



**LEBANON CITY COUNCIL  
NOTICE OF PUBLIC HEARING  
Wednesday, June 3, 2026 - 7:00pm  
Council Chambers, City Hall or  
REMOTE VIA VIRTUAL PLATFORM  
[LebanonNH.gov/LIVE](http://LebanonNH.gov/LIVE)**

The Lebanon City Council will hold a public hearing on June 3, 2026, beginning at 7:00pm in Council Chambers for the following:

- A. Ordinance #2026-04: Amendment to C-PACER District Ordinance to address clarification requested by NH Business Finance Authority

The June 3, 2026 City Council agenda packet will be available on the City's website by May 29, 2026.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to [LebanonNH.gov/Live](http://LebanonNH.gov/Live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

**CITY OF LEBANON**  
**Ordinance #2026-04**

**Commercial Property Assessed Clean Energy and Resiliency (C-PACER) District Ordinance**

**Section 1. Purpose.**

The commercial property assessed clean energy and resiliency (C-PACER) program authorized by NH RSA 53-F allows the City of Lebanon to establish an energy efficiency and clean energy district whereby property owners within the boundaries of the district may fund qualifying improvements to real property through private lenders/capital providers, with such financing secured by a special assessment lien on the property through an assessment agreement between the property owner and the City.

**Section 2. Authority.**

The City hereby adopts RSA 53-F, Energy Efficiency and Clean Energy Districts, pursuant to a vote of the City Council in the manner specified by RSA 53-F:2, II, subject to the provisions of this Chapter.

**Section 3. Declaration of Public Purpose and Findings.**

It is hereby declared that the financing of qualified energy conservation and efficiency and clean energy improvements and projects through special assessments serves a valid public purpose as set forth in RSA 53-F. The City therefore intends, in accordance with RSA 53-F, the following:

- A. To authorize direct financing agreements between property owners and capital providers as the means to finance qualified projects; and
- B. To authorize special assessments, subject to a written assessment contract between a property owner and the City (“Assessment Agreement”), as the means to secure the repayment of the aforesaid financing.

**Section 4. Applicability/Boundaries.**

The C-PACER district shall encompass the entirety of the City’s jurisdictional boundaries.

**Section 5. Definitions.**

This Ordinance hereby incorporates the definitions as set forth in RSA 53-F:1, as may be amended; in addition, as used in this chapter, the following definitions apply:

*Administrative Agreement* – means the agreement between the New Hampshire Business Finance Authority (“NHBFA”) and the City outlining the terms of the NHBFA’s

administration of the C-PACER Program for the City and the City's roles and responsibilities.

*Property Owner* – means the fee title owner(s) of the property seeking participation in the C-PACER Program. Property Owner may also include the holder of a leasehold estate on the property, provided it is approved by the NHBFA, the holder of said lease provides a copy of the recorded lease or lease term sheet, and a signed and notarized consent of the fee title owner(s) or some other recorded document sufficient to show the leaseholder's right to bind the property to a C-PACER assessment and lien.

*Real Estate Taxes* – as defined in RSA Chapter 72, RSA 76:5 and RSA Chapter 80, except shall not include the C-PACER special assessment.

*Taxes* – means Real Estate Taxes including the C-PACER special assessment.

## **Section 6. Qualified Projects and Improvements.**

The following applies to qualified projects and improvements:

- A. Must be a type of resiliency improvement, energy conservation and efficiency improvement, clean energy improvement, or water conservation improvement, on privately-owned commercial, industrial, or agricultural real property, or multi-family residential real property with five or more dwelling units.
- B. May be new construction or a retrofit, rehabilitation, or redevelopment of existing construction.
- C. The types of qualified projects and improvements include, but are not limited to:
  - a. Solar PV
  - b. Solar Thermal
  - c. Wood biomass
  - d. Wind
  - e. Geothermal systems
  - f. Air sealing
  - g. Insulation
  - h. HVAC systems meeting or exceeding ENERGY STAR standards
  - i. Building modifications to increase use of daylighting
  - j. Replacement of windows with units meeting or exceeding ENERGY STAR standards
  - k. Energy controls or energy recovery systems
  - l. Efficient lighting equipment
  - m. Air quality improvements
  - n. Snow and/or flood mitigation
  - o. Energy storage and microgrids
  - p. Alternative vehicle charging infrastructure
  - q. Fire and/or wind resistance improvements

- r. Measures, equipment, or devices that:
  - i. decrease the consumption of, or demand for, water,
  - ii. address safe drinking water
  - iii. eliminate lead from water used for drinking or cooking

D. Improvements must be permanently affixed to a building or facility that is part of the real property.

**Section 7. Program Administration.**

The C-PACER Program shall be administered by the NHBFA, or a third party designated by the NHBFA.

