



**LEBANON ENERGY ADVISORY COMMITTEE (LEAC)
JANUARY 15, 2026 - 3:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

- 1. Call to Order**
- 2. Preamble**
- 3. Approval of Minutes**
 - A. December 18, 2025
- 4. Old Business**
 - A. Legislation 1 PUC Regulations, 1 CPCNH / LCP updates; CPCNH Publicity Campaign.
 - B. Landfill Gas to Energy Project
 - C. Lebanon Energy Savings Program
 - D. EV Subcommittee Report
 - E. UV's 'Energy' Committees collaboration
 - F. C-PACER — Commercial Property Assessed Clean Energy and Resiliency
 - G. CIP- Capitol Improvement Plan: priorities stemming from Chapter 13.
- 5. New Business**
- 6. Open to the Public**
- 7. Upcoming Events**
- 8. Future Agenda Items**
 - A. January 9, 12 P.M. - Upper Valley Open House planning meeting
- 9. Adjournment**

AGENDA
LEBANON ENERGY ADVISORY COMMITTEE (LEAC)
January 15, 2026

AGENDA ITEM 3
APPROVAL OF MINUTES:

DECEMBER 18, 2025

DRAFT

**LEBANON ENERGY ADVISORY COMMITTEE (LEAC)
REGULAR MEETING MINUTES
Remote Via Microsoft Teams
LebanonNH.gov/Live
December 18, 2025
3:30 PM**

MEMBERS PRESENT: Henry Bromberg (Chair), Clifton Below, Thomas Benzel,
Sherry Boschert (remote), Jonathan Chaffee,
Patrick Kenelly, Woody Rothe, Bill Stearns

MEMBERS ABSENT: James Mashal

STAFF PRESENT: Chris Kilmer, Asst. Director, Public Works

-
- 1 **1. CALL TO ORDER – Chair Bromberg called the meeting to order at 3:33 PM**
2
3 **2. PREAMBLE – Read by Mr. Chris Kilmer**
4
5 **3. APPROVAL OF MINUTES:**
6 A. November 20, 2025
7
8 *Ms. Tom Benzel MOVED to approve the November 20, 2025, minutes as written.*
9 *Seconded by Mr. Jonathan Chaffee*
10
11 ** The vote on the MOTION was approved (8-0)*
12
13 **4. OLD BUSINESS**
14 A. Legislation 1 PUC Regulations, 1 CPCNH / LCP updates: CPCNH Publicity Campaign
15
16 Mr. Below said that Liberty Utilities presented proposed rates as a result of under collection. They are
17 still reviewing other under collections and anticipate recovering them via future proposed rates, sometime
18 in 2026.
19
20 CPCNH also set their rates today, which will remain slightly higher than Liberty for the current period
21 starting in February (approx. 1 cent per kilowatt hour 13.7 Liberty compared to 14.6 CPCNH), to help
22 ensure they continue to get back on solid financial footing with their finances/reserves. CPCNH
23 customers continue to be able to opt out by contacting the coalition via phone or their website; it is a
24 frictionless process.
25
26 Mr. Below chairs a Regulatory Legislative Affairs Committee and they have been reviewing bills as they
27 come out and they have taken a position on two bills. They are *supporting* the balcony solar bill which
28 will be heard by the New Hampshire Senate on January 8, 2026. This is a bill that would support the low
29 power (up to 1200 watts), a portable system that will simply plug into a wall outlet (likened to an
30 appliance). It would be exempted from the interconnection requirements and it would not be net metered.

1
2 This is already used heavily in Europe and is great for renters and property owners alike to help them
3 offset some of their household load with the system. The one state that has already passed it is Utah
4 (primarily Republican State legislature), so the Committee is hopeful that this bill will have appeal and
5 gain support in New Hampshire's Libertarian oriented legislature, among others.
6

7 The other bill that CPCNH has taken a stance *against* is ***a bill proposed by the New Hampshire House***
8 ***Republicans, to repeal the 50-year-old local option to exempt solar PD systems from local property***
9 ***taxes.*** The significance of this is when one invests in solar, it is low cost and almost all capital solar is
10 free with low operating costs, and it is very low cost compared to natural gas which is what solar offsets
11 on the margin, most of the time, meaning solar production in New England displaces natural gas
12 combined cycle ***and the way this bill is written, it favors out of state generation and fossil fuel***
13 ***generation over clean local solar generation.*** He stated that any person interested in solar should be
14 concerned about this partisan bill.
15

