



## ENERGY AND CLIMATE COMMITTEE (ECC)

### AGENDA

Wednesday, January 28, 2026                    4:30 PM                    City Hall, 2<sup>nd</sup> Floor Conference Room

1. **Call to Order and Roll Call**
2. **Election of Chair & Vice Chair**
3. **Approval of Minutes** – December 22, 2025
4. **C-PACER Program:**
  - a. Answers to ECC Member Questions
  - b. Follow Up from City Council Meeting – January 15, 2026
  - c. Planning, Licenses, & Development Committee Meeting – Wednesday, February 11, 2026 at 6:00 pm in Council Chambers
5. **Work Group Report-outs**
  - a. Outreach
  - b. Policy
  - c. Resilience
6. **New Business**
7. **Next Meeting:** February 25, 2026 at 4:30 pm

# City of Keene New Hampshire

**ENERGY AND CLIMATE COMMITTEE**  
**MEETING MINUTES**

Monday, December 22, 2025

4:30 PM

## **2nd Floor Conference Room, City Hall**

## **Members Present:**

Timothy Murphy, Chair  
Paul Roth, Vice Chair  
Councilor Bryan Lake  
Maureen Nebenzahl (Remote)  
Gordon Leversee  
Charles Redfern, Alternate (Voting)  
Matthew Boulton, Alternate (Voting)

## Staff Present:

Megan Fortson, Planner

### **Members Not Present:**

Steve Larmon  
Clair Oursler  
Lisa Maxfield  
Annu Joshi Bargale  
Jake Pipp, Alternate  
Rowland Russell, Alternate  
Catherine Koning, Alternate

## 1) Call to Order and Roll Call

11 Chair Murphy called the meeting to order at 4:33 PM. Ms. Nebenzahl participated remotely due  
12 to family travel and was calling in from Jamaica, Vermont.

## 2) Approval of Minutes – November 24, 2025

16 A motion by Councilor Lake to adopt the November 24, 2025 meeting minutes was duly seconded  
17 by Vice Chair Roth and the motion carried unanimously on a roll call vote.

### 3) Adoption of 2026 Meeting Schedule

21 In 2026, the Committee agreed to continue meeting on the fourth Wednesday of the month, except  
22 during the holiday seasons of November and December, when those meetings would be on the  
23 corresponding Monday of those same weeks. All meeting dates, times, and locations are subject  
24 to change. A motion by Councilor Lake to adopt the Energy and Climate Committee's 2026

25 Meeting Schedule was duly seconded by Vice Chair Roth and the motion carried unanimously on  
26 a roll call vote.

27

28 **4) C-PACER (Commercial Property Assessed Clean Energy & Resiliency) Program -**  
29 **Continued Discussion**

30

31 Chair Murphy recalled the November 24, 2025 Energy and Climate Committee (ECC) meeting,  
32 when the ECC continued discussing how it was doing its homework and learn about how the C-  
33 PACER (Commercial Property Assessed Clean Energy & Resiliency) Program could work for the  
34 City of Keene. Those November ECC meeting minutes showed the Committee's enthusiasm for  
35 C-PACER, and a sense that the City of Keene might be ready not only to move in this direction  
36 for itself, but to blaze a trail and perhaps be the first municipality in New Hampshire to move in  
37 this direction.

38

39 A few Committee members attended webinars, and more information was available via the [New](#)  
40 [Hampshire Business Finance Association's website](#) (NH BFA). A representative of Clean Energy  
41 NH, Frank Richter, was present at the meeting to field the Committee's questions and direct any  
42 questions he could not answer back to Sarah Brock from Clean Energy NH and/or James Key-  
43 Wallace, Executive Director of NHBFA and the C-PACER Program Administrator. Mr. Richter  
44 said one question that he hoped for a quick turnaround on was who would actually conduct the  
45 special assessments for the program: Keene's Assessing Department or a separate third-party  
46 entity? He had scoured the NH BFA website, looking for the answer, without success. Chair  
47 Murphy requested background on the C-PACER Program.

48

49 Mr. Richter explained that there were three different categories of municipalities listed for New  
50 Hampshire: towns, cities, and village districts. Most towns or cities that he talked to had Select  
51 Boards, which would have to adopt C-PACER at a Town Meeting through a Warrant Article. Some  
52 towns would wait to pass drafted legislation, which would allow a Select Board or town officials  
53 to adopt the C-PACER program. So, some towns were just waiting for legislation versus going  
54 through the warrant article process. Mr. Richter said Keene is lucky enough to have a City Council  
55 and an active Committee, like the ECC, that was researching the program, asking good questions,  
56 and who could bring it to the City Council with a prepared presentation.

57

58 Mr. Richter explained that C-PACER is both an environmental and energy conservation program,  
59 in addition to a business generating and ultimately tax revenue generating (i.e., full package)  
60 mechanism for the states in which it is adopted. Close to 30 states throughout the country already  
61 have C-PACER in place and New Hampshire is putting it forth at this time. In simple terms, Mr.  
62 Richter called C-PACER a lending program, through which a business or nonprofit (not  
63 municipalities) can borrow money to incorporate energy efficiency measures (e.g., efficient  
64 windows, efficient boilers, insulation, energy retrofits), as well as resiliency measures (e.g., water  
65 conservation projects, lead abatement), to improve an existing structure or include as part of a new  
66 construction project. Mr. Richter said the main goal of C-PACER is energy efficiency.

67

68 Mr. Richter said the C-PACER loan, issued by a bank, can extend for up to 30 years. It is like a  
69 mortgage, but the difference is that the assessment is assigned to and stays with the property. If a  
70 businessowner takes out this loan, improves the property, and then sells it based on that assessment,  
71 the assessment would go with the property and the businessowner would not have to pay off the  
72 debt when they sell it. Mr. Richter explained how there could be an advantage for a business owner,  
73 who may want to improve their structure, even if they do not plan on holding it for a long period,  
74 because they would not have to pay off the full cost of the loan. Instead, the loan could move  
75 forward with the property and continue to be administered through NHBFA and held by the bank.  
76

77 One of the variables in the calculation of the loan payment is the amount of anticipated cost savings  
78 from implementing these energy saving measures. Mr. Richter said the goal is not to cost the  
79 business owner more than what they are saving in energy costs over the life of the loan. He cited  
80 an incentive being that NHBFA would administer the C-PACER Program, taking the burden off  
81 of any municipality that wants to allow this type of lending tool. Mr. Richter suggested that the  
82 Committee review the [list of Frequently Asked Questions \(FAQs\) on NHBFA's C-PACER webpage](#). Mr. Richter welcomed questions.  
83

84  
85 If Mr. Richter had to argue against the C-PACER Program in some way or some name some  
86 weakness from his perspective, Mr. Boulton asked what his best argument against it would be, and  
87 then if Mr. Richter wanted to rebut that argument. Mr. Richter said his former argument against  
88 the program was that towns and cities, particularly those without administrative staff, would have  
89 had the burden of administering it; however, he noted that this was no longer the case and there  
90 would be minimal administrative involvement from participating municipalities. Looking at the  
91 cost basis, Mr. Richter said his rebuttal was the cost versus expense or time put into the structures;  
92 property assessments and tax revenue may go up. He said it would be good for business and good  
93 for the City.  
94

95 Dr. Leversee asked if there would be a downside from the perspective of the buyer of one of these  
96 properties: would it feel like a lien on the property, for which they are responsible when buying,  
97 despite the energy savings? Mr. Richter said the buyer would know they are buying a building, for  
98 which the purpose of this assessment (loan) is to make it more efficient, so the energy costs would  
99 be leveled compared to the building next door that might not be a part of the program.  
100 Additionally, he said someone could buy a and go 10 years into the loan, with a plan to sell the  
101 building 10 years later before they must pay it off to the bank, and the assessment would still go  
102 to the next owner.  
103

104 Ms. Nebenzahl agreed with the fact that C-PACER makes properties more sellable; property  
105 owners would gain from the improvements. She thought the 30-year loan period was a very good  
106 feature of the program. Ms. Nebenzahl had also learned about a longer, 36-month "Look-Back"  
107 option for the program, but she did not see enough information online about specific items that  
108 could be considered. Mr. Richter said that it is for when someone has made improvements already.  
109 For example, he said many projects take a loan to start construction and then refinancing or take  
110 another loan to flatten things. He said that would be the reason for a "Look-Back." Ms. Nebenzahl

111 wanted to know if specific improvements were allowed for the Look-Back. Mr. Richter replied  
112 that it was all in line with the existing requirements for proposed improvements to an existing or  
113 proposed building.

114  
115 Mr. Boulton recalled Mr. Richter saying that the assessment terms are typically designed, so that  
116 the payout is less than the savings. Mr. Richter replied ideally, yes. Mr. Boulton was curious if Mr.  
117 Richter had a sense whether that was typical for 80% or 90% of C-PACER projects. Mr. Richter  
118 said he would have to reach out to the 30 other C-PACER states to find out whether they were on  
119 target. Mr. Boulton said it was a very attractive arrangement if it could be achieved and he  
120 wondered how common it really was. Mr. Richter said it was a good question, and it would be  
121 interesting to see what happens in New Hampshire. Chair Murphy asked Mr. Richter to inquire  
122 with some other states, which Mr. Richter said should be possible because the formulas they use  
123 for calculations are similar. Discussion ensued briefly about how these lending principles are the  
124 same even when the formulas are different. Mr. Richter said he would capture the Committee's  
125 questions and return with some examples.

