

# Green Jobs Green New York Loan Fund – Residential Financing Implementation Manual

This manual is intended to provide Participating Contractors with information on the Green Jobs Green New York (GJGNY) Loan Fund and the process for offering a GJGNY Loan to customers. This manual does not cover the following programs: NYSun, Air Source Heat Pump, Ground Source Heat Pump or Renewable Heat NY.

## 1. Definitions

### **Certificate of Completion:**

The GJGNY Loan Fund Residential Financing Certificate of Completion is executed by a Customer attesting that all work has been completed pursuant to the contract.

### **Participation Agreement:**

The GJGNY Loan Fund Residential Financing Contractor Participation Agreement establishes the terms and conditions under which Participating Contractors may offer a GJGNY Loan to qualified customers in New York State.

### **Participating Contractor:**

Participating Contractors are independent contractors approved to offer GJGNY financing or who participate in the Residential Existing Homes Program or is a participating contractor with PSEG-Long Island.

### **Participating Auditor:**

Participating Auditors are companies or organizations that meet the participation criteria as detailed in the Residential Energy Audit Program Participation Agreement, the Program Manual and any Program announcements and have been approved by NYSERDA to offer Residential Energy Audits. All participating contractors in the Residential Existing Homes Program are qualified as Participating Auditors

### **Proforma:**

Proforma is a tool which lists eligible energy efficiency measures, equipment and accessories. The Proforma determines if the selected measures meet GJGNY Loan cost effectiveness requirements. The Proforma is located [\[link\]](#).

### **Residential Energy Audit:**

An energy audit conducted by a Participating Auditor in accordance with the policies and procedures detailed in this Residential Energy Audit Participation Agreement, the Residential Energy Audit Program Manual and any Residential Energy Audit Program announcements.

## 2. Overview of Loan Products

### 2.1. Background of Green-Jobs Green NY Financing

The New York State Energy Research and Development Authority (“NYSERDA”) administers the Green Jobs Green New York (GJGNY) Loan Fund for Residential Financing (the “GJGNY Loan Fund”) which was authorized by Title 9-A of Article 8 of the Public Authorities Law of the State of New York, as amended (known as the Green Jobs-Green New York Act) to finance energy audits and energy efficiency retrofits or improvements, including solar energy and other renewable installations, for the owners of residential 1-4 family buildings (“GJGNY Loan”).

To pursue financing through the GJGNY Loan Fund, a customer must have a Residential Energy Audit or an energy assessment that identifies energy services to be undertaken. The Residential Energy Audit must be performed through the Residential Energy Audit Program or the energy assessment must be performed under the Residential Existing Homes Program.

The total cost of the project may include the removal of equipment or systems, the purchase and installation of new systems or equipment and any required ancillary equipment and related services, including necessary health and safety improvements.

GJGNY offers two types of unsecured loans for one- to four-family residential energy improvements. The Smart Energy Loan requires the consumer to make monthly loan payments directly to NYSERDA’s loan servicer, Concord Servicing Corporation (Concord). The On-Bill Recovery (OBR) Loan allows consumers to repay through an installment charge on a bill from one of the involved electric or gas utilities (Central Hudson, Con Edison, Long Island Power Authority, National Grid - Upstate, New York State Electric and Gas Corporation, Rochester Gas and Electric Corporation, or Orange and Rockland Utilities). The utilities then remit repayments to Concord, who coordinates data communications with each utility.

### 2.2. Loan Information

#### *2.2.1 Loan Amount*

Loan amounts range from \$1,500 to \$25,000. For loans over \$13,000, the simple payback must be less than 15 years, calculated by dividing the loan amount by the first year estimated energy cost savings. This calculation is done through the Proforma tool (see section 4.2 for more details.)

Homeowners can have multiple loans as long as the aggregate outstanding loan amount doesn’t exceed \$25,000. However, homeowners may only have one outstanding OBR Loan at any given time.

#### *2.2.1 Loan Term*

Loans terms are 5, 10, or 15 years. The loan term may not exceed the expected useful life of the home energy improvements.

#### *2.2.1 Loan Origination Fees*

A \$150 loan origination fee applies to all loans. This can be included in the total loan amount, provided the total loan amount does not exceed \$25,000.