16 If the House Republicans were proposing a uniform tax both solar and gas, then it would be a fair way to
17 do it, rather than this biased proposed bill *against solar.*
18

19 B. Lebanon Community Power refresh policy
20

21 Mr. Below, along with Mr. James Mashal worked on a draft for the power refresh policy for CPCNH, and
22 he shared this draft on the overhead screen.
23

24 This Draft was included in the Agenda Packet for today's meeting and it was suggested that this be an
25 Appendix to the Electric Aggregation Plan.
26

27 LEAC is proposing that the City of Lebanon adopt the following Lebanon Community Power Customer
28 Refresh Policy:
29

30 To "refresh customers" means to enroll new electric utility customers into Lebanon Community Power
31 (LCP) as an alternative default service provider, with 30 days advance mailed notice and the option to
32 opt-out of becoming an LCP supply customer and instead remain on utility default service. When new
33 residents and businesses begin electric service from Liberty Utilities, they are placed on utility default
34 service for electricity supply, even though community power aggregations (CPAs) are also defined as
35 default service providers under NH law. CPAs have to go through a "refresh" process detailed in Public
36 Utility Commission rules.
37

38 In coordination and conformity with the Community Power Coalition of NH's refresh policy and
39 scheduling, Lebanon Community Power shall periodically refresh customers from utility default service
40 by rate class whenever LCP's lowest available rate for the respective rate class is lower than the utility's
41 default service rate at the time the refreshed customers are expected to begin service. No refreshes shall
42 occur when LCP's lowest available rates are expected to be higher than those of the utility, by rate class,
43 during the month of enrollment, unless otherwise directed by the Lebanon City Council.
44

45 ***Mr. Clifton Below MOVED that LEAC recommend the above policy to the Lebanon City Council for***
46 ***adoption by the City Council.***

47 ***Seconded by Mr. Jonathan Chaffee***
48

1 ***The MOTION was approved (8-0)**

2
3 Mr. Below will get a memo for the City Council to Mr. David Brooks, Assistant City Manager, with the
4 above recommendation that is to be presented on January 7, 2026 to the City Council.

5
6 B. Landfill Gas to Energy Project

7
8 Mr. Chris Kilmer said that recently there have been pressure issues and the system is being very
9 temperamental. Unison is coming early next month to try to work through the numerous issues that have
10 plagued this system, caused mostly by pressure issues in the gas processing skid with the Unison
11 equipment. Unison seems committed to getting this fixed, and they have their best team working on this.
12 Also, they will provide complete full training for City employees, for this system, that was to have been
13 provided several months ago.

14
15 He has worked out the emissions report and they will now get monthly reported numbers (from
16 Knollwood for the City) so that he can apply for City rec credits quarterly instead of only annually.
17 Additionally, Mr. Below offered to look at the Liberty bills.

18
19 Mr. Below added that Representative Corman along with Senator Prentiss are sponsoring a bill to make it
20 clear that the City of Lebanon qualifies for New Hampshire recs.

21
22 C. Lebanon Energy Saving Program

23
24 D. Mr. Woody Rothe said that he got a mailing from Liberty offering rebates on mini-splits, lower
25 cost water heaters, and full energy audits. For the program that he and Mr. Chaffee have been
26 working on, mailings are continuing and now Liberty Utilities is also sending out mailings to all
27 of their commercial customers, so these tie well together with the NH Saves Program.

28
29 E. EV Subcommittee Report

30
31 Ms. Boschert shared that New Hampshire AARP has given Lebanon \$3,000 for the City of Lebanon
32 E-Bike charging station project spearheaded by LEAC.

33
34 ***Ms. Sherry Boschert MOVED that LEAC advise the Department of Public Works that the RFP that***
35 ***was issued in May 2025 for EV charging installations should be closed without award and DPW***
36 ***should consider issuing a similar RFP when funding is secured.***

37 ***Seconded by Mr. Thomas Benzel***

38
39 ***The MOTION was approved (8-0)**

40
41 ***Next, Ms. Boschert MOVED that LEAC notify the Planning Department that it formally rescinds the***
42 ***proposed Zoning Ordinance amendments endorsed by LEAC on June 19, 2025, and instead LEAC***
43 ***supports the “compromise” proposed amendments to the Zoning Ordinance and the Site Plan Review***
44 ***regulations that were endorsed by LEAC on November 20, 2025 and endorsed by the Planning Board***
45 ***on December 8, 2025.***

46 ***Seconded by Mr. Clifton Below***

47
48 ***The MOTION was approved (8-0)**

1
2 Mr. Patrick Kennelly is on the Planning Board and represents LEAC. He will continue to provide any
3 relevant updates on this topic.