126  
127 Dr. Leversee asked whether any of the 30 states that had enacted C-PACER had tried to  
128 discontinue it and, if so, what the reason(s) were. He said he supported the program, but if New  
129 Hampshire decided to continue with it, he also wanted to understand the exit path. Mr. Richter said  
130 would look into it, but he had not heard of any states who backed out of the C-PACER Program,  
131 and he was unsure how that would be handled. Given that the assessment would be attached to the  
132 property, Mr. Richter imagined it would be a simple process if the law ended, but he was unsure.

133  
134 Councilor Lake knew that across the country, the program standard was actually called "C-PACE"  
135 (Commercial Property Assessed Clean Energy) and New Hampshire decided to add the "R" for  
136 "Resilience." Councilor Lake wondered whether any other states added "Resiliency" and how that  
137 affected their rate decisions, because he said there would not be the same return on investment for  
138 this category of improvements (e.g., flood mitigation and insurance reduction).

139  
140 Regarding the municipality's responsibility for the C-PACER Program, Councilor Lake thought  
141 his reading indicated that the City would be responsible for performing the assessment. He was  
142 curious whether the NH BFA would send anyone for the assessment or whether one of the lenders  
143 would take more responsibility, perhaps. Councilor Lake asked Mr. Richter to outline any other  
144 responsibilities the City would have in actually carrying out the C-PACER Program. Mr. Richter  
145 replied by reading from and elaborating what Keene's process would be from the [C-PACER](#)  
146 [Program Guidebook](#), F. Municipality/County Participation & Process (p. 10/17):

147

- 148 • Program Establishment: "*The municipality or county adopts a C-PACER Ordinance or*  
149 *Resolution and a C-PACER District.*"
- 150 • C-PACER Participation Agreement: "*The municipality or county enters into a C-PACER*  
151 *Participation Agreement with the NH BFA.*"
- 152 • Duties and Responsibilities: "*The municipality or county, with assistance from the NH*  
153 *BFA, executes the required C-PACER special assessment and lien documents:*"

154                   ○ *Assessment Agreement with the Property Owner,*  
155                   ○ *Notice of Assessment and Lien – recorded at the Registry of Deeds, and*  
156                   ○ *Assignment of Notice of Assessment and Lien to Capital Provider.”*

157  
158   Mr. Richter said this is the grey area: what documents must the municipality execute? Does this  
159   mean the assessment? He said it was not clearly outlined, and he would get the answer. It listed an  
160   “*Assessment Agreement*” with the property owner, which he said is not much different than other  
161   property transactions. If the property owner does not pay the loan, the City would not have to do  
162   anything as the lender would foreclose on the property and the next owner would start over.

163  
164   Mr. Richter read the final statement under Section F. of the Guidebook on the Municipality/County  
165   Participation & Process: “*The municipality or county provides a ‘Certification of Full Payment’*  
166   *upon written notice from the Capital Provider that the C-PACER assessment has been paid in full;*  
167   *the Property Owner is responsible for obtaining and recording a discharge from the Capital*  
168   *Provider. To the degree collected from the property owner for this express purpose, the NH BFA*  
169   *may reimburse a municipality or county for actual expenses incurred by the municipality or county*  
170   *in the performance of the municipality’s or county’s C-PACER specific duties.”*

171  
172   Councilor Lake asked if there were any public education plans in place to ensure the development  
173   community would be aware of this program, or if the Community Development Department staff  
174   should just share it when members of the public come in with a Site Plan application. Mr. Richter  
175   thought the City could benefit from the C-PACER Program overall, so he thought it would be good  
176   for the City to share it in the way Councilor Lake described, in addition to a public meeting, for  
177   example. Mr. Richter was also confident that banks would market C-PACER as an investment and  
178   lending tool, noting that NH BFA was signing up more banks daily. Mr. Richter thought that at  
179   least the big developers already knew about the program at this time.

180  
181   Chair Murphy recognized Peter Hansel of Keene, who asked whether there was any implication  
182   that taxes would be affected for either the property owner or the municipality. Mr. Richter said the  
183   C-PACER Program should not effect on the City’s property taxes; the assessment is purely for the  
184   loan on a specific property and would not affect the taxes directly. However, if the City were to  
185   decide that a property is worth more in tax revenue because of certain improvements, he said that  
186   it would be between the City and the business, and he would hope it would dissipate. Otherwise,  
187   Mr. Richter stated that the C-PACER Program is completely decoupled from anything to do with  
188   municipal tax revenue. Mr. Hansel said that this answered his question.

189  
190   Vice Chair Roth asked how C-PACER alters the associated property deeds to reflect the liens. Mr.  
191   Richter said it would be the same as with a regular bank loan, which is why when the loan is paid  
192   off, the one final step the City may have to take (possibly with help from NH BFA) is to file with  
193   the Registry of Deeds. Chair Murphy said that this aspect was foggy to him and seemingly some  
194   others as well, but noted that it could be because C-PACER is still a such a new program to New  
195   Hampshire residents. He said it was great to know that NH BFA was committed to administrative  
196   staffing of C-PACER and helping make it work.

197  
198 It was still unclear to Chair Murphy, however, whether NH BFA would be prepared to step in and  
199 provide technical assistance to the City on a project with specific complexity and workload. Mr.  
200 Richter said NH BFA had expressed that many times about the C-PACER Program; that it would  
201 be just one of their lending tools to administer. Vice Chair Roth asked what sort of technical  
202 assistance the Chair was thinking about. Chair Murphy referred to the workload category again,  
203 asking if the City Assessor is expected to complete the work and has a six-month waiting list,  
204 would the BFA then be in a position to lend support, so the City could keep a project moving? On  
205 the complexity issue, he thought the City might benefit from NH BFA's experience on a specific  
206 type of project or loan that is beyond what the City has handled before, for example. Mr. Richter  
207 would share that feedback with NH BFA. Committee members could share more questions with  
208 Mr. Richter via Ms. Fortson.

209  
210 Mr. Boulton heard the administrative pathway described and wondered if it was the same for any  
211 ordinary economic activity in the City, so that it would not be perceived as an extra burden on City  
212 staff's everyday workload; rather, just a sign of greater economic activity. Mr. Hansel suspected  
213 that the City did not have staff with this specific assessment training as a part of their purview. Mr.  
214 Richter agreed, noting that it is an assessment for lending not tax purposes, and he thought that  
215 was why the City would rely on NH BFA. Mr. Boulton though this might be a technical assistance  
216 matter and Chair Murphy thought it was also an issue of complexity. Chair Murphy wondered if  
217 the Committee was remiss not to involve the City's Assessing Department in this conversation.

218  
219 City Planner, Megan Fortson, noted that the City does ask for the total value of a project when a  
220 Building Permit is submitted because the Building Permit fee is calculated based on the total  
221 project value. Since C-PACER would be new to New Hampshire, she said she had no idea what  
222 the responsibility level would be for City staff; it sounded to her like it probably could fall to the  
223 Assessing Department, but she was unsure. Ms. Fortson added that this Committee would be  
224 recommending that the City Council modify the City Code to include a C-PACER Ordinance,  
225 which would enable developers to utilize the program as a voluntary funding option. If the  
226 proposed ordinance would affect specific City departments (e.g., Assessing), they would be  
227 included as a part of that review to ensure no issues would be created for that Department before  
228 the recommendation gets to City Council.

229  
230 Mr. Richter noted one question that could come up at City Council, which the ECC might want to  
231 consider: would this recommended C-PACER ordinance affect the whole City, meaning could  
232 anyone in Keene participate? The C-PACER Program allows the designation of specific areas in  
233 which the program is available in a community, but Mr. Richter said most communities have  
234 applied the program to their entire municipality because things could change 20 years from now  
235 (i.e., zoning shifts). Mr. Richter could not offer an opinion about the Committee's recommendation  
236 on this matter. He said the City might want to prohibit the program on parcels in the Conservation  
237 District, where development is generally not encouraged.

238

239 Ms. Fortson recalled the types of uses eligible for C-PACER funding: any nonresidential use (i.e.,  
240 commercial) and residential uses of five units and above. Mr. Richter clarified that those five plus  
241 residential units must be within the same structure to qualify, so an 18-unit Cottage Court  
242 development would not qualify, for example. Ms. Fortson thought there was less concern, in her  
243 opinion, about C-PACER driving development into rural portions of the City because of the  
244 restrictions and allowed uses defined within Keene's existing zoning ordinance. For example, a  
245 higher density development would not be allowed in the Rural District unless it was through  
246 something like the Cottage Court process. Ms. Fortson also thought it would be City Council's  
247 duty to clarify if the program should apply to the whole City or only specific areas.  
248

249 Councilor Lake said that if there were certain sections of the community the ECC would  
250 recommend to specifically not include in the C-PACER Program, he thought the City Council  
251 would be open to hearing them. He thought the topic was raised at one of the many virtual meetings  
252 hosted by Ms. Brock from Clean Energy NH. Councilor Lake saw no reason not to have the C-  
253 PACER Program apply throughout the entire City of Keene, specifically because of the zoning  
254 and building regulations in place (e.g., Conservation Areas only allow open space uses, etc.). So,  
255 he also thought the City was pretty well protected by the existing zoning regulations in place. He  
256 felt as though C-PACER would be just another economic development tool that could be used in  
257 the areas where City wants development happening anyway. Councilor Lake personally supported  
258 C-PACER for the totality of the City, knowing the City's Land Development Code and Zoning  
259 Ordinance should cover it in those areas.  
260