## 2.3. Smart Energy Loan

The Smart Energy Loan is a traditional loan that is repaid monthly via check or automatic payment. The applicant (or co-applicant) must own the home, or lease or manage the residential building and be an authorized representative of the owner.

### 2.3.1 Interest Rates

Current interest rates are 3.99% or 7.49%. A 0.5% interest rate discount is applied to these rates if the customer selects automatic payments prior to loan closing. Interest rates are subject to change.

Qualified customers are eligible for lower interest rates provided that the total documented household income of the occupants of the building is less than or equal to 120% of the area median income.

Customers seeking the lower interest rate must fill out an income screening application along with the credit application.

### 2.3.1 Repayment Terms

Payments are made directly to NYSERDA's loan servicer, Concord, via monthly statement billing or automatic bank withdrawal (ACH).

If the home is sold or transferred, the borrower is responsible for the outstanding balance of the loan and the loan cannot be assigned to the new owner.

Non-payment of the loan obligation may result in a lawsuit against the borrower, wherein the State of New York will seek the entry of a judgement with interest, costs and collection fees as provided by the State Finance Law.

### 2.3.1 Loan Servicing Fees

- Late payment fee is the lesser of 5% or \$5
- \$20 fee for returned payments
- Collection fee of 22% of the total amount due (principal, accrued interest and late fees) if not received within 275 days of due date, as authorized by State Finance Law

### 2.3.1 Cost effectiveness requirements

The project is considered to be cost effective if at least 85% of the total loan amount is comprised of pre-qualified eligible measures OR the estimated energy cost savings over the anticipated life of all eligible energy efficiency improvements amounts to at least 80% of the total principal and interest (see section 1.6.2).

### 2.3.1 Documentation

Following loan approval, Energy Finance Solutions (EFS), the loan originator, will send the applicant(s) a Loan Agreement, Disclosure and Security Agreement (Note), Smart Energy Notice to Borrower, and a Notice of Right to Cancel, all of which must be signed and returned to EFS. When the loan proceeds are disbursed, the loan is transferred to Concord for servicing.

## 2.4. On-Bill Recovery Loan

With the OBR Loan, loan payments are built into the customer's energy utility bill. The applicant (or co-applicant) must own the home, be named on the utility account of a participating utility: Central Hudson, Con Edison, PSEG-Long Island, National Grid (upstate customers only), New York State Electric and Gas Corporation, Orange & Rockland Utilities, or Rochester Gas and Electric and not be on any type of deferred payment plan with the utility. A Declaration must be filed with the County Clerk in the county in which the installation property is located. A title company under contract with NYSERDA will search public records to verify ownership of the property.

### 2.4.1 Interest Rates

Current interest rates are 6.99% or 3.49%. Interest rates are subject to change.

Qualified customers are eligible for lower interest rates provided that the total documented household income of the occupants of the building is less than or equal to 120% of the area median income.

Customers seeking the lower interest rate must fill out an income screening application along with the credit application.

### 2.4.1 Repayment Terms

Payments are added to the borrower's utility bill as a NYSERDA Loan Installment charge. If utility service is terminated or suspended, the borrower will be billed directly by Concord.

### 2.4.1 Documentation

Following loan approval, EFS will send the applicant(s) a loan agreement (Note), Notice of Right to Cancel, and a Declaration. The documents must be signed, and the Declaration must be notarized and returned to EFS. When the loan proceeds are disbursed, the loan is transferred to Concord.

### 2.4.4 Loan Transfer

The OBR loan is transferrable upon the sale of the home and requires that the seller provide written notice to prospective buyers in accordance with the terms of the Note. If the loan is not transferred to the new homeowner then it must be paid-off at the time of property transfer. If the loan is transferred to the new homeowner, the utility and Concord will work together to have the monthly loan assessment placed on the utility bill. The seller is responsible for amounts billed by the utility up to the date of transfer.

### 2.4.5 Non-Payment

Non-payment of utility charges or the OBR loan obligation may result in termination of utility service; non-payment of the loan obligation may result in collection efforts including the entry of a judgment with interest, costs and collection fees as provided by the State Finance Law.

