by means of solar thermal, solar photovoltaic, wind, geothermal,
21 anaerobic digester gas-to-electricity systems, fuel cell technologies,
22 or other renewable energy technology approved by the authority not
23 including the combustion or pyrolysis of solid waste.

24 ~~[8. "Renewable energy system feasibility study" means a written study,~~
25 ~~conducted by a contractor certified by the authority, or certified by a~~
26 ~~certifying entity approved by the authority for purposes of this arti-~~
27 ~~cle, for the purpose of determining the feasibility of installing a~~
28 ~~renewable energy system. A municipal corporation may, by local law,~~
29 ~~provide for the certification of such contractors based upon criteria at~~
30 ~~least as stringent as the state-wide criteria for certification adopted~~
31 ~~by the authority for purposes of this article.]~~

32 § 3. Section 119-gg of the general municipal law, as added by chapter
33 497 of the laws of 2009, subdivisions 1 and 6 as amended by chapter 320
34 of the laws of 2017, is amended to read as follows:

35 § 119-gg. Sustainable energy loan program. 1. The legislative body of
36 any municipal corporation may, by local law, establish a sustainable
37 energy loan program using federal grant assistance or federal credit
38 support or monies from the state of New York or any state authority as
39 defined by section two of the public authorities law available for this
40 purpose.

41 2. Such program may make loans to the owners of real property located
42 within the municipal corporation to finance the installation of renewa-
43 ble energy systems ~~[and]~~, energy efficiency improvements, qualifying
44 water improvements, low carbon intensity building components, related
45 energy audits and ~~[renewable energy system]~~ feasibility studies, and the
46 verification of the installation of such systems and improvements. No
47 municipal corporation shall make such a loan to an owner of property
48 that has received a loan from another municipal corporation pursuant to
49 this article.

50 3. Each such local law establishing the sustainable energy loan
51 program shall provide for the criteria for making such loans and the
52 terms and conditions for repayment of such loans. The sustainable energy
53 loan program shall use such lists of cost effective energy efficiency
54 improvements for different building types as are approved by the author-
55 ity.

1 4. The municipal corporation shall verify and report on the installa-
2 tion and performance of renewable energy systems [~~and~~], energy efficien-
3 cy improvements, qualifying water improvements, and low carbon intensity
4 building component improvements financed by the loan program in such
5 form and manner as the authority may establish.

6 5. Every loan made under the sustainable energy loan program shall be
7 repaid over a term not to exceed the [~~weighted average of the useful~~
8 ~~life of such systems and improvements~~] the longest lived system or
9 improvement as determined by the municipal corporation. The municipal
10 corporation shall [~~set~~] approve a fixed rate of interest for the repay-
11 ment of the principal amount of each loan at the time the loan is made.

12 6. a. For loans made to an owner of real property that is a commercial
13 entity, not-for-profit organization, or entity other than an individual,
14 the municipal corporation, governing body or its duly assigned agent
15 shall have the authority to impose requirements on the maximum amount
16 that may be borrowed through such loan, which may consider factors
17 including but not limited to the property value, projected savings,
18 project cost, and existing indebtedness secured by such property.

19 b. For loans made to an owner of real property who is an individual,
20 the principal amount of each such loan, excluding interest, shall not
21 exceed the lesser of ten percent of the appraised real property value or
22 the actual cost of installing the renewable energy system [~~and~~], energy
23 efficiency [~~improvements~~] improvement, qualifying water improvement, or
24 low carbon intensity building component improvement, including the costs
25 of necessary equipment, materials, and labor, the costs of each related
26 energy audit and renewable energy system feasibility study, and the cost
27 of verification of such renewable energy system and energy efficiency
28 improvements.

29 7. No such loan shall be made for energy efficiency improvements
30 unless determined to be appropriate through an energy audit, and no such
31 loan shall be made for a renewable energy system or qualifying water
32 improvement unless determined to be feasible through a [~~renewable energy~~
33 ~~system~~] feasibility study.

34 8. An energy audit may document improvements and related costs that
35 are required for the energy efficiency improvements to proceed and
36 further may document expected energy savings, any expected reductions in
37 greenhouse gas emissions, and any other environmental, economic and
38 public health benefits expected from the installation of the improve-
39 ments, including those enumerated in the scoping plans and related
40 values created pursuant to article seventy-five of the environmental
41 conservation law.

42 9. A feasibility study may document improvements and related costs
43 that are required for the renewable energy system or qualifying water
44 improvements to proceed and further may document expected energy
45 savings, any expected reductions in greenhouse gas emissions, and any
46 other environmental, economic and public health benefits expected from
47 the installation of the improvements, including those enumerated in the
48 scoping plans and related values created pursuant to article seventy-
49 five of the environmental conservation law.

50 10. The loan made under the sustainable energy loan program shall
51 constitute a lien upon the real property benefitted by such loan.

52 [~~9-~~] 11. The municipal corporation may require the loan made under the
53 sustainable energy loan program to be repaid by the property owner
54 through a charge on the real property benefitted by such loan. Such
55 charge shall be on the real property, shall be payable by the property
56 owner regardless of tax-paying or tax-exempt status, and shall be levied

1 and collected at the same time and in [~~the same~~] a manner [~~as~~] consist-
2 ent with the manner generally applied to municipal taxes (and regardless
3 of whether municipal taxes are actually payable for such real property),
4 provided that such charge shall be separately listed on the tax bill,
5 and provided further that in the event such charge should not be paid in
6 a timely manner, no other municipal corporation shall be required to
7 credit or otherwise guarantee the amount of such unpaid charge to the
8 municipal corporation which authorized the loan, notwithstanding any
9 provision of law to the contrary.

10 12. To the extent any such charge is not paid when due (and regardless
11 of the tax payment status for the real property and the satisfaction or
12 non-satisfaction of other municipal taxes), the delinquent charge may be
13 enforced or foreclosed under article thirteen of the real property
14 actions and proceedings law to the extent of any unpaid installment
15 payments. In any event of enforcement, including foreclosure, the
16 balance of the lien shall not accelerate and shall survive judgment. The
17 proceeds received in an action to enforce an unpaid or delinquent charge
18 shall be paid first to outstanding real property taxes, municipal charg-
19 es, or other municipal liens.

20 13. The municipal corporation may assign the enforcement or foreclo-
21 sure of a delinquent charge or charges, in which event the assignee
22 shall have and possess the same powers and rights at law or in equity as
23 the municipal corporation would have had it not been assigned with
24 regard to the precedence and priority of such delinquent charges, the
25 accrual of interest and the fees and expenses of collection. In addi-
26 tion, such assignee shall have the same rights to enforce such delin-
27 quent charge or charges as any private party holding a lien on real
28 property, including, but not limited to, foreclosure and a suit on the
29 debt.

30 § 4. This act shall take effect immediately.