261 Ms. Fortson noted that City Council adopted an updated 79-E District (NH RSA 79-E Community  
262 Revitalization Tax Relief Incentive) at their meeting on December 18, 2025. The updated program  
263 expanded the number and scope of projects that could qualify for the City's 79-E Program. She  
264 said the City Council had a similar discussion during this project as to whether the program should  
265 apply to the whole City or only certain parts. Because a specific requirement of the 79-E Program  
266 is a property's access to City water and sewer, future expansion of these utilities could make other  
267 areas of the City eligible to participate in the program. Ms. Fortson thought this was somewhat  
268 similar to the C-PACER Program.  
269

270 Councilor Lake stated that 79-E is a fantastic program that does something very similar to C-  
271 PACER. He said 79-E is for: (1) redeveloping old buildings and reusing the energy was already  
272 invested into the City again, which is a part of the reason for requiring City services; and (2) to  
273 encourage infill/redevelopment in downtown and commercial areas. Councilor Lake explained that  
274 during the City Council's most recent 79-E District update, the commercial district was expanded  
275 to include West Street, and the residential district now includes the entire City. Ms. Fortson agreed.  
276 So, Councilor Lake said it would not be outside the norm for the City to have something applied  
277 Citywide and/or targeted; however, he thought the C-PACER program was general enough—like  
278 the residential aspect of 79-E—that it could be expanded Citywide.  
279

280 Chair Murphy recalled that the Committee planned on including the minutes from any of its C-  
281 PACER Program discussions along with its recommendation to the City Council. He said the

282 Committee was deciding whether to recommend this program and was not yet to the point of such  
283 finer decisions like whether to prohibit certain parts of the community, but it would be good to put  
284 it forward.

285  
286 Mr. Redfern noted that he was curious about this political realm, and how these public hearings  
287 and processes could pan out with questions and confusion. He had not time yet to read all the  
288 materials. He asked whether more complicated improvements would raise someone's property  
289 taxes more; if making improvements for energy toward the City's general mission, he wondered  
290 if there would be public pushback due to confusion. Mr. Redfern was unsure someone would want  
291 their property taxes increased by making certain improvements from this Program. Ms. Fortson  
292 confirmed that C-PACER is entirely voluntary. Mr. Redfern wondered if there would be some sort  
293 of campaign (e.g., in the Keene Sentinel) to help the public understand the Program and help with  
294 the buy in. He suggested the Committee would need answers to the public's questions, which the  
295 Outreach Work Group could take the lead on, if the ECC recommended this process.

296  
297 Chair Murphy was unsure that the Committee was ready to assign that type of role to the Outreach  
298 Work Group but could see it being a suitable role in the future. At this time, Chair Murphy thought  
299 the ECC was at the stage of understanding the program well enough to justify whether the  
300 Committee thinks it is a good idea to recommend adoption to City Council. The ECC would not  
301 have answers to all the questions or all the strategies developed when it makes that  
302 recommendation to Council, but it would show the ECC's intent for a long-term partnership (e.g.,  
303 outreach and educating the community might be a role for the Committee); the conversation would  
304 continue. Discussion ensued briefly about the differences between the C-PACER Program (i.e.,  
305 residential allowed if five units and above, and commercial) and RSA 79-E (i.e., more about  
306 economic development and steering development to certain parts of the community, including  
307 residential).

308  
309 Chair Murphy wondered if Cheshire County adopted its own C-PACER Program down the line, if  
310 it would subsume all the other programs throughout the County. Mr. Richter had not encountered  
311 that question and discussion ensued briefly about how the language in the C-PACER Program  
312 Guidebook was worded. Chair Murphy thought the wording meant that if the County were to  
313 proceed, then it would be in lieu of the municipality needing to. Discussion continued about  
314 whether that would be the case, with Vice Chair Roth noting that New Hampshire is a "Mother  
315 May I?" (i.e. – Dylan's Rule) state. Chair Murphy asked Mr. Richter to inquire with NH BFA. Mr.  
316 Richter said he would also ask how towns could end C-PACER program participation, similar to  
317 the question asked about states terminating the program earlier in the meeting.

318  
319 Dr. Leversee recalled the ECC's prior meeting, when the Committee discussed moving forward  
320 with this recommendation to the City Council. Next steps included drafting a letter, and gathering  
321 other evidence of the ECC's due diligence. He said there was a clear sense then that a number of  
322 Committee members wanted to move forward expeditiously. The group came up with more  
323 questions during this meeting, but he felt that this process of questions and waiting for answers  
324 could go on for a long time. Having reviewed the materials, Dr. Leversee said he came to this

325 meeting prepared to vote in favor of recommending the C-PACER Program to the City Council.  
326 He asked if the Committee was at the point of entertaining a motion.

327  
328 Chair Murphy appreciated Dr. Leversee's summary. The Chair noted that the Agenda's listed item  
329 "Continued Discussion" of C-PACER did not limit the Committee's ability to take this action.  
330 While there were some unanswered questions, he thought this had been a good opportunity for  
331 continued conversation, from which he learned more. He asked Councilor Lake or Ms. Fortson if  
332 they felt it was premature for a recommendation, while there were still a few questions left  
333 unanswered that the Council might have; or would it be better to move forward and build  
334 momentum? As a former Councilor, Mr. Redfern suggested that if something is complex, it could  
335 be better to wait on answers to the questions that Mr. Richter was seeking and then to move the  
336 recommendation forward to Council. He noted that the Council is already overloaded with stacks  
337 of issues.

338  
339 Councilor Lake said it was a good point that any proposed ordinance should be well explained to  
340 the Council in some fashion—sometimes that is just a few paragraphs, but financials have a large  
341 complexity of moving components that are challenging to communicate simply. He thought that  
342 whoever would present this recommendation to the Council—whether City staff, an ECC member,  
343 or him to the Finance Standing Committee—should be able to explain the program briefly.  
344 Councilor Lake said questions like whether the City Assessor would do the assessment might not  
345 have an answer at the City Council meeting, but that would also be a time to ask City staff to talk  
346 about the program. He said that if the Committee still had more substantive questions about the  
347 program at this time, then he thought they should wait for those answers before making this  
348 recommendation to Council.

349  
350 The Committee reviewed the shortlist of four C-PACER Program questions that Mr. Richter was  
351 still tracking:

- 352 1. How much of the program assessment would actually fall to the City of Keene Assessing  
353 Department?
- 354 2. Examples of how the various states calculated the assessment terms, based on savings.
- 355 3. Have any other states incorporated/addressed resiliency?
- 356 4. How much does NH BFA help with technical assistance?

357  
358 Mr. Richter had just found the answer to the fifth question: what would happen if Cheshire County  
359 created a C-PACER Program? Mr. Richter read the following passage from the C-PACER  
360 Program Guidebook, A. Program Overview/Program Description: "*Adopted by participating New*  
361 *Hampshire municipalities (meaning any city, town, or village district) or Counties (for*  
362 *unincorporated places) and overseen by the NH BFA, the C-PACER Program...*" Discussion  
363 ensued and everyone agreed that there are no unincorporated places in Cheshire County, and a  
364 county's only role in the C-PACER Program would therefore only be for unincorporated places.

365  
366 Mr. Boulton appreciated the distinction between the remaining substantive issues and others that  
367 could come to bear in mind during a Council meeting. He was ready to vote in support of

368 recommending the program. While all these questions were interesting to him, they did not change  
369 Mr. Boulton's support for the program, and he was ready to move forward. Ms. Nebenzahl agreed  
370 with Mr. Boulton and Dr. Leversee. Ms. Nebenzahl had read a lot of the materials, and although  
371 she did not think it would hurt to get more answers for the Council, she felt the Committee should  
372 move ahead.

373

374 A motion was made by Councilor Lake that the Energy and Climate Committee recommend that  
375 City Council amend the City Code of Ordinances to include the Commercial Property Assessed  
376 Clean Energy & Resiliency or "C-PACER" Program as a voluntary funding mechanism for energy  
377 efficient upgrades, building insulation, cost effective and renewable energy, and water  
378 conservation measures for development projects in Keene. The motion was duly seconded by Dr.  
379 Leversee.

380

381 The Committee agreed that in lieu of writing a letter to the City Council, any past ECC meeting  
382 minutes related to the C-PACER Program would accompany this motion as background, in  
383 addition to the sample pre-filled C-PACER ordinance.

384

385 On a roll call vote of 7 to 0, the Energy and Climate Committee unanimously recommended that  
386 the City Council amend the City Code of Ordinances to include the Commercial Property Assessed  
387 Clean Energy & Resiliency or C-PACER Program as a voluntary funding mechanism for energy  
388 efficient upgrades, building insulation, cost effective and renewable energy, and water  
389 conservation measures for development projects in Keene.

390

391 Ms. Fortson explained next steps in the City Council process to the Committee. These draft  
392 minutes would be produced by the Minute Taker the week following the meeting, after which Ms.  
393 Fortson would submit the Council recommendation (past adopted minutes, model Ordinance) onto  
394 the City staff platform. So, this likely would not be on the Council's agenda before January 15,  
395 2026. Mr. Redfern wondered which City Council Standing Committee this might be sent to,  
396 whether they would accept public comment, and when that timing would be for Clean Energy NH  
397 and NH BFA members to attend. He said that it would be when Councilors pose the most  
398 questions. Ms. Fortson did not think the Committee was quite at that point yet and should wait to  
399 see the Council's decision on the ECC's recommendation. Chair Murphy thought Mr. Redfern  
400 should keep that anticipation at the forefront.

