

§ 160A-239.14. Statewide C-PACE Program – administration.

(a) In the administration of the C-PACE Program, the statewide administrator shall do the following:

- (1) Prepare a C-PACE toolkit in consultation with stakeholders and local governments and subject to approval by the program sponsor prior to accepting applications for C-PACE financing, which shall include, at a minimum, all of the following:
 - a. A form of assessment agreement to be used between a local government and property owner specifying the terms of the C-PACE assessment.
 - b. A form of notice of C-PACE assessment that identifies the qualified commercial property subject to the C-PACE assessment and the property owner consenting to the C-PACE assessment.
 - c. A form of assignment of the C-PACE lien from the local government to the capital provider that cross-references the registry book and page number of the notice C-PACE assessment giving rise to the lien.
 - d. A form of consent to a C-PACE assessment by the holder of a mortgage, deed of trust, or other lien upon the qualifying commercial property.
 - e. A form of project application with checklist requirements and corresponding documentation that will be required by the statewide administrator to approve a project application.
- (2) Impose fees to offset the actual and reasonable costs of administering the C-PACE Program, including:
 - a. An application fee not to exceed seven hundred fifty dollars (\$750.00).
 - b. A processing fee assessed to the property owner whose application for C-PACE financing is approved, which shall be one percent (1%) of the total amount financed but shall not be more than twenty-five thousand dollars (\$25,000).
- (3) Establish the process for reviewing and evaluating applications, which shall, at a minimum, require the following to be provided or demonstrated:
 - a. For an existing building: (i) where renewable energy, energy efficiency, or water conservation measures are proposed, an energy analysis by a licensed engineering firm or engineer or another qualified professional listed in the C-PACE toolkit stating that the proposed qualifying improvements will result in more efficient use or conservation of energy that meets or exceeds then-existing State and federal building codes and efficiency standards or conservation codes, more efficient use or conservation of water, the reduction of greenhouse gas emissions, or the addition of renewable sources of energy or water or (ii) where resilience measures are proposed, certification by a licensed engineer stating that the qualifying improvements will result in improved resilience.
 - b. For construction of a new building, certification by a licensed engineering firm or engineer stating that the proposed qualifying improvements will allow the proposed project to exceed the energy or water efficiency requirements of the current State building code, or in the case of a resiliency measure, achieve compliance with a national model resiliency standard.

- c. For existing or new buildings, certification by a licensed engineering firm or engineer that all available electric public utility energy efficiency and demand response programs available to property owners and any tenants thereof have been evaluated prior to applying for C-PACE financing.
 - (4) Accept and approve project applications for C-PACE financing meeting the requirements of subdivision (3) of this subsection.
 - (5) Require any property owner applying for C-PACE financing to certify that the applicant:
 - a. Is the holder of title in fee simple to the qualifying commercial property and that title to the qualifying commercial property is not in dispute.
 - b. Is current on all mortgage payments and property taxes.
 - c. Is not insolvent or in bankruptcy proceedings.
 - (6) Upon execution by the local government of (i) a C-PACE assessment and (ii) a notice of assignment of C-PACE lien related to an approved project application, record such documents in the office of the register of deeds in the county in which the approved property is located. The statewide administrator may delegate recording duties to the property owner and the capital provider.
 - (7) Submit a report to the program sponsor annually.
- (b) The provisions of Chapter 150B of the General Statutes shall not apply to the C-PACE toolkit or any actions of the program sponsor or statewide administrator in the administration of the program. (2024-44, s. 1.)