### 2.4.6 Fees

- If Concord directly bills the borrower(s) the following may apply:
  - Late payment fee is the lesser of 5% or \$5
  - \$20 fee for returned payments

- Returned payment fee may be charged by the utility as authorized by the Public Service Commission
- Past due balance on utility account may be subject to a collection fee by the utility as authorized by the Public Service Commission
- If utility service is terminated, borrower may be subject to a reconnection fee from the utility

**2.4.7 Cost effectiveness requirements**

The monthly payment may not exceed 1/12th of the estimated average annual energy cost savings from the improvements over the loan term. In other words, the monthly payments may not exceed the estimated average monthly energy cost savings.

**2.4.8 Details**

Only one On-Bill Recovery Loan per utility meter account is allowed at any one time.

The utility account must be in the name of the borrower.

All individuals or legal entity representatives named on the property deed must sign and have notarized an On-Bill Recovery Program Declaration, which will be filed by NYSERDA with the County Clerk in the county in which the installation property is located. This provides notice to any subsequent purchaser of the property. The Declaration is *not* a lien on the property but is recorded to provide notice to others of the loan obligation.

**2.5. Customer Eligibility**

**2.5.1 Loan Approval Criteria**

The following table summarizes loan approval criteria, but it is not a comprehensive list of loan underwriting guidelines. These standards are subject to change at NYSERDA's discretion.

<b>Credit Score</b>	<b>540-599</b>	<b>600-679</b>	<b>680-779</b>	<b>780+</b>
Debt-to-Income (DTI)*	Up to 70%	Up to 75%	Up to 80%	No limit
Mortgage Payment History	Mortgage has been paid on-time for the past 12 months. No mortgage payments more than 60 days late during the past 12 months.			
Bankruptcy, Foreclosure, Repossession History	None in the past 24 months			
Outstanding Collections, Judgments, Liens and Charge-offs	May not exceed \$2,500			

*\* Debt-to-Income (DTI) is a measure of your existing debt payment obligations (mortgage, auto loan, student loan, credit card payments, etc.) to your income.*

## 2.6. Project eligibility

### 2.6.1 Audit Requirements

Projects seeking financing must be based on recommendations contained in an energy audit performed under the Residential Energy Audit Program or in an energy assessment performed under the Existing Homes Program. Reference the Residential Energy Audit program manual for energy audit requirements.

### 2.6.2 Eligible measures

The energy efficiency measures that can be included in a loan are included in the Proforma tool.

Improvements may include ancillary measures not to exceed 15% of the total cost of eligible improvements up to a maximum of \$2,000.

### 2.6.3 Coordination with utility rebates

The GJGNY Loan may be used in coordination with the rebates provided by utilities. The customer may take a loan out for the full cost of work.

### 2.6.4 AHPwES and EmPower Programs

NYSERDA incentives are available to customers who have a household income of less than or equal to 80% of the Area Median Income (AMI). If, during the GJGNY loan application process, EFS determines that a customer will be eligible for the AHPwES or EmPower programs the customer will be notified. The customer will have to opt out of these programs in order to proceed without incentives.

## 3. Implementation Partners Roles & Responsibilities and Contacts

### 3.1. New York State Energy Research and Development Authority

NYSERDA offers objective information and analysis, innovative programs, technical expertise, and support to help New Yorkers increase energy efficiency, save money, use renewable energy, and reduce reliance on fossil fuels.

NYSERDA administers the Green Jobs – Green NY Program. General questions regarding the Green Jobs – Green NY Residential Financing Program can be directed to:

Heather J. Clark, Senior Project Manager

518-862-1090 ext. 3253

[Heather.Clark@nyserda.ny.gov](mailto:Heather.Clark@nyserda.ny.gov)

### 3.2. Energy Finance Solutions

The residential loans are originated statewide through EFS, a not-for-profit energy efficiency lending organization competitively selected by NYSERDA to provide residential financing services. EFS reviews applications and originates on NYSERDA's behalf loans pursuant to underwriting criteria established by NYSERDA. EFS closes on the loan, disburses proceeds to the Participating Contractor from a cash advance pool provided by NYSERDA to EFS, and then submits the loan to NYSERDA's loan servicer.

Questions related to applications and loan underwriting can be directed to:

Energy Finance Solutions  
1-800-361-5663  
[efs@energyfinancesolutions.com](mailto:efs@energyfinancesolutions.com)

### 3.3. Concord Servicing Corporation

Concord is a loan servicing organization competitively selected by NYSERDA as its loan servicer for GJGNY loans. Concord is responsible for borrower billing, collections and inquiries on the loan portfolio and monitors the origination processes to ensure conformance to underwriting standards.