4
5 She also said that LEAC did not get the T-Mobile grant they applied for in 2025, but DES and Granite
6 State Clean Cities still has some VW money to perhaps replace some forklifts. Mr. Kilmer will be
7 working on this.

8
9 There is a State bill on e-Bikes regulations at Clean Energy New Hampshire, HP1410-FN and the EV
10 Subcommittee endorsed Clean Energy New Hampshire's proposed wording change in that bill. This is a
11 bill that creates a new sub-class of vehicles, like fast motorcycles, and these are proposed to fall under
12 road vehicles (battery size greater than 750 watts and a top speed of greater than 20 miles per hour,
13 without pedaling), which is deemed more appropriate for these vehicles.

14
15 Lastly, they are planning a **2nd Earth Week Open House** event and she has several volunteers that will
16 join her in a Zoom meeting on **Friday, January 9, 2026, at 12:00 noon**. All are invited to attend and
17 participate.

18
19 F. City Master Plan: Chapter 13 – Energy. Final edit. Next – Planning Board

20
21 The final edit is with Ms. Cathryn Hembree, Assistant Planner, and the Planning Board will meet soon to
22 discuss this document. All LEAC members that were instrumental in the making of this document are
23 asked to be at that meeting. The date will be communicated soon.

24
25 G. UV's 'Energy' Committees 'conference'

26
27 The initial meeting for this group has been set for January 13, 2025, in the PM (no time stated), and will
28 be hosted in Lebanon. The participating towns are Hanover, Enfield, Plainfield, Norwich, Hartford,
29 Lyme, Woodstock and Lebanon. LEAC is limiting the size due to meeting space constraints.

30
31 H. C-PACER – Commercial Property Assessed Clean Energy and Resiliency

32
33 Ms. Boschert and Mr. Doug Cogan shared information about the C-PACER program along with how to
34 move the process along, for the City of Lebanon to participate in this program.

35
36 It is a private financing mechanism, done through commercial banks and rather than people financing
37 clean energy related investments, and attaching them to a mortgage and/or loan, the loan is attached to the
38 asset itself, the property. That allows an extended payment period, with smaller payments being a benefit
39 as well. This is an incentive for those who would like to make this type of investment.

40
41 In order to establish this C-PACER program here, the City Council would need to vote on 1- stating they
42 would like to adopt this C-PACER mechanism itself and 2- a second vote based on RFA-53 stating that
43 this program is in the public interest and that there are benefits to adopting it.

44
45 Mr. Cogan addressed concerns raised in the last LEAC meeting and provided them a question/answer
46 document (thru Mr. Bromberg). He said that his opinion is that the City/municipality would not become
47 entangled in the types of issues posed previously, and he and Ms. Boschert a review by the City Attorney
48

1 Mr. Below said that LEAC only has authority to make a recommendation to the City Council. They will
2 add “subject to legal review” if there is a future motion. They will revisit this in the future.

3
4 I. CIP – Capital Improvement Plan: priorities stemming from Chapter 13

5
6 Ms. Boschert said that she recently went through the Master Plan to see if there were any “shovel ready”
7 projects to propose for 2026 CIP and she listed 10 ideas. She and the EV Subcommittee will be focusing
8 on both EV-related along with other energy projects to prioritize these.

9
10 Mr. Chaffee also spoke of some priority energy projects (included in the Agenda Packet), with the focus
11 On City buildings. He noted that any of these projects will need to pay for themselves in energy savings
12 to be feasible in this tax climate.

13
14 He listed 9 potential locations for energy projects and suggested LEAC work with Doug Cogan and
15 CPNH and CDFA Municipal Energy Reduction Fund, to secure NH Saves investment in any particularly
16 Energy wasteful City Buildings (he listed 8 locations to review).

17
18 The next topic was streetlight conversion to high efficiency along with dimming LED lights wherever this
19 is practical. Mr. Below said he thinks this would be a good time to do a trial on this. For example, the
20 original idea was to dim lighting to 40% (they are currently at 80%) at a late hour, such as 11 or 12 PM.
21 He has seen this firsthand on his street, and the 40% lighting level still provides ample lighting.