401

402 **5) Work Group Report Outs**

403       **A) Outreach**

404

405 Dr. Leversee noted that the Outreach Work Group had not met, so there was nothing to report.

406

407       **B) Policy**

408

409 Councilor Lake reported that Policy Work Group did not have a meeting. However, he attended  
410 the monthly New Hampshire Energy Committee work group call and one topic was the EV

411 settlement fund, with \$3 million reopening for seven of the 11 original projects. At this time,  
412 Councilor Lake said the New Hampshire Energy Committee was only seeking input from  
413 organizations around the City of Keene for how to go about the new round of funding. He said  
414 there were no details on the program yet, but he wanted to let the Committee know that there would  
415 be more EV related funding coming from the State of New Hampshire in the future. Mr. Boulton  
416 asked if the City of Keene pursued this funding in the past. Councilor Lake thought so, for the  
417 Monadnock Food Co-Op. Vice Chair Roth asked if these projects would still be EV-related and  
418 Councilor Lake said yes.

419

420 **C) Resilience**

421

422 Chair Murphy and Vice Chair Roth reported that the Resilience Work Group had not been able to  
423 meet in December. They hoped to winnow down their long list of priority topics early in 2026.

424

425 **6) New Business**

426

427 None presented.

428

429 **7) Next Meeting: Wednesday, January 28, 2026 at 4:30 PM**

430 **8) Adjournment**

431

432 There being no further business, Chair Murphy adjourned the meeting at 5:40 PM.

433

434 Respectfully submitted by,  
435 Katie Kibler, Minute Taker

436

437 Reviewed and edited by,  
438 Megan A. Fortson, AICP - Planner

**From:** [Megan Fortson](#)  
**To:** [Tim Murphy](#); [Bryan Lake](#)  
**Cc:** [Mari Brunner](#)  
**Subject:** C-PACER Answers  
**Date:** Thursday, January 8, 2026 10:42:00 AM  
**Attachments:** [image001.png](#)

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Hi Tim & Bryan,

Our department has been in contact with Clean Energy NH & NH BFA to discuss C-PACER. Below are the answers that they were able to provide to the ECC's questions. Please, feel free to let us know if you have any follow up questions and/or concerns. I've copied Mari on this email as both she and Paul, the Community Development Director, have been providing City leadership with information/background about the program. I'd like to keep her in the loop with any discussion related to this topic.

Thank you,

Megan

**Megan A. Fortson, AICP (she/her)**

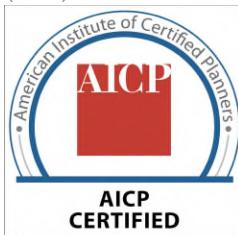
Planner, Community Development Department

**City of Keene**

3 Washington Street

Keene, NH 03431

(603) 352-5440 | [KeeneNH.gov](#)



**FRAUD ALERT: Be aware!!! Invoice scams are on the rise!** If you receive an e-mail or any other communication that appears to be generated by the City of Keene that contains wire instructions, consider it suspect and call our office at a number you trust.

**Questions & Answers:**

1. Who performs the special tax assessments? (state vs. rep for NHBFA vs. City's tax assessor) - The value of the special assessment is determined by the loan size, which in turn is determined by the capital provider. Ultimately, the maximum amount of the assessment may not exceed thirty-five percent (35%) of the appraised real property value, as stabilized or as complete. Neither may it exceed the actual cost of installing renewable energy systems, energy efficiency improvements, water efficiency improvements and resiliency improvements. The capital provider is required to provide proof to the NHBFA (via a professional appraisal or other) that the C-PACE loan/assessment amount adheres to these requirements prior to monies being released.
  
2. How does resiliency work play into calculating payment/interest rates? - Regardless of the work/project type, C-PACE payments and interest rates are set by each independent private capital provider (the NHBFA plays no role in this process). Payment amounts and interest rates are influenced by market rates (like U.S. Treasuries) and project

specifics. Rates typically vary by financing term (e.g., 10, 15, 20 years). Payment amounts are determined by the project's scope, energy savings, and the loan amortization period, which aligns with the useful life of the improvements. Obviously, the intent of the financing is to structure it such that savings exceed costs over the loan term leading to positive cash flow for owners.

3. Do applicants participating in similar programs in other states end up saving as much as they initially anticipated? - Unfortunately, this is not data that I have at my fingertips or is readily available via online resources. It appears that few state specific C-PACE programs require robust, long-term measurement and verification (M&V), meaning actual performance is not always strictly tracked against initial projections. Some programs require a Savings-to-Investment Ratio (SIR) greater than 1.0 to qualify for financing (meaning projects must demonstrate at least one dollar of projected savings for every dollar of financing), but New Hampshire does not require this. The New Hampshire process does however require that a licensed professional engineer or qualified professional/firm certify that each project is C-PACE eligible (from a qualified improvement standpoint) and that the proposed improvements are feasible, and/or will result in more efficient use or conservation of energy or water, the reduction of greenhouse gas emissions, or the addition of renewable sources of energy or water, and/or will enable the project to exceed the energy efficiency or water efficiency or renewable energy or water usage or resilience requirements of the current building code and/or will result in improved resilience per NH RSA 53-F:1, XIII (c). While this may seem less stringent than in other states (by design, so that the program is more borrower friendly and better utilized), the property owner should still be provided evidence that savings will be recognized.
4. What happens if a loan for a project is in place and a state discontinues the C-PACE program? - Obviously, this would be dependent on the nature of the discontinuation and the legislative action that took place to do so. However, it is my general understanding that if a C-PACE program is discontinued, or legislative changes occur after a loan is in place, existing loan agreements remain enforceable as the voluntary special assessment lien stays attached to the property until it is paid in full. Even if the program ceases to accept new projects, current property owners (and future owners, if the building is sold) remain responsible for scheduled payments.
5. What are the "unincorporated" areas of NH where C-PACER can only be implemented via the County in which they lie? My understanding is that they are as follows: Atkinson and Gilmanton Academy Grant, Bean's Grant, Bean's Purchase, Cambridge, Chandler's Purchase, Crawford's Purchase, Cutt's Grant, Dix's Grant, Dixville, Erving's Location, Green's Grant, Hadley's Purchase, Hale's Location, Kilkenny, Livermore, Low and Burbank's Grant, Martin's Location, Millsfield, Odell, Pinkham's Grant, Sargent's Purchase, Second College Grant, Success, Thompson and Meserve's Purchase, and Wentworth's Location.
6. Of these 3 choices, which is true: a) A county's participation is limited to covering unincorporated areas of the particular county; OR b) a county may adopt and sponsor

C-PACER on behalf of municipalities within said county; OR c) both a) and b) above are true. **The answer is A**

**From:** [Megan Fortson](#)  
**To:** [Tim Murphy; Bryan Lake](#)  
**Cc:** [Mari Brunner](#)  
**Subject:** Answers to Add'l C-PACER Questions  
**Date:** Wednesday, January 21, 2026 4:21:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hi Tim & Bryan,

Below are answers to some additional questions that City Staff had for NH BFA related to the C-PACER Program. I wanted to send this info to the two of you directly, but will also be including this information in the ECC agenda packet that will be sent out shortly.

Thank you,

Megan

**Megan A. Fortson, AICP (she/her)**

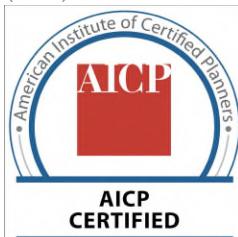
Planner, Community Development Department

**City of Keene**

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Keene, NH 03431

(603) 352-5440 | [KeeneNH.gov](#)



## **Questions & Answers – Part 2:**

1. **Billing & Payments.** It appears that the City is obligated to bill and collect the money on assessments or has the option to delegate to an outside party.
  - a. Will the City have to collect the money? If so, how? If not, who pays for the outside, third-party service?

The City will only be responsible for collecting C-PACER payments if it chooses to do so (the ability to delegate being spoken to in the "Assessment Agreement" which can be found on our website - <https://nhbfa.com/loans/c-pacer/c-pacer-document-list/>). Typically, municipalities assign this responsibility to a third party, often the capital provider (this is achieved via the execution of an "Assignment of Notice" document – this can also be found on our website). The costs associated with third-party, outside service providers would not be paid by the City or with taxpayer dollars. Instead, these administrative fees would almost always be built into the C-PACER financing amount itself and paid for by the property owner. Ultimately, the C-PACER program has been designed to be cost-neutral to municipalities.

1. **Billing & Payments.** It appears that the City is obligated to bill and collect the money on assessments or has the option to delegate to an outside party.
  - b. Is the City still liable if there are errors or omissions with the third-party billing company?

The City would not be liable for errors, omissions, or mismanagement by a third-party billing company or administrator (this is spoken to in the "Assessment Agreement"). C-PACER is designed as a private-public partnership where the financial risk remains with the capital provider, not the municipality.

c. What work, auditing, etc. is the City responsible for regarding these projects/billing?

In the instance where the City, as Assignor, chooses to execute an "Assignment of Notice", the City transfers all rights, title, and interest in the Notice of Assessment, C-PACER lien, and the Assessment Agreement to the Assignee (typically the capital provider) without warranty, including all related obligations and documents. Through this process, the Assignee assumes sole responsibility for enforcing the property owner's payment obligations and pursuing power of sale under RSA 479, with the City only facilitating actions necessary for enforcement as per local ordinances. The Assignee also becomes the designated authority for billing and collection of the assessment and lien.