Consumer questions related to loan payments can be directed to:

Concord Services Corporation  
1-866-856-4403  
[cs@concordservicing.com](mailto:cs@concordservicing.com)

### 3.4. Contractors

To offer GJGNY financing, the contractor must sign a Participation Agreement with NYSERDA and an agreement with EFS. If the contractor is an approved Participating Contractor in Residential Existing Homes Program or is a Participating Contractor with PSEG Long Island, then a separate GJGNY Financing Participation Agreement is not required, but an agreement must be signed with EFS. The EFS participation agreement can be found on EFS' website at <http://energyfinancesolutions.com>.

### 3.5. Verification Technicians

Verification that the energy efficiency measures contracted for and financed by a GJGNY Loan have been installed and completed will be performed by Honeywell, an independent third-party. See Section 8 for further information.

## 4. Loan Application Process

### 4.1. How to apply

Customers may apply online (preferred) or submit a paper application.

The online application is located at:

<https://app.energyfinancesolutions.com/consumerportal/Default.aspx>

Paper applications may be found on NYSERDA's website. Paper applications can only be submitted via mail or fax. *Applications and related documentation submitted via email will not be accepted.*

<https://www.nyserdera.ny.gov/All%20Programs/Programs/Residential-Financing-Options>

### 4.2. Loan origination system info

EFS' on-line loan origination system (LOS) is a fast, effective and secure method of applying for GJGNY financing. The LOS requires the customer to create an account using an email address. Once the account is created, the customer can complete the on-line application and directly upload any required documentation (i.e. income documentation). Participating Contractors are able to monitor



their customers' loan application status and can also upload documentation for the customer. Customers and Participating Contractors are notified by email of status changes or direct comments from EFS staff, and of any required documentation. Customers applying online also have the ability to message EFS directly, print copies of any letters or documents, and electronically sign documents.

#### 4.3. Steps in the process / Checklist / Expectations of timeline

##### Step 1: Apply for the loan

Upon receipt of a loan application, EFS will obtain the applicant(s) credit report. Depending on the credit score, pre-approval notification will occur either in a matter of seconds or within 24 hours.

- If notification is not received in seconds, it means the credit report will be manually reviewed for late payments, bankruptcies, foreclosures, judgements, repossessions, collections, liens and charge-offs.

Interest rates are determined based on household income. Households with income less than or equal to 120% of the area median income are eligible for the lower interest rate.

##### Step 2: Receive Loan Status Notification

Applicants submitting a completed application package will be notified by EFS of their loan status either via email notification or by mail. The Participating Contractor, if known, will be notified of the loan status (note: if a customer is denied a loan the Participating Contractor will not be notified).

Once the application is complete and the applicant(s) has been determined to be credit qualified, the application status will be set to "pre-approved" pending the submission of income documentation, if required, and information regarding the energy efficiency project.

Should the applicant(s) apply on-line, they have the option of uploading income documentation at time of application.

##### Step 3: Submit supporting documentation

The Participating Contractor must submit a copy of a signed contract and any executed change orders detailing the energy efficiency work being financed and a copy of the Proforma, demonstrating loan eligibility.

Note: This step may be completed concurrently with Step 1 or 2 for a single submission to EFS containing all required loan documentation.

##### Step 4: Return the Signed Loan Documents

Once all required documentation has been received and reviewed, and it is determined the applicant(s) has been approved for GJGNY financing, EFS will send loan documents to the applicant(s). If the applicant(s) applied online, the loan documents will be

available through the online Loan Origination System for electronic signature (note: for OBR loans the Declaration cannot be electronically signed and must be notarized).

#### Step 5: Complete the Energy Efficiency Work

After the approved energy improvements are installed, the customer and Participating Contractor will sign and return a Certificate of Completion to certify the project is complete. The Certificate of Completion can be found at [link].

Upon receipt of the Certificate of Completion by EFS, loan proceeds are paid directly to the Participating Contractor.

The Certificate of Completion must be submitted to EFS within 30 calendar days following project completion. If a Certificate of Completion is received after the 30-day deadline, the project may be denied financing, and the Participating Contractor will assume all financial liabilities for the project.

