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<b>Municipality:</b>	Yorktown
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<b>Community Type - applicable to:</b>	Urban; Suburban
<b>Title:</b>	Energize NY Benefit Financing Program
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### ***Abstract***

It is the policy of both the Town of Yorktown and the State of New York to achieve better energy efficiency and renewable energy goals to reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. Yorktown has partnered with the Energy Improvement Corporation, a local development corporation, to make funds available to qualified property owners who meet the energy efficiency qualifications.

Potentially qualified residents can apply for funding through the EIC, who run energy audits to determine the cost-effectiveness and energy improvements of a household. Energy improvements include any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weather stripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property. Funding does not exceed the lesser of 10% of the home's total value or the full cost of installation and materials of the energy equipment.

### ***Resource***

It is the policy of both the Town of Yorktown and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Town finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This article establishes a program that will allow the Energy Improvement Corporation (EIC), a local development corporation, acting on behalf of the Town of Yorktown, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this article and fulfilling an important public purpose.

**Chapter 159**  
**ENERGY CONSERVATION**



## ARTICLE I

**Energize NY Benefit Financing Program  
[Adopted 7-2-2013 by L.L. No. 9-2013]****§ 159-1. Legislative findings; intent and purpose; authority; title.**

- A. It is the policy of both the Town of Yorktown and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Town finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This article establishes a program that will allow the Energy Improvement Corporation (EIC), a local development corporation, acting on behalf of the Town of Yorktown, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this article and fulfilling an important public purpose.
- B. The Town of Yorktown is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.
- C. This article shall be known and may be cited as the "Energize NY Benefit Financing Program Law of the Town of Yorktown."

**§ 159-2. Definitions.**

For purposes of this article, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**AUTHORITY** — The New York State Energy Research and Development Authority, as defined by Subdivision 2 of § 1851 of the Public Authorities Law, or its successor.

**EIC** — The Energy Improvement Corporation, a local development corporation, duly organized under § 1411 of the Not-For-Profit Corporation Law, authorized hereby on behalf of the Town of Yorktown to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this article) and providing for repayment of such funds from monies collected by the Town of Yorktown Tax Collector as a charge to be levied on the real property and collected in the same manner and same form as the Town of Yorktown taxes.

**ENERGY AUDIT** — A formal evaluation or assessment of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

ENERGY EFFICIENCY IMPROVEMENT — Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weather stripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

QUALIFIED PROPERTY OWNER — An owner of residential or commercial real property located within the boundaries of the Town of Yorktown that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this article.

RENEWABLE ENERGY SYSTEM — An energy-generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority, not including the combustion or pyrolysis of solid waste.

RENEWABLE ENERGY SYSTEM FEASIBILITY STUDY — A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

### **§ 159-3. Establishment of program.**

- A. An Energize NY Benefit Financing Program is hereby established by the Town of Yorktown, whereby EIC, acting on its behalf, may provide funds to qualified property owners in accordance with the procedures set forth under this article, to finance the acquisition, construction and installation of renewable energy systems and energy efficiency improvements and the verification of the installation of such systems and improvements.
- B. The funds provided shall not exceed the lesser of 10% of the appraised value of the real property where the renewable energy systems and/or energy efficiency improvements will be located or the actual cost of installing the renewable energy systems and/or energy efficiency improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

### **§ 159-4. Procedures for eligibility.**

- A. Any property owner in the Town of Yorktown may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Town Clerk's office.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the Town of Yorktown, which shall make a

positive or negative determination on such application based upon the criteria for making a financing enumerated in § 159-5 of this article. EIC may also request further information from the property owner where necessary to aid in its determination.

- C. If a positive determination on an application is made by EIC acting on behalf of the Town of Yorktown, the property owner shall be deemed a qualified property owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under § 159-6 of this article, provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of energy efficiency improvements and/or renewable energy systems be deemed a qualified property owner.

#### **§ 159-5. Application criteria.**

Upon the submission of an application, EIC, acting on behalf of the Town of Yorktown, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The proposed energy efficiency improvements and/or renewable energy systems are determined to be cost effective by the Authority;
- B. The proposed energy efficiency improvements and/or renewable energy systems will generate an estimated annual cost savings greater than the annual charge payments;
- C. Sufficient funds are available to provide to the property owner;
- D. The property owner is current in payments on any existing mortgage on the subject parcel;
- E. The property owner is current in payments on any existing real property taxes on the subject parcel and has been current on real property taxes for the previous three years and no outstanding real property tax liens; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the Town of Yorktown, or EIC acting on its behalf, may set from time to time.

#### **§ 159-6. Energize finance agreement.**

- A. A qualified property owner may participate in the Energize NY Benefit Financing Program through the execution of an energize finance agreement made by and between the qualified property owner and EIC acting on its behalf.
- B. Upon execution of the energize finance agreement, the qualified property owner shall be eligible to receive funds from EIC, acting on behalf of the Town of Yorktown, for the acquisition, construction,

and installation of qualifying renewable energy systems and energy efficiency improvements, provided that the requirements of § 159-7 of this article have been met.

- C. The energize finance agreement shall include the terms and conditions of repayment set forth under § 159-8 of this article.

**§ 159-7. Energy audit; renewable energy system feasibility study.**

- A. No funds shall be made available for energy efficiency improvements unless determined to be appropriate through an energy audit as defined in § 159-2.
- B. No funds shall be made available for a renewable energy system unless determined to be feasible through a renewable energy system feasibility study as defined in § 159-2.
- C. The cost of such energy audit and/or renewable energy system feasibility study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

**§ 159-8. Terms and conditions of repayment.**

The energize finance agreement between the qualified property owner and EIC, acting on behalf of the Town of Yorktown, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the qualified property owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on his property tax bill and shall be levied and collected at the same time and in the same manner as all Town of Yorktown property taxes, provided that such charge shall be separately listed on the tax bill. The Town of Yorktown shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the property tax due date.
- B. The term of such repayment shall be determined at the time the energize finance agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the Town of Yorktown.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the Town of Yorktown at the time the energize finance agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

**§ 159-9. Verification and report.**

- A. EIC shall be responsible for verifying and reporting to the Town of Yorktown on the installation and performance of renewable energy systems and energy efficiency improvements financed by such program.
- B. The Town of Yorktown shall verify and report on the installation and performance of renewable energy systems and energy efficiency improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.