Given New Hampshire has yet to complete a C-PACER transaction, I posed the following question to one of our approved capital providers: "Can you please describe the step-by-step process of billing and collection, and speak to what duties/responsibilities the municipal assessor's office would have when working with you?"

Their response was as follows:

"This can really be whatever is laid out in the ordinance and administrative agreement with you (meaning the NHBFA). In jurisdictions where we (the capital provider) collect the C-PACER payment their only function would be to record the assessment and take whatever role they have in enforcement. There are jurisdictions (NH municipalities qualifying as such) that also assign the enforcement, so the municipality role is simply one of recording."

**2. Impact on City Assessing Dept.** Regardless of which City department/office that is put in control of this program, are there any other duties and/or responsibilities that would be placed on Keene's Assessing Department as part of the program's administration?

Given the information provided via my previous response, I would answer your question as follows (assuming an "Assignment of Notice" is executed by the City):

- Enabling Legislation: The City must pass an ordinance authorizing the C-PACER program within its jurisdiction.
- Contractual Agreement: The City executes all relevant C-PACER documentation and records the C-PACER lien on the property.
- Special Assessment Levy: The City adds the C-PACER repayment as a voluntary special assessment to the annual property tax bill.
- Communication: The City makes itself available to answer any C-PACER/property specific questions/queries and agrees to work with the NHBFA/capital provider should this become necessary.



## CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

**Meeting Date:** January 15, 2026

**To:** Mayor and Keene City Council

**From:** Megan Fortson, Planner

**Through:** Paul Andrus, Community Development Director  
Mari Brunner, Senior Planner

**Subject:** **Energy & Climate Committee Recommendation Regarding the Commercial Property Assessed Clean Energy & Resiliency (C-PACER) Program**

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**Council Action:**

**In City Council January 15, 2026.**

**Referred to the Planning, Licenses and Development Committee.**

**Recommendation:**

A motion was made by Councilor Bryan Lake that the Energy and Climate Committee recommend that City Council amend the City Code of Ordinances to include the Commercial Property Assessed Clean Energy & Resiliency or "C-PACER" Program as a voluntary funding mechanism for energy-efficient upgrades, building insulation, cost-effective and renewable energy, and water conservation measures for development projects in Keene. The motion was duly seconded by Dr. Gordon Leversee and was unanimously approved.

**Attachments:**

1. C-PACER Model Ordinance

**Background:**

At the November 24, 2025 and December 22, 2025 Energy & Climate Committee (ECC) meetings, members discussed making a recommendation that City Council adopt an ordinance enabling the Commercial Property Assessed Clean Energy & Resiliency (aka "C-PACER") Program to be used as a voluntary funding mechanism in Keene.

If incorporated into City Code, the C-PACER Program would enable commercial property owners and developers in Keene to access private capital for energy efficiency, clean energy, water conservation, and property resiliency improvements. Included below are the relevant sections of the minutes from each of these meetings. Additionally, a model ordinance created by the New Hampshire Business Finance Authority is included as an attachment to this memo.

**ECC Meeting Minutes — November 24, 2025:**

## 1. Commercial Property Assessed Clean Energy & Resiliency (C-PACER) Program – Update

City Planner Megan Fortson explained that this relatively new program in New Hampshire would have to be adopted by the City Council through an ordinance process before becoming available to community members. Ms. Fortson hoped that either Frank Richter or Sarah Brock from Clean Energy New Hampshire would attend the December 2025 Energy and Climate Committee (ECC) meeting (in person or remotely) for a brief overview and to answer questions. Ms. Fortson said that if the ECC wanted to pursue the whole ordinance process, it would take a few months to go through City Council. She said there would be more to come.

Mr. Pipp appreciated the links to the webinar recording and called the C-PACER Program straight forward and well presented. He thought the ECC should encourage the City Council to adopt it in Keene. Mr. Pipp said it did not seem like there were drawbacks if anyone wanted to use it as a tool on any future projects.

Chair Murphy said C-PACER seemed like something this Committee might be able to work with because it exists already and the experts from Clean Energy New Hampshire could potentially fill in the gaps. Then, he said it would ultimately move toward the ECC recommending the C-PACER Program to City Council, which is partly why Chair Murphy thought the ECC exists. Ms. Fortson agreed.

Councilor Lake noticed a lot of agreement about the C-PACER Program from the Committee. He mentioned recently attending the monthly New Hampshire Energy Committee work group call, at which Sarah Brock from Clean Energy New Hampshire provided another overview of C-PACER and answered questions from that group. Councilor Lake said the program was well received by the New Hampshire Energy Committee work group. He said Ms. Brock mentioned knowing that Keene was working on C-PACER and noted that it could be the first municipality in New Hampshire to implement it. Based on Ms. Brock's comments and the ECC's indications of agreement, Councilor Lake wondered if the ECC wanted the extra time for the experts to present in December or if the Committee had reviewed the materials and felt comfortable moving forward with a recommendation at this meeting. He added that Ms. Brock and Mr. Richter are very busy, so if not necessary to have them come, he would hate to take up their time. Councilor Lake also did not want to rush the Committee if others felt they needed the month to ask more questions.

Mr. Pipp said that in thinking back to his earlier comments, he was in favor of making a recommendation to the Council (i.e., now), stating that whenever this happens it should come as a recommendation from the whole ECC. He did not want to rush anyone who still had questions though. However, he added that the next ECC meeting was scheduled for December 22, 2025, when the Committee might struggle to establish a quorum right before a holiday and might not be able to secure Ms. Brock's and Mr. Richter's attendance. Ms. Fortson said it sounded like they would be available.

Dr. Larmon said that between the notes and listening to others, he did not see a downside to the Program as another source of funding that might make projects feasible. He asked if anyone knew of a downside or a reason to wait and bring in Ms. Brock and Mr. Richter. Dr. Larmon felt like he knew more about the C-PACER Program this month compared to in October and was unsure what questions he would have for the speakers in December. It seemed to him like a good program

available to the City and Dr. Larmon thought the Committee should move ahead. He asked if anyone else had learned of any downsides. Vice Chair Roth said he also received the presentation and did not see a downside. Councilor Lake said he specifically asked Ms. Brock about downsides because this would be discussed amongst the City Council and that she was hard-pressed to come up with anything. She only suggested that maybe the municipality would have to take on the burden of managing the plan, but that is easily disputable because the municipality has to do very little and the state really manages the plan.

Councilor Lake also felt like it was a “no-brainer,” but acknowledged there was something the Committee could be missing. He said the C-PACER Program is not a new one, with many states across the nation having similar programs. Councilor Lake said the only issues had been municipalities taking on the actual burden of human implementation. Dr. Larmon said that if nobody on the Committee saw a downside, there could be an advantage to trying to get involved early because of the funding that might be available; he thought that may be a reason for the Committee to move ahead. Otherwise, that advantage could be delayed for a few more months due to the timing of Committee meetings around the holidays.

Vice Chair Roth noted that *towns* have to vote on whether to implement the C-PACER Program, but *cities* do not, so Keene has the advantage of not having to put it up for a citywide vote. Chair Murphy said that while a town like Dublin would require a whole Town Meeting vote, the Keene City Council could approve the C-PACER Program by ordinance. Vice Chair Roth agreed, calling it a significant difference.

Chair Murphy heard a lot of favorable comments from the Committee and really appreciated the enthusiasm. For the sake of conversation and discussion, he presented a counterpoint. He said the C-PACER Program was new to New Hampshire, with no municipality having adopted an ordinance for it, although it is a tried-and-true Program in approximately 35 other states. However, if the ECC were to discuss it with the City Council and be put on the spot, Chair Murphy wondered if the Committee would be in a better position to have done its due diligence and be able to say it had an audience with a state-level agency, like Clean Energy NH or the NH Business Finance Authority (NHBFA), which administers the C-PACER Program; NHBFA works with commercial lenders make the Program work. Chair Murphy said he had not spoken with NHBFA or heard from it specifically other than the pitch at the webinar. He presented the question for the sake of conversation: If able to tick off boxes about what the Committee did for due diligence, would it be in a better position to send a recommendation to Council?

Dr. Koning felt better waiting until December to make the recommendation because she still needed more information and would be more comfortable having that before voting. She was in favor of a presentation by Mr. Richter or getting more information herself.

Councilor Lake thought that if there was any desire from the Committee to wait and Ms. Fortson was confident that Ms. Brock and/or Mr. Richter could attend the December meeting, then the Committee should discuss it more and decide next steps in December. Chair Murphy appreciated the enthusiasm because it sounded like a positive program and just one more tool that Keene was not currently offering. He thought the Committee could have more peace of mind about being in a better spot by having done its homework. Additionally, in anticipation of the visit from Ms. Brock and/or Mr. Richter, Chair Murphy asked the Committee members to do individual homework considering the potential downsides and any other questions they might have about the C-PACER Program for a robust conversation in December. Chair Murphy thought the Committee would be better prepared to

collectively answer any questions that come from the City Council.

Ms. Fortson noted that the loan is secured through a special assessment of the property, and she was unsure whether that would happen at the local level or at the state level by NHBFA hiring a third party. So, Ms. Fortson thought the potential biggest question was whether C-PACER would create more work for Keene's Assessing Department. Otherwise, she thought it seemed like a pretty great opportunity.