## 5. Loan Approval Process

### 5.1. Steps in the process

Between the receipt of a loan application through loan approval, EFS' average time to process is approximately 3.5 hours. However, the actual amount of time to process an application is dependent upon the amount of time taken for the applicant(s) to submit required documentation.

#### 5.1.1 *Loan Pre-Approvals*

Loans are pre-approved when a customer has been determined to be credit qualified. Typically, pre-approval occurs either immediately after on-line application submittal or within 24 hours of on-line application submittal depending upon the credit score of the applicant.

#### 5.1.2 *Loan Approvals*

Once all required documentation has been received and reviewed by EFS, and it has been determined that the applicant qualifies for a GJGNY Loan, the loan is placed in "approved" status. The applicant(s) then have 360 days to close the loan (see section 5.1). If the loan doesn't close within this timeframe and the applicant(s) later decide to access GJGNY financing, they will be required to re-apply for a loan.

### 5.2. Required Documentation in Addition to Loan Application

#### 5.2.1 *Signed contract and change orders*

A copy of the contract and any change orders (if applicable) between the customer and the Participating Contractor must be submitted.

#### 5.2.2 *Proforma*

The Participating Contractor must fully complete the Proforma and ensure the project is determined to be loan eligible prior to submission, as indicated on the Proforma.

### 5.2.3 *Certificate of Completion*

A copy of a Certificate of Completion, signed by both the Customer and the Participating Contractor, must be completed at the end of the project attesting that work has been completed.

## 6. Loan Closing and Repayment Process

### 6.1 Participating Contractor Payment/Loan Closing

Generally, within 24 hours following the receipt of the documentation identified in section 4.2, EFS will pay the Participating Contractor the amount of the loan. Once payment has been made the loan is considered closed.

### 6.2 Loan Set-Up/Loan Servicing

Concord is responsible for servicing the loan and is responsible for tracking payments, delinquencies and customer contacts (inquiries, pay-off requests, etc.). Concord will also contact borrowers concerning late payments, and after 90 days of non-payment will refer the account to a collection agency.

#### 6.2.1 *Smart Energy Loans*

Borrowers have the option of being directly billed or pay with automatic withdrawal. If direct billed, Concord will invoice borrowers monthly. Borrowers electing to pay via automatic withdrawal are able to monitor their loan balance and change their ACH payments through an on-line portal called MyAccountInfo, found at <https://www.myaccountinfo.com/Portal/Account/LogOn>.

#### 6.2.2 *OBR Loans*

Concord will instruct the borrower's utility provider to attach the monthly loan payment to the electric meter. It may take as long as three billing cycles before the loan payment is seen on the utility bill. The utility will collect the payment and remit to Concord on a monthly basis. Concord will continue to coordinate with the utility for the life of the loan.

## 7. Customer Disputes

All customer disputes are handled directly between the customer and the Participating Contractor. NYSERDA and its Implementation Partners are not responsible for settling customer and Participating Contractor disputes. If a Participating Contractor becomes involved in a dispute with a customer, the Participating Contractor shall work to settle the dispute amicably using the Participating Contractor's customer dispute resolution policy.

## 8. Verification Process

The goal of the verification process is to confirm that GJGNY Loan funded energy efficiency measures have been installed and completed.

### 8.1 Verification Rate by Status

### *8.1.1 Provisional Status*

New Participating Contractors are designated as 'Provisional' status and shall have the first three (3) GJGNY Loan funded projects verified to confirm that the energy efficiency measures have been installed and completed. Quality Assurance inspections for any other NYSERDA program shall not be used to fulfill this requirement.

### *8.1.2 Full Status*

Full Participating Contractors shall have up to three (3%) percent or at least once a quarter of all GJGNY Loan funded projects verified to confirm that the energy efficiency measures have been installed and completed. Quality Assurance inspections for any other NYSERDA program shall not be used to fulfill this requirement.

### *8.1.3 Probationary Status*

Up to 100% of projects completed while on Probationary status may be subject to verifications, at the sole discretion of NYSERDA. Verification findings will be used by NYSERDA as one of many factors in determining a Participating Contractor's future participation status.

### *8.1.4 Suspended Status*

Up to 100% of projects completed while on Probationary status may be subject to verifications, at the sole discretion of NYSERDA. Verification findings will be used by NYSERDA as one of many factors in determining a Participating Contractor's future participation status.