22
23 To assist in energy project efforts, the list that Mr. Cogan included list three capital providers, all for
24 C-PACER commercial projects. They are certified in New Hampshire and ready to do business.

25
26 Chair Bromberg asked Ms. Boschert, Mr. Chafee, and Mr. Below to collaborate and come back to their
27 January meeting, prepared to have a concise list of priority opportunities for LEAC. Mr. Kilmer can also
28 assist with internal items such as timing.

29
30 **5. NEW BUSINESS None**

31
32 **6. OPEN TO THE PUBLIC None**

33
34 **7. UPCOMING EVENTS Earth Day Open House, April 2026**

35
36 **8. FUTURE AGENDA ITEMS**

37
38 A. LEAC’s April 16th meeting was changed to April 23, 2026.

39
40 **9. ADJOURNMENT**

41
42 *Mr. Tom Benzel MOVED for adjournment.*
43 *Seconded by Mr. Bill Stearns*

44
45 **The vote on the MOTION was approved (8-0).*

46
47 **The meeting was adjourned at 5:19 PM**
48

1 Respectfully submitted,
2 Cinda Mersel
3 Recording Secretary

4

5

6 Ms. Erica Hiller, Vital Communities attended this meeting.

7

8

9

10

11

AGENDA

LEBANON ENERGY ADVISORY COMMITTEE (LEAC)

January 15, 2026

AGENDA ITEM 4

OLD BUSINESS:

F. C-PACER- Commercial Property Assessed Clean Energy and Resiliency C-PACER -Municipal Ordinance & Adoption Process for C-PACER Documents

**Process to adopt the Commercial Property Assessed Clean Energy and Resiliency
(C-PACER) District, RSA 53-F**

For use by:

Towns without a Charter

Some Charter Towns that are:

- **Official Ballot Town Meeting (RSA 49-D:3, II-a) (town will have to check Charter language to see if ordinances require Town Meeting approval)**

Village Districts:

1. Placed on the annual warrant by the governing body (Select Board or Commissioners); cannot be added to the warrant by petition under RSA 39:3.

2. "To see if the [_____] will vote to adopt RSA chapter 53-F and establish a Commercial Property Assessed Clean Energy and Resiliency (C-PACER) District which shall [encompass the entire area within the boundaries of the [_____] of [_____] OR [_____] OR [_____]], whereby properties within the boundaries of the District may fund qualifying improvements to real property through private lenders whereby the financing is then secured by a special assessment lien on the property through an assessment agreement between the property owner and the [_____]; and further to authorize the [_____] to execute all documents and perform all municipal functions in accordance with RSA chapter 53-F; and further to authorize the [_____] to enter into special assessment agreements with qualifying property owners."

3. If the warrant article passes, the [_____] shall notice and hold a single public hearing and vote on whether energy conservation and efficiency and clean energy improvements will serve the public purposes as set forth in RSA chapter 53-F and not primarily be for the benefit of private persons or uses even though such private benefits and uses may incidentally result.

For use by:

Cities

Towns with Charters as follows:

- **Town Council (RSA 49-D:3, I)**
- **Official Ballot Town Council (RSA 49-D:3, Ia)**
- **Budgetary Town Meeting (RSA 49-D:3, II)**

- 1a. Follow normal procedures for adoption of resolutions, ordinances and other legislation.
The motion/question for consideration is:

To adopt RSA chapter 53-F and establish a Commercial Property Assessed Clean Energy and Resiliency (C-PACER) District which shall [encompass the entire area within the boundaries of the [Town/City of _____] OR

[_____] OR [_____],

whereby properties within the boundaries of the District may fund qualifying improvements to real property through private lenders whereby the financing is then secured by a special assessment lien on the property; and to execute all documents and perform all municipal functions in accordance with RSA chapter 53-F; and to enter into special assessment agreements with qualifying property owners.

- 1b. Vote on the required statutory findings, RSA 53-F:3:
- a. Whether the energy conservation and efficiency and clean energy improvements will serve the public purposes as set forth in RSA chapter 53-F and not primarily be for the benefit of private persons or uses even though such private benefits and uses may incidentally result.
 - b. This 2nd vote must occur after the adoption vote, but can occur at the same meeting so long as it was noticed and held as a public hearing – if it was not, then the Council must notice and hold a public hearing before voting on the required statutory findings.