Discussion also ensued about which Committee members planned to attend the December meeting for the purposes of ensuring a quorum. The December meeting was moved from its normal Wednesday date to Monday, December 22, 2025 because of the Christmas holiday. Mr. Pipp inquired about the ability for Committee members to attend remotely because of the meeting date's proximity to the holiday. Ms. Fortson said members are allowed to attend remotely with the Chair's prior approval, but a quorum (six members of the ECC) still must be physically present at the meeting location to hold a meeting. Chair Murphy said he did not see a reason not to allow that plan, especially under the circumstances, unless the prevailing sentiment of the group at the time was that they did not want those participating remotely to have voting privileges. Chair Murphy thought everyone was feeling good about this program and wanted to understand some of the intricacies it had not yet.

Mr. Boulton noted that since the Committee's ultimate recommendation would come in the form of a letter to Council, another advantage to this course of action could be strengthening that letter based on the conversation with the guests in December. Chair Murphy agreed that the letter could address things like special assessment responsibility and Committee members' individual questions.

Mr. Boulton initiated discussion of how, with the excitement around this Program, there might be a strategy to intelligently expedite this through the City process once the Committee recommends it to City Council. For example, what are the next steps if the Committee approves the recommendation to City Council? Ms. Nebenzahl said the C-PACER webinar recommended having a template for the ordinance in advance, so she thought the Committee might want to discuss that further. Chair Murphy asked about the process. Councilor Lake explained the multi-week City Council process:

- Week 0: The ECC would submit a letter to the City Council, recommending adoption of the C-PACER Program ordinance. The Committee could attach the example ordinance the state provided for the City Attorney to review and build in the City's details.
- Week 1: At a City Council meeting, the Mayor would refer the C-PACER Program to a City Council Standing Committee for some amount of action.
- Weeks 2–6: That Standing Committee would probably recommend the City Attorney write an ordinance for the next Council meeting, one to two weeks later. That Ordinance would return to the Standing Committee again for public input, before final presentation to Council for adoption.

Chair Murphy thought it would be valuable to include the sample ordinance with the Committee's recommendation. He asked Ms. Fortson to send the sample to the Committee for its review and Ms. Fortson agreed. She added that Councilor Lake described the typical ordinance process, but she could also potentially first see the City Council authorizing the City Manager to have Community Development Department staff prepare an Ordinance, which would go through a very similar process. Community Development Staff would make any necessary changes to the ordinance, review it with the City Attorney, and review it with any relevant parties (in this case, probably the

Assessing Department). Ms. Fortson said she would follow up with Senior Planner Mari Brunner to see what pathway she envisioned.

Discussion ensued about when “Week 0” might occur in December 2025/January 2026. Mr. Pipp asked how far in advance of a City Council meeting the letter would need to be submitted. Councilor Lake was unsure if there would be a formal City Council meeting to address this matter on Thursday, January 1, 2026, during or after the City Council’s Inauguration or if the matter would wait until the Council’s January 15, 2026, regular meeting. He was unsure how far in advance the letter needed to be submitted to the Council, but he anticipated just a few days prior. Chair Murphy asked how Community Development’s role with the Ordinance, if at all, could affect the schedule Councilor Lake outlined. Ms. Fortson said it would depend, and she did not want to commit, but she envisioned it going one of two ways: (1) sometimes staff internally generate ordinance applications, which means that Community Development staff would submit it to the City Clerk’s office and go through the same process as if the ECC were submitting it; or (2) the ECC would submit a letter to Council, the Council’s would provide feedback on whether it wants to move forward with a C-PACER ordinance, and then have the Community Development Department work on an ordinance. She said that if the Council wanted to review the Program before directing anybody to start working on an actual ordinance, it would be a longer process. Chair Murphy asked Ms. Fortson to report more on that process at the December meeting. Ms. Fortson agreed, noting she would consult the Senior Planner to confirm all the steps.

Dr. Leversee thought that if the Council approved of a C-PACER ordinance, they might ask about the practical benefits of moving expeditiously versus a more measured manner. In terms of money. He was unsure whether there was a good answer to that question.

Mr. Boulton pointed out that December 22<sup>nd</sup>–January 1<sup>st</sup> are not famously productive days and suggested the Committee plan how it would accomplish its letter to City Council. Discussion ensued. When distributing the sample Ordinance to the Committee, Chair Murphy also asked Ms. Fortson to share a few sample letters from the ECC to City Council recommending anything from the past.

Dr. Larmon wondered if Chair Murphy and Ms. Fortson could work on drafting a letter in advance of the December 22<sup>nd</sup> ECC meeting. Dr. Larmon did not think it needed to be a complicated letter, just one telling the Council that the ECC thinks this is a really important program and recommends it be adopted into City Code through the Ordinance process. Chair Murphy was open to that recommendation, but having never seen draft letters to Council, he still requested that Ms. Fortson send some samples along with the sample ordinance. Mr. Pipp volunteered to start drafting the letter to Council if Ms. Fortson could provide sample letters from past recommendations.

Chair Murphy thanked the Committee members for their enthusiasm.

### **ECC Meeting Minutes — December 22, 2025:**

#### **1. C-PACER (Commercial Property Assessed Clean Energy & Resiliency) Program — Continued Discussion**

Chair Murphy recalled the November 24, 2025 Energy and Climate Committee (ECC) meeting, when the ECC continued discussing how it was doing its homework and learning about how the C-PACER (Commercial Property Assessed Clean Energy & Resiliency) Program could work for the City of

Keene. Those November ECC meeting minutes showed the Committee's enthusiasm for C-PACER, and a sense that the City of Keene might be ready not only to move in this direction for itself, but to blaze a trail and perhaps be the first municipality in New Hampshire to move in this direction.

A few Committee members attended webinars, and more information was available via the [New Hampshire Business Finance Association's website](#) (NH BFA). A representative of Clean Energy NH, Frank Richter, was present at the meeting to field the Committee's questions and direct any questions he could not answer back to Sarah Brock from Clean Energy NH and/or James Key-Wallace, Executive Director of NHBFA and the C-PACER Program Administrator. Mr. Richter said one question that he hoped for a quick turnaround on was who would actually conduct the special assessments for the program: Keene's Assessing Department or a separate third-party entity? He had scoured the NH BFA website, looking for the answer, without success. Chair Murphy requested background on the C-PACER Program.

Mr. Richter explained that there were three different categories of municipalities listed for New Hampshire: towns, cities, and village districts. Most towns or cities that he talked to had Select Boards, which would have to adopt C-PACER at a Town Meeting through a Warrant Article. Some towns would wait to pass drafted legislation which would allow a Select Board or town officials to adopt the C-PACER program. So, some towns were just waiting for legislation versus going through the warrant article process. Mr. Richter said Keene is lucky enough to have a City Council and an active Committee, like the ECC, that was researching the program, asking good questions, and who could bring it to the City Council with a prepared presentation.

Mr. Richter explained that C-PACER is both an environmental and energy conservation program, in addition to a business-generating and ultimately, tax revenue-generating (i.e., full package) mechanism for the states in which it is adopted. Close to 30 states throughout the country already have C-PACER in place and New Hampshire is putting it forth at this time. In simple terms, Mr. Richter calls C-PACER a lending program, through which a business or nonprofit (not municipalities) can borrow money to incorporate energy efficiency measures (e.g., efficient windows, efficient boilers, insulation, energy retrofits), as well as resiliency measures (e.g., water conservation projects, lead abatement), to improve an existing structure or include as part of a new construction project. Mr. Richter said the main goal of C-PACER is energy efficiency.

Mr. Richter said the C-PACER loan, issued by a bank, can extend for up to 30 years. It is like a mortgage, but the difference is that the assessment is assigned to and stays with the property. If a businessowner takes out this loan, improves the property, and then sells it based on that assessment, the assessment would go with the property and the businessowner would not have to pay off the debt when they sell it. Mr. Richter explained how there could be an advantage for a business owner who may want to improve their structure, even if they do not plan on holding it for a long period, because they would not have to pay off the full cost of the loan. Instead, the loan could move forward with the property and continue to be administered through NHBFA and held by the bank.

One of the variables in the calculation of the loan payment is the amount of anticipated cost savings from implementing these energy saving measures. Mr. Richter said the goal is not to cost the business owner more than what they are saving in energy costs over the life of the loan. He cited an incentive being that NHBFA would administer the C-PACER Program, taking the burden off of any municipality that wants to allow this type of lending tool. Mr. Richter suggested that the Committee review the [list of Frequently Asked Questions \(FAQs\) on NHBFA's C-PACER webpage](#). Mr. Richter

welcomed questions.

If Mr. Richter had to argue against the C-PACER Program in some way or name some weakness from his perspective, Mr. Boulton asked what his best argument against it would be, and then if Mr. Richter wanted to rebut that argument. Mr. Richter said his former argument against the program was that towns and cities, particularly those without administrative staff, would have had the burden of administering it; however, he noted that this was no longer the case and there would be minimal administrative involvement from participating municipalities. Looking at the cost basis, Mr. Richter said his rebuttal was the cost versus expense or time put into the structures; property assessments and tax revenue may go up. He said it would be good for business and good for the City.

Dr. Leversee asked if there would be a downside from the perspective of the buyer of one of these properties: would it feel like a lien on the property for which they are responsible when buying, despite the energy savings? Mr. Richter said the buyer would know they are buying a building, for which the purpose of this assessment (loan) is to make it more efficient, so the energy costs would be leveled compared to the building next door that might not be a part of the program. Additionally, he said someone could buy a property and get 10 years into the loan, with a plan to sell the building 10 years later before they must pay it off to the bank, and the assessment would still go to the next owner.