## 8.2 Scheduling Field Verifications

### *8.2.1 Setting up the Customer Call List*

Honeywell is responsible for scheduling verifications of completed projects within the assigned region(s). Honeywell shall strive to conduct verifications within thirty (30) days of project completion and to meet the specified average verification rates as stipulated in Section 8.1. Honeywell shall not regularly schedule verifications later than ninety (90) days from project completion unless in response to special circumstances.

### *8.2.2 Obtain Project Data Prior to Conducting Verifications*

Once sites are selected and verifications are scheduled, the Verification Technician shall obtain the complete list of energy efficiency measures financed by the GJGNY Loan from EFS.

### *8.2.3 Contractor Invitation to Verification*

Customers contacted by Honeywell to schedule a verification will have the option of allowing the Participating Contractor to be present at the time of inspection. Customers are encouraged to allow the Participating Contractor to attend so that any questions can be answered, and minor fixes may be made on site. If the customer agrees, the Participating Contractor shall be notified of the upcoming inspection via email ([inspections@nysesda.ny.gov](mailto:inspections@nysesda.ny.gov)) and shall RSVP via email. Verifications shall be scheduled at least two weeks in advance and no less than five (5) business days.

Customers have the right to request that the Participating Contractor not attend the verification. In these situations, the Participating Contractor will not be notified of the scheduled verification but will receive the result of the inspection within five (5) business days after verification.

### *8.2.3 Evaluation of Quality Assurance Verification*

- Pass – all the energy efficiency measures contracted for and financed by a GJGNY Loan have been installed.
- Fail – some or none of the energy efficiency measures contracted for and financed by a GJGNY Loan have not been installed.

### *8.2.4 Handling Non-Conformance and Corrective Action*

- All non-conformances are expected to be addressed and corrected. Acknowledgement and plans for preventing future problems may be requested by NYSERDA.
- When corrective action is required by NYSERDA, it will be indicated as such on the Verification Report issued via email from NYSERDA to the Participating Contractor. Failed Verification Reports must be remediated within 30 days or disputed within 15 days of the issue date. This report will be made available to the system owner upon submission of a request directly to NYSERDA.
- Acceptable corrective action is to install or complete work for the energy efficiency measures that were contracted for and financed by a GJGNY Loan.
- Sufficient evidence of the corrective action must be provided to NYSERDA within 30 calendar days of receipt of the Verification Report. NYSERDA may at its option conduct a verification of the corrective action.
- If corrective action is not completed within 30 calendar days of receipt of the Verification Report, the Participating Contractor will be required to remit to Concord the amount equal to the cost of the uninstalled or incomplete energy efficiency measure that was contracted for and financed by a GJGNY Loan. Concord will use the remittance to reduce the amount of GJGNY Loan principal due by the customer.
- NYSERDA retains the right to provide a copy of the Verification Report or specific information from the verification directly to the customer, all authorities having local jurisdiction or other stakeholder based upon compliance concerns. In an emergency NYSERDA or its representatives may shut down the system. NYSERDA will notify the participant whenever it takes such action as soon as is practicable.
- NYSERDA may, at NYSERDA's discretion, communicate by voice and/or written format with any customer with respect to any matter relevant to a proposed or installed project. Such communications may be in reply to an inquiry from a customer or at NYSERDA's initiation.

## 9. GJGNY Loan Fund Advance Payment

As part of NYSERDA's role as administrator of the GJGNY Loan Fund, NYSERDA will provide eligible Participating Contractors with an advance payment ("Advance") when an energy efficiency project is financed, in whole or in part, with a GJGNY Loan in accordance with the conditions below.

### 9.1 Eligible Contractors

Contractor must be an approved contractor participating in an eligible NYSERDA or utility program ("Program") and must be in good standing in each Program it participates in. Good Standing is defined as never having been suspended from a Program and not having been on probation in any eligible Program in the twelve (12) months prior to the execution of this agreement. Any exceptions to this requirement are at NYSERDA's sole discretion.

Contractor must execute a GJGNY Loan Fund Advance Payment Participation Agreement

Participating Contractors must abide by all New York State laws, rules and regulations including but not limited to those governing the establishment and maintenance of an escrow account. NYSERDA reserves the right to request proof of escrow account at any time.