OR:

- 2.a. The legislative body (Council) may vote to place the question on the official ballot for any regular municipal election:

Shall the [Town/City of _____] adopt RSA chapter 53-F and establish a Commercial Property Assessed Clean Energy and Resiliency (C-PACER) District which

shall [encompass the entire area within the boundaries of the [Town/City of _____] OR [_____] OR [_____], whereby properties within the boundaries of the District may fund qualifying improvements to real property through private lenders whereby the financing is then secured by a special assessment lien on the property through an assessment agreement between the property owner and the [_____]; and further to authorize the [_____] to execute all documents and perform all municipal functions in accordance with RSA chapter 53-F; and further to authorize the [_____] to enter into special assessment agreements with qualifying property owners.

- 2b. The [_____] shall notice and hold a public hearing and vote on the required statutory findings, RSA 53-F:3:
- a. Whether the energy conservation and efficiency and clean energy improvements will serve the public purposes as set forth in RSA chapter 53-F and not primarily be for the benefit of private persons or uses even though such private benefits and uses may incidentally result.

Counties, for *Unincorporated Places*:

Follow normal procedures for adoption of resolutions:

RESOLUTION

**Commercial Property Assessed Clean Energy and Resiliency
(C-PACER) District, RSA 53-F**

I move that we, the County Convention, adopt RSA chapter 53-F and establish a Commercial Property Assessed Clean Energy and Resiliency (C-PACER) District as follows:

Whereas, the New Hampshire legislature passed Energy Efficiency and Clean Energy Districts (RSA chapter 53-F), which allows municipalities and counties to establish Commercial Property Assessed Clean Energy and Resiliency (C-PACER) Districts;

Whereas, an energy efficiency and clean energy district will provide public benefits of protecting the economic and social well-being by reducing energy costs in the community and risks to the community associated with future escalation in energy prices; and

Now, therefore, be it resolved by the County Convention of _____ County, New Hampshire, as follows:

Section 1. Purpose.

The commercial property assessed clean energy and resiliency program (C-PACER) permitted by RSA 53-F, allows the County to establish an energy efficiency and clean energy district whereby properties within the boundaries of the district may fund qualifying improvements to real property through private lenders/capital provider whereby the financing is then secured by a special assessment lien on the property through an assessment agreement between the property owner and the County.

Section 2. Authority.

The [County of _____] hereby adopts RSA 53-F subject to the following provisions.

Section 3. Declaration of Public Purpose and Findings.

It is declared that the financing of qualified projects through special assessments is a valid public purpose. The [County of _____] therefore intends, in accordance with RSA 53-F, the following:

- A. To authorize direct financing between property owners and capital providers as the means to finance qualified projects; and

- B. To authorize special assessments, entered into voluntarily by a property owner with the [County of _____] by means of a written assessment contract, as the means to repay the financing for qualified projects available to property owners by Capital Providers pursuant to a Financing Agreement.

Section 4. Applicability/Boundaries.

The commercial property assessed clean energy and resiliency district [shall encompass the entire area within the boundaries of the [unincorporated place of _____] located in the [County of _____].

Section 5. Definitions.

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

Administrative Agreement – means the agreement entered into between the New Hampshire Business Authority and the County outlining the terms of the NHBFA’s administration of the C-PACER program for the County and the County 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 NH BFA, 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, RSA chapter 80, and RSA chapter 81, 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 multifamily 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 New Hampshire Business Finance Authority (“NHBFA”), or a third party designated by the NHBFA.

Section 8. Local Administration; Program Official.

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

Section 9. Priority; Collection and Enforcement.

The County has the authority to bill and collect on the special assessment and lien, except that the County may delegate such responsibilities to any outside third party approved by the NH BFA; 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”) whereby the County assigns the special assessment lien to the Capital Provider.

- A. If the County does not delegate billing and collection responsibilities to a third party, the County shall bill and collect the special assessments and such billing and collection may be made by the tax collector or other official responsible for property tax collection pursuant to RSA 80:19, by bills for water or sewer service or another municipal service, or by separate bills.
- B. Delinquent payments 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 Registry of Deeds in the county in which the district area is located until the assessment, interest, or penalty is paid.
- D. The lien runs with the property.
- E. Notwithstanding RSA 80:19, in the case of default or delinquency, enforcement shall only be by the capital provider through the procedures under RSA 479, including the power of sale, or as set forth in the Deed of Trust, if applicable. 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 County 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 is tax lienied pursuant to RSA chapter 80 and RSA chapter 81 for failure to pay Real Estate Taxes, the C-PACER lender shall be permitted to redeem the property by making sufficient payment as required by RSA 80:32 or RSA 80:76.