**Section 8. Local Administration; Program Official.**

The City Manager shall be the City’s designated Program Official responsible for: executing the appropriate documentation for the imposition of a special assessment; working with the NHBFA; and administering the duties and responsibilities of the City set forth in the administrative agreement with the NHBFA.

**Section 9. Special Assessment Lien Priority; Collection and Enforcement.**

The City has the authority to bill and collect on the special assessment and lien, except that the City may delegate such responsibilities to any outside third party, including the capital provider, approved by the NHBFA; such delegation shall occur on the “Assignment of Notice of Assessment and C-PACER Lien and Assignment of Assessment Agreement for C-PACER Financing” (the “Assignment”) form.

- A. If the City does not delegate billing and collection responsibilities to a third party, the City’s tax collector shall bill and collect the special assessments.
- B. Delinquent payments shall incur interest and penalties as specified in the financing agreement between the property owner and the capital provider.
- C. Each special assessment imposed under this ordinance, including any interest on the assessment and any penalty, constitutes a first and prior lien against the property on which the assessment is imposed, from the date on which the notice of special assessment is recorded at the Grafton County Registry of Deeds, until the assessment, interest, and any penalty, is paid.
- D. The lien runs with the property.
- E. Notwithstanding RSA 80 concerning the collection of property taxes and special assessments, in the case of default or delinquency of special assessment payments, enforcement shall only be by the capital provider pursuant to RSA 479, including the power of sale. Any outstanding and delinquent property taxes at the time of the

enforcement action shall be satisfied along with the delinquent amounts of the special assessment lien. The City is not responsible for, nor required to, tax deed the property for any default or delinquency of C-PACER payments to the Capital Provider.

F. Assessments not yet due may not be accelerated.

G. Assessments may not be eliminated by foreclosure or bankruptcy.

### **Section 10. Tax Liening, Tax Deeding, Sale Proceeds.**

For any C-PACER property which becomes subject to a recorded tax lien pursuant to RSA 80:64 for failure to timely pay Real Estate Taxes, the C-PACER capitol provider shall be authorized to redeem the property by making sufficient payment pursuant to RSA 80:69.

For any C-PACER property which is acquired by the City by tax deed pursuant to RSA 80:76, the City may not use public funds to fund or repay any special assessment amount. The City will attempt to re-sell the property in a timely manner, following the process of RSA 80:76 et seq., including the 90-day right of repurchase requirements contained in RSA 80:89. The City will include in any public notice for the sale of the property, any auction notice, any bid documents, and any purchase and sale agreement, a clear notification that the property is subject to a C-PACER assessment and lien.

Upon sale of the property, the process laid out in RSA 80:88 et seq. for the distribution of proceeds shall be followed, and any delinquent C-PACER special assessment payments are considered "Taxes" for purposes of payment from sale proceeds (RSA 80:19 – "For the purposes of this chapter, the word 'taxes' shall include special assessments.").

The C-PACER special assessment and lien remain on the property and shall pass to the new owner, who becomes responsible for future payments upon transfer of title.

~~A capital provider may otherwise accelerate the re-sale of the property by acting on its foreclosure right pursuant to RSA 53-F:8, II.~~

### **Section 11. Liability.**

The City shall incur no liability as a result of the C-PACER Program or for the private debt created or evidenced by the Assessment Agreement, the Assessment and C-PACER Lien, the Financing Agreement, or any related document, nor shall any board members, officers or employees of the City be personally liable for exercising any rights or responsibilities pursuant to or in furtherance of the C-PACER Program. The City's participation in the C-PACER Program shall not be interpreted to pledge, offer, or encumber the City's full faith and credit.

### **Section 12. Conflicts.**

In the event of any conflict between this ordinance and RSA 53-F, the terms of RSA 53-F shall govern.