Ms. Nebenzahl agreed with the fact that C-PACER makes properties more sellable; property owners would gain from the improvements. She thought the 30-year loan period was a very good feature of the program. Ms. Nebenzahl had also learned about a longer, 36-month "Look-Back" option for the program, but she did not see enough information online about specific items that could be considered. Mr. Richter said that it is for when someone has made improvements already. For example, he said many projects take a loan to start construction and then refinance or take another loan to flatten things. He said that would be the reason for a "Look-Back." Ms. Nebenzahl wanted to know if specific improvements were allowed for the Look-Back. Mr. Richter replied that it was all in line with the existing requirements for proposed improvements to an existing or proposed building.

Mr. Boulton recalled Mr. Richter saying that the assessment terms are typically designed, so that the payout is less than the savings. Mr. Richter replied, ideally, yes. Mr. Boulton was curious if Mr. Richter had a sense of whether that was typical for 80% or 90% of C-PACER projects. Mr. Richter said he would have to reach out to the 30 other C-PACER states to find out whether they were on target. Mr. Boulton said it was a very attractive arrangement if it could be achieved, and he wondered how common it really was. Mr. Richter said it was a good question, and it would be interesting to see what happens in New Hampshire. Chair Murphy asked Mr. Richter to inquire about some other states, which Mr. Richter said should be possible because the formulas they use for calculations are similar. Discussion ensued briefly about how these lending principles are the same even when the formulas are different. Mr. Richter said he would answer the Committee's questions and return with some examples.

Dr. Leversee asked whether any of the 30 states that had enacted C-PACER had tried to discontinue it and, if so, what the reason(s) were. He said he supported the program, but if New Hampshire decided to continue with it, he also wanted to understand the exit path. Mr. Richter said he would look into it, but he had not heard of any states who backed out of the C-PACER Program, and he was unsure how that would be handled. Given that the assessment would be attached to the property, Mr. Richter imagined it would be a simple process if the law ended, but he was unsure.

Councilor Lake knew that across the country, the program standard was actually called “C-PACE” (Commercial Property Assessed Clean Energy) and New Hampshire decided to add the “R” for “Resilience.” Councilor Lake wondered whether any other states added “Resiliency” and how that affected their rate decisions, because he said there would not be the same return on investment for this category of improvements (e.g., flood mitigation and insurance reduction).

Regarding the municipality’s responsibility for the C-PACER Program, Councilor Lake thought his reading indicated that the City would be responsible for performing the assessment. He was curious whether the NH BFA would send anyone for the assessment or whether one of the lenders would take more responsibility, perhaps. Councilor Lake asked Mr. Richter to outline any other responsibilities the City would have in actually carrying out the C-PACER Program. Mr. Richter replied by reading from and elaborating what Keene’s process would be from the [C-PACER Program Guidebook](#), F. Municipality/County Participation & Process (p. 10/17):

- Program Establishment: “*The municipality or county adopts a C-PACER Ordinance or Resolution and a C-PACER District.*”
- C-PACER Participation Agreement: “*The municipality or county enters into a C-PACER Participation Agreement with the NH BFA.*”
- Duties and Responsibilities: “*The municipality or county, with assistance from the NH BFA, executes the required C-PACER special assessment and lien documents:*
  1. *Assessment Agreement with the Property Owner,*
  2. *Notice of Assessment and Lien – recorded at the Registry of Deeds, and*
  3. *Assignment of Notice of Assessment and Lien to Capital Provider.*”

Mr. Richter said this is the grey area: what documents must the municipality execute? Does this mean the assessment? He said it was not clearly outlined, and he would get the answer. It listed an “*Assessment Agreement*” with the property owner, which he said is not much different than other property transactions. If the property owner does not pay the loan, the City would not have to do anything as the lender would foreclose on the property and the next owner would start over.

Mr. Richter read the final statement under Section F. of the Guidebook on the Municipality/County Participation & Process: “*The municipality or county provides a ‘Certification of Full Payment’ upon written notice from the Capital Provider that the C-PACER assessment has been paid in full; the Property Owner is responsible for obtaining and recording a discharge from the Capital Provider. To the degree collected from the property owner for this express purpose, the NH BFA may reimburse a municipality or county for actual expenses incurred by the municipality or county in the performance of the municipality’s or county’s C-PACER specific duties.*”

Councilor Lake asked if there were any public education plans in place to ensure the development community would be aware of this program, or if the Community Development Department staff should just share it when members of the public come in with a Site Plan application. Mr. Richter thought the City could benefit from the C-PACER Program overall, so he thought it would be good for the City to share it in the way Councilor Lake described, in addition to a public meeting, for example. Mr. Richter was also confident that banks would market C-PACER as an investment and lending tool, noting that NH BFA was signing up more banks daily. Mr. Richter thought that at least the big developers already knew about the program at this time.

Chair Murphy recognized Peter Hansel of Keene, who asked whether there was any implication that  
2025-615

25 of 34

taxes would be affected for either the property owner or the municipality. Mr. Richter said the C-PACER Program should not affect the City's property taxes; the assessment is purely for the loan on a specific property and would not affect the taxes directly. However, if the City were to decide that a property is worth more in tax revenue because of certain improvements, he said that it would be between the City and the business, and he would hope it would dissipate. Otherwise, Mr. Richter stated that the C-PACER Program is completely decoupled from anything to do with municipal tax revenue. Mr. Hansel said that this answered his question.

Vice Chair Roth asked how C-PACER alters the associated property deeds to reflect the liens. Mr. Richter said it would be the same as with a regular bank loan, which is why when the loan is paid off, the one final step the City may have to take (possibly with help from NH BFA) is to file with the Registry of Deeds. Chair Murphy said that this aspect was foggy for him and seemingly some others as well, but noted that it could be because C-PACER is still such a new program to New Hampshire residents. He said it was great to know that NH BFA was committed to administrative staffing of C-PACER and helping make it work.

It was still unclear to Chair Murphy, however, whether NH BFA would be prepared to step in and provide technical assistance to the City on a project with specific complexity and workload. Mr. Richter said NH BFA had expressed that many times about the C-PACER Program; that it would be just one of their lending tools to administer. Vice Chair Roth asked what sort of technical assistance the Chair was thinking about. Chair Murphy referred to the workload category again, asking if the City Assessor is expected to complete the work and has a six-month waiting list. Would the BFA then be in a position to lend support, so the City could keep a project moving? On the complexity issue, he thought the City might benefit from NH BFA's experience on a specific type of project or loan that is beyond what the City has handled before, for example. Mr. Richter would share that feedback with NH BFA. Committee members could share more questions with Mr. Richter via Ms. Fortson.

Mr. Boulton heard the administrative pathway described and wondered if it was the same for any ordinary economic activity in the City, so that it would not be perceived as an extra burden on City staff's everyday workload; rather, just a sign of greater economic activity. Mr. Hansel suspected that the City did not have staff with this specific assessment training as a part of their purview. Mr. Richter agreed, noting that it is an assessment for lending, not tax purposes, and he thought that was why the City would rely on NH BFA. Mr. Boulton thought this might be a technical assistance matter, and Chair Murphy thought it was also an issue of complexity. Chair Murphy wondered if the Committee was remiss not to involve the City's Assessing Department in this conversation.

City Planner, Megan Fortson, noted that the City does ask for the total value of a project when a Building Permit is submitted because the Building Permit fee is calculated based on the total project value. Since C-PACER would be new to New Hampshire, she said she had no idea what the level of responsibility would be for City staff; it sounded to her like it probably could fall to the Assessing Department, but she was unsure. Ms. Fortson added that this Committee would be recommending that the City Council modify the City Code to include a C-PACER Ordinance, which would enable developers to utilize the program as a voluntary funding option. If the proposed ordinance affects specific City departments (e.g., Assessing), they would be included as a part of that review to ensure no issues are created for that Department before the recommendation gets to City Council.

Mr. Richter noted one question that could come up at City Council, which the ECC might want to consider: would this recommended C-PACER ordinance affect the whole City, meaning could anyone in Keene participate? The C-PACER Program allows the designation of specific areas in which the

program is available in a community, but Mr. Richter said most communities have applied the program to their entire municipality because things could change 20 years from now (i.e., zoning shifts). Mr. Richter could not offer an opinion about the Committee's recommendation on this matter. He said the City might want to prohibit the program on parcels in the Conservation District, where development is generally not encouraged.

Ms. Fortson recalled the types of uses eligible for C-PACER funding: any nonresidential use (i.e., commercial) and residential uses of five units and above. Mr. Richter clarified that those five plus residential units must be within the same structure to qualify, so an 18-unit Cottage Court development would not qualify, for example. Ms. Fortson thought there was less concern, in her opinion, about C-PACER driving development into rural portions of the City because of the restrictions and allowed uses defined within Keene's existing zoning ordinance. For example, a higher density development would not be allowed in the Rural District unless it was through something like the Cottage Court process. Ms. Fortson also thought it would be City Council's duty to clarify if the program should apply to the whole City or only specific areas.

Councilor Lake said that if there were certain sections of the community the ECC would recommend to specifically include in the C-PACER Program, he thought the City Council would be open to hearing from them. He thought the topic was raised at one of the many virtual meetings hosted by Ms. Brock from Clean Energy NH. Councilor Lake saw no reason not to have the C-PACER Program apply throughout the entire City of Keene, specifically because of the zoning and building regulations in place (e.g., Conservation Areas only allow open space uses, etc.). So, he also thought the City was pretty well protected by the existing zoning regulations in place. He felt as though C-PACER would be just another economic development tool that could be used in the areas where City wants development happening anyway. Councilor Lake personally supported C-PACER for the totality of the City, knowing the City's Land Development Code and Zoning Ordinance should cover it in those areas.