For any C-PACER property which is tax deeded pursuant to RSA chapter 80 and RSA chapter 81 for failure to pay Real Estate Taxes, the County will make all reasonable attempts to sell the property in as short a time frame as possible, following the process of RSA 80:76 et seq., including the 90-day right of repurchase requirements contained in RSA 80:89. The County will include in any public notice for the sale of the property, any auction notice, any bid documents, and any Purchase and Sale, 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 payment upon transfer of title.

Section 11. Liability.

The County 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 members of the governing body, employees, board members or officers of the County be personally liable for exercising any rights or responsibilities pursuant to or in furtherance of the C-PACER Program. The County’s participation in the C-PACER Program shall not be interpreted to pledge, offer, or encumber the County’s full faith and credit.

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

Section 1. Purpose.

The commercial property assessed clean energy and resiliency program (C-PACER) permitted by RSA 53-F, allows the [] to establish an energy efficiency and clean energy district whereby properties within the boundaries of the district may fund qualifying improvements to real property through private lenders/capital provider whereby the financing is then secured by a special assessment lien on the property through an assessment agreement between the property owner and the [].

Section 2. Authority.

The [] of [] hereby adopts RSA 53-F [following a vote of the legislative body in the manner specified under RSA 53-F] subject to the following provisions.

Section 3. Declaration of Public Purpose and Findings.

It is declared that the financing of qualified projects through special assessments is a valid public purpose. The [] of [] therefore intends, in accordance with RSA 53-F, the following:

- A. To authorize direct financing between property owners and capital providers as the means to finance qualified projects; and
- B. To authorize special assessments, entered into voluntarily by a property owner with the [] by means of a written assessment contract (“Assessment Agreement”), as the means to repay the financing for qualified projects available to property owners by Capital Providers pursuant to a Financing Agreement.

Section 4. Applicability/Boundaries.

The commercial property assessed clean energy and resiliency district [shall encompass the entire area within the boundaries of the [] OR [] OR [].

Section 5. Definitions.

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

Administrative Agreement – means the agreement entered into between the New Hampshire Business Authority and the [] outlining the terms of the NHBFA’s administration of the C-PACER program for the [] and the [] 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 NH BFA, 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 multifamily 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 New Hampshire Business Finance Authority (“NHBFA”), or a third party designated by the NHBFA.

Section 8. Local Administration; Program Official.

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

Section 9. Priority; Collection and Enforcement.

The [_____] has the authority to bill and collect on the special assessment and lien, except that the [_____] may delegate such responsibilities to any outside third party approved by the NH BFA; 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”) whereby the [_____] assigns the special assessment lien to the Capital Provider.

- A. If the [_____] does not delegate billing and collection responsibilities to a third party, the [_____] shall bill and collect the special assessments, and such billing and collection may be made by the tax collector or other official responsible for property tax collection pursuant to RSA 80:19, by bills for water or sewer service or another municipal service, or by separate bills.
- B. Delinquent payments 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 Registry of Deeds in the county in which the district area is located until the assessment, interest, and any penalty, is paid.
- D. The lien runs with the property.
- E. Notwithstanding RSA 80:19, in the case of default or delinquency, enforcement shall only be by the capital provider through the procedures under RSA 479, including the power of sale, or as set forth in the Deed of Trust, if applicable. 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 [_____] 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 is tax liened pursuant to RSA chapter 80 for failure to pay Real Estate Taxes, the C-PACER lender shall be permitted to redeem the property by making sufficient payment as required by RSA 80:32 or RSA 80:76.

For any C-PACER property which is tax deeded pursuant to RSA chapter 80 for failure to pay Real Estate Taxes, the [] will make all reasonable attempts to sell the property in as short a time frame as possible, following the process of RSA 80:76 et seq., including the 90-day right of repurchase requirements contained in RSA 80:89. The [] will include in any public notice for the sale of the property, any auction notice, any bid documents, and any Purchase and Sale, 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 payment upon transfer of title.

Section 11. Liability.

The [] 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 members of the governing body, employees, board members or officers of the [] be personally liable for exercising any rights or responsibilities pursuant to or in furtherance of the C-PACER Program. The []’s participation in the C-PACER Program shall not be interpreted to pledge, offer, or encumber the []’s full faith and credit.