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SMITH ENERGY EFFICIENCY AND RENEWABLE ENERGY LEGISLATIVE PACKAGE APPROVED IN SENATE

TRENTON – A legislative package sponsored by Senator Bob Smith, Chairman of the Senate Environment Committee, which would promote energy efficiency and renewable energy projects in New Jersey was approved by the Senate today.

“Energy efficient technology and renewable energy systems are the wave of the future, and represent our best way to conserve our world’s ever-dwindling natural resources,” said Senator Smith, D-Middlesex and Somerset. “Not only does energy efficiency and renewable energy make great environmental sense, but as New Jerseyans look to stretch every penny farther during the current economic downturn, these concepts have practical fiscal benefit, too. We need to promote new renewable energy projects and energy efficiency standards to move away from our dependence on foreign oil and give New Jerseyans an option for low-cost home energy.”

The first bill in the package, S-702, would authorize the State Department of Community Affairs (DCA) to revise the State’s construction code pertaining to the energy sub-code to make provisions for enhanced energy efficiency. Under the bill, the Commissioner would be restricted to only adopt those enhanced requirements where the additional cost to homeowners will be recovered in less than seven years by the resultant reduction in energy consumption, and must abide by national and international energy efficiency code models in drafting New Jersey’s new energy sub-code. The bill would also authorize the Board of Public Utilities (BPU) to establish a down-payment assistance program for new homebuyers up to 110 percent of the median regional income to purchase enhanced energy efficient homes.

S-702 was approved by the Senate by a vote of 29-7. It was also approved in the Assembly by a vote of 60-17, and now heads to the Governor to be signed into law.

“State regulators need to take a look at new energy efficiency standards being adopted worldwide, and push New Jersey to become a world leader in efficient energy usage,” said Senator Smith. “And we need to make

better use of existing incentive programs to provide assistance to families looking to do the right thing and purchase enhanced energy efficient homes.”

The second bill in the package, S-1303, would codify the definition of “inherently beneficial use,” for the purposes of zoning use variances under New Jersey’s “Municipal Land Use Law.” Under the bill, “inherently beneficial use,” would be defined as a developed property which is universally considered of value to the community because it serves a fundamental need, such as hospitals, schools, child care centers, group homes, or in the case of renewable energy, wind, solar or photovoltaic energy facilities. Through the “inherently beneficial use” label, many of these sites would be considered eligible for a variance that would ensure they could not be blocked by existing local zoning ordinances.

S-1303 was approved by the Senate by a vote of 33-3. It was also approved by the Assembly by a vote of 55-21, with two abstentions, and now heads to the Governor to be signed into law.

“Unfortunately, local zoning regulations are often dictated by a Not-In-My-Backyard mentality which puts a greater emphasis on aesthetics than public benefit,” said Senator Smith. “Renewable energy systems are always in the best interest of the public, and should be considered outside the realm of local zoning rules.”

The final bill in the package, S-1538, would grant farmers added incentives to construct, operate and install solar, biomass or wind energy facilities or equipment on their farms. Under the bill, farmers who construct renewable energy systems would also be protected under the State’s “Right to Farm” Act, which protects farmers from public and private nuisance actions and unduly harsh municipal regulations. The bill would also permit farmers to claim a farmland assessment to offset property taxes on land underneath renewable energy structures. And the bill would allow farmers on preserved farms to use a portion of their land for energy-farming activities.

S-1538 was approved by the Senate by a vote of 37-0, and now heads to the Assembly for consideration. It is currently pending before the Assembly Appropriations Committee.

“Energy farming is going to revolutionize the notion of agriculture in this country, and help save the farming industry,” said Senator Smith. “Green energy production is one of the most exciting new fields in our economy, and allowing farmers to take part in this new industry just makes sense. Through energy farming, we can create economic stimulus for our State’s

farmers and allow them to contribute to New Jersey's emerging efforts to create real energy sustainability for years to come."