Ms. Fortson noted that City Council adopted an updated 79-E District (NH RSA 79-E Community Revitalization Tax Relief Incentive) at their meeting on December 18, 2025. The updated program expanded the number and scope of projects that could qualify for the City's 79-E Program. She said the City Council had a similar discussion during this project about whether the program should apply to the whole City or only certain parts. Because a specific requirement of the 79-E Program is a property's access to City water and sewer, future expansion of these utilities could make other areas of the City eligible to participate in the program. Ms. Fortson thought this was somewhat similar to the C-PACER Program.

Councilor Lake stated that 79-E is a fantastic program that does something very similar to C-PACER. He said 79-E is for: (1) redeveloping old buildings and reusing the energy that was already invested into the City again, which is a part of the reason for requiring City services; and (2) to encourage infill/redevelopment in downtown and commercial areas. Councilor Lake explained that during the City Council's most recent 79-E District update, the commercial district was expanded to include West Street, and the residential district now includes the entire City. Ms. Fortson agreed. So, Councilor Lake said it would not be outside the norm for the City to have something applied Citywide and/or targeted; however, he thought the C-PACER program was general enough—like the residential aspect of 79-E—that it could be expanded Citywide.

Chair Murphy recalled that the Committee planned on including the minutes from any of its C-PACER Program discussions along with its recommendation to the City Council. He said the Committee was

deciding whether to recommend this program and was not yet to the point of such finer decisions as whether to prohibit certain parts of the community, but it would be good to put it forward.

Mr. Redfern noted that he was curious about this political realm, and how these public hearings and processes could pan out with questions and confusion. He didn't have time yet to read all the material. He asked whether more complicated improvements would raise someone's property taxes more; if making improvements in energy efficiency towards the City's general mission. He wondered if there would be public push back due to confusion. Mr. Redfern was unsure if someone would want their property taxes increased by making certain improvements using this Program. Ms. Fortson confirmed that C-PACER is entirely voluntary. Mr. Redfern wondered if there would be some sort of campaign (e.g., in the Keene Sentinel) to help the public understand the Program and help with the buy in. He suggested the Committee would need answers to the public's questions, which the Outreach Work Group could take the lead on, if the ECC recommended this process.

Chair Murphy was unsure that the Committee was ready to assign that type of role to the Outreach Work Group but could see it being a suitable role in the future. At this time, Chair Murphy thought the ECC was at the stage of understanding the program well enough to justify whether the Committee thinks it is a good idea to recommend adoption to City Council. The ECC would not have answers to all the questions or all the strategies developed when it makes that recommendation to Council, but it would show the ECC's intent for a long-term partnership (e.g., outreach and educating the community might be a role for the Committee); the conversation would continue. Discussion ensued briefly about the differences between the C-PACER Program (i.e., residential allowed if five units and above, and commercial) and RSA 79-E (i.e., more about economic development and steering development to certain parts of the community, including residential).

Chair Murphy wondered if Cheshire County adopted its own C-PACER Program down the line, if it would subsume all the other programs throughout the County. Mr. Richter had not encountered that question and discussion ensued briefly about how the language in the [C-PACER Program Guidebook](#) was worded. Chair Murphy thought the wording meant that if the County were to proceed, then it would be in lieu of the municipality needing to. Discussion continued about whether that would be the case, with Vice Chair Roth noting that New Hampshire is a "Mother May I?" (i.e. – Dillon Rule) state. Chair Murphy asked Mr. Richter to inquire with NHBFA. Mr. Richter said he would also ask how towns could end C-PACER program participation, similar to the question asked about states terminating the program earlier in the meeting.

Dr. Leversee recalled the ECC's prior meeting, when the Committee discussed moving forward with this recommendation to the City Council. Next steps included drafting a letter, and gathering other evidence of the ECC's due diligence. He said there was a clear sense then that a number of Committee members wanted to move forward expeditiously. The group came up with more questions during this meeting, but he felt that this process of questions and waiting for answers could go on for a long time. Having reviewed the materials, Dr. Leversee said he came to this meeting prepared to vote in favor of recommending the C-PACER Program to the City Council. He asked if the Committee was at the point of entertaining a motion.

Chair Murphy appreciated Dr. Leversee's summary. The Chair noted that the Agenda's listed item "Continued Discussion" of C-PACER did not limit the Committee's ability to take this action. While there were some unanswered questions, he thought this had been a good opportunity for continued conversation, from which he learned more. He asked Councilor Lake or Ms. Fortson if they felt it was premature for a recommendation, while there were still a few questions left unanswered that the

Council might have; or would it be better to move forward and build momentum? As a former Councilor, Mr. Redfern suggested that if something is complex, it could be better to wait for answers to the questions that Mr. Richter was seeking and then to move the recommendation forward to the Council. He noted that the Council is already overloaded with stacks of issues.

Councilor Lake said it was a good point that any proposed ordinance should be well explained to the Council in some fashion—sometimes that is just a few paragraphs, but financials have a large complexity of moving components that are challenging to communicate simply. He thought that whoever would present this recommendation to the Council—whether City staff, an ECC member, or him to the Finance Standing Committee—should be able to explain the program briefly. Councilor Lake said questions like whether the City Assessor would do the assessment might not have an answer at the City Council meeting, but that would also be a time to ask City staff to talk about the program. He said that if the Committee still had more substantive questions about the program at this time, then he thought they should wait for those answers before making this recommendation to Council.

The Committee reviewed the shortlist of four C-PACER Program questions that Mr. Richter was still tracking:

1. How much of the program assessment would actually fall to the City of Keene Assessing Department?
2. Examples of how the various states calculated the assessment terms, based on savings.
3. Have any other states incorporated/addressed resiliency?
4. How much does NH BFA help with technical assistance?

Mr. Richter had just found the answer to the fifth question: what would happen if Cheshire County created a C-PACER Program? Mr. Richter read the following passage from the C-PACER Program Guidebook, A. Program Overview/Program Description: *“Adopted by participating New Hampshire municipalities (meaning any city, town, or village district) or Counties (for unincorporated places) and overseen by the NH BFA, the C-PACER Program...”* Discussion ensued and everyone agreed that there are no unincorporated places in Cheshire County, and a county’s only role in the C-PACER Program would therefore only be for unincorporated places.

Mr. Boulton appreciated the distinction between the remaining substantive issues and others that could come to bear in mind during a Council meeting. He was ready to vote in support of recommending the program. While all these questions were interesting to him, they did not change Mr. Boulton’s support for the program, and he was ready to move forward. Ms. Nebenzahl agreed with Mr. Boulton and Dr. Leversee. Ms. Nebenzahl had read a lot of the materials, and although she did not think it would hurt to get more answers for the Council, she felt the Committee should move ahead.

A motion was made by Councilor Lake that the Energy and Climate Committee recommend that City Council amend the City Code of Ordinances to include the Commercial Property Assessed Clean Energy & Resiliency or “C-PACER” Program as a voluntary funding mechanism for energy-efficient upgrades, building insulation, cost-effective and renewable energy, and water conservation measures for development projects in Keene. The motion was duly seconded by Dr. Leversee.

The Committee agreed that in lieu of writing a letter to the City Council, any past ECC meeting minutes related to the C-PACER Program would accompany this motion as background, in addition

to the sample pre-filled C-PACER ordinance.

On a roll call vote of 7 to 0, the Energy and Climate Committee unanimously recommended that the City Council amend the City Code of Ordinances to include the Commercial Property Assessed Clean Energy & Resiliency or C-PACER Program as a voluntary funding mechanism for energy-efficient upgrades, building insulation, cost-effective and renewable energy, and water conservation measures for development projects in Keene.

Ms. Fortson explained the next steps in the City Council process to the Committee. These draft minutes would be produced by the Minute Taker the week following the meeting, after which Ms. Fortson would submit the Council recommendation (past adopted minutes, model Ordinance) onto the City staff platform. So, this likely would not be on the Council's agenda before January 15, 2026. Mr. Redfern wondered which City Council Standing Committee this might be sent to, whether they would accept public comment, and when that timing would be for Clean Energy NH and NH BFA members to attend. He said that it would be when Councilors pose the most questions. Ms. Fortson did not think the Committee was quite at that point yet and should wait to see the Council's decision on the ECC's recommendation. Chair Murphy thought Mr. Redfern should keep that anticipation at the forefront.

## **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 [\_\_\_\_\_ City \_\_\_\_\_] 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 [\_\_\_\_\_ City \_\_\_\_\_].

### **Section 2. Authority.**

The [\_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ Keene \_\_\_\_\_] 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 [\_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ Keene \_\_\_\_\_] 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 [\_\_\_\_\_ City \_\_\_\_\_] 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 [\_\_\_\_\_ City \_\_\_\_\_] OR [Enter Specific Zone(s) and/or District(s)] OR [Enter Specific Properties and Designated Tax Map and Lot Number(s)]].

### **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 [\_\_\_\_\_ 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 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 [ Choose City Manager / Department Head ] shall be the designated [ City '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 [ City ] set forth in the administrative agreement with the NHBFA.

## **Section 9. 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 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 [ City ] assigns the special assessment lien to the Capital Provider.

- A. If the [ City ] does not delegate billing and collection responsibilities to a third party, the [ City ] 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 [ 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 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 [\_\_\_\_\_ City\_\_\_\_\_] 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 [\_\_\_\_\_ City\_\_\_\_\_] 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 [\_\_\_\_\_ 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 members of the governing body, employees, board members or officers 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\_\_\_\_\_]’s full faith and credit.