### 9.1 GJGNY Loan Advances

- Advances shall only be made on projects that are financed, in whole or in part, with a reduced interest rate GJGNY Loan borrowed by a qualified customer (see Section 2).
- Advances shall be fifty percent (50%) of the GJGNY Loan amount.
- Advances shall be disbursed to the Participating Contractor by EFS after the five (5) business day Right to Cancel period has ended.
- The balance of the GJGNY Loan shall be disbursed to the Participating Contractor upon submittal of the final construction completion certificate.
- Participating Contractors shall have one hundred eighty (180) days from disbursement of the Advance to complete the project.
- Participating Contractors may submit a written request to NYSERDA for an extension of the one hundred eighty (180) day construction completion requirement. The written request must be received by NYSERDA no later than one hundred sixty (160) days from disbursement of the Advance. NYSERDA reserves the right to grant or deny exceptions on a case-by-case basis.
- If a project is not completed within the one hundred eighty (180) days from initial disbursement of the Advance, NYSERDA will issue the Participating Contractor a demand letter. The Participating Contractor must either complete construction or return the Advance to NYSERDA within thirty (30) days of issuance of the demand letter.

- If Advances are not returned to NYSERDA within the thirty (30) days of issuance of the demand letter, NYSERDA reserves the right to:
  - a. Use any future incentive payments due to the Participating Contractor from any NYSERDA program that the Contractor participates in to offset the balance of the Advance due;
  - b. Suspend the Participating Contractor from participation in the Advance Payment Program;
  - c. Suspend the Participating Contractor from the NYSERDA programs it participates in;
  - d. Impose interest on the Advance from the date the funds were released at a rate equal to the rate on the customer's loan note;
  - e. Disbar the Participating Contractor from all NYSERDA programs and/or other NYS contracts; and,
  - f. Refer Participating Contractor to the NYS Attorney General for collection proceedings.
- The maximum balance of outstanding Advances shall not exceed one hundred thousand (\$100,000) dollars. NYSERDA reserves the right to grant exceptions on a case-by-case basis.

## 10. NYSERDA Logo Attribution Guidelines

Participating Contractors are authorized to use the NYSERDA Participating Contractor Attribution Logo (Attribution Logo) subject to the restrictions in these Guidelines. The Guidelines serve to maintain the integrity of the NYSERDA brand, while providing Participating Contractors the opportunity to leverage their relationship with NYSERDA to engage customers.

Participating Contractors are not NYSERDA employees, Participating Contractors, partners, or representatives. Participating Contractors and their employees must therefore identify themselves as representatives of the Participating Contractor's company, not as representatives of NYSERDA or as NYSERDA employees. Participating Contractors may use the Attribution Logo only under the following terms:

- Only approved Participating Contractors who have a current, executed Participation Agreement with NYSERDA are authorized to use the Attribution Logo.
- Participating Contractors **can only** identify themselves with the NYSERDA Participating Contractor Attribution Logo on marketing and promotional materials related to GJGNY Loan Fund, such as agendas, newsletters, and event-related materials;



- The Attribution logo may not be manipulated, stretched, or skewed in any manner.
- The Attribution logo may be used on the Participating Contractor's website **only** on pages that speak to the GJGNY Loan Fund but **cannot** be used in the Participating Contractor's overarching website shell.
- Participating Contractors **cannot** use the Attribution logo on business cards, self-identifying items (e.g., shirts, pins) or for TV.

### **How to Request the Participating Contractor Logo**

#### ***For initial creation of the Participating Contractor logo treatment***

For initial creation of the Participating Contractor Attribution logo, fill out the online logo request. You must submit a high-resolution vector eps of your logo. [www.nyserda.ny.gov/About/Resources/Logo-Requests.aspx](http://www.nyserda.ny.gov/About/Resources/Logo-Requests.aspx)

#### ***For uses thereafter***

NYSERDA must review and approve any material containing the NYSERDA logo prior to publication or distribution, including print, web, or other media. To obtain approval, submit a low resolution PDF to NYSERDA's Marketing Department. Normal turnaround time is 3-5 days.

[www.nyserda.ny.gov/About/Resources/Logo-Requests.aspx](http://www.nyserda.ny.gov/About/Resources/Logo-Requests.aspx)

NYSERDA Marketing contact is Diane Welch at (518) 862-1090, ext. 3276.