

Chapter 45 Loan Program for Energy Efficiency Projects

Part 1 General Provisions

11-45-101 Title.

This chapter is known as "Loan Program for Energy Efficiency Projects."

Enacted by Chapter 72, 2010 General Session

11-45-102 Definitions.

As used in this section:

- (1) "Energy code" means the energy efficiency code adopted under Section 15A-1-204.
- (2)
 - (a) "Energy efficiency project" means:
 - (i) for an existing building, a retrofit to improve energy efficiency; or
 - (ii) for a new building, an enhancement to improve energy efficiency beyond the minimum required by the energy code.
 - (b) "Energy efficiency projects" include the following expenses:
 - (i) construction;
 - (ii) engineering;
 - (iii) energy audit; or
 - (iv) inspection.
- (3) "Fund" means the Energy Efficiency Fund created in Part 2, Energy Efficiency Fund.
- (4) "Office" means the Office of Energy Development created in Section 63M-4-401.
- (5) "Political subdivision" means a county, city, town, or school district.

Amended by Chapter 37, 2012 General Session

Part 2 Energy Efficiency Fund

11-45-201 Energy Efficiency Fund -- Creation.

- (1) There is created a revolving loan fund known as the Energy Efficiency Fund.
- (2) The fund shall consist of:
 - (a) money appropriated to it by the Legislature;
 - (b) money received for the repayment of loans made from the fund;
 - (c) money made available to the state for energy efficiency from any source; and
 - (d) interest earned on the fund.

Renumbered and Amended by Chapter 72, 2010 General Session

11-45-202 Criteria for loans.

- (1) The office shall make a loan from the fund to a political subdivision only to finance an energy efficiency project.

- (2) The office may not make a loan from the fund:
 - (a) to finance a political subdivision's compliance with the energy code in the construction of a new building; or
 - (b) with a term of less than two years or more than 12 years.

Amended by Chapter 37, 2012 General Session

11-45-203 Applications.

- (1) A political subdivision shall submit an application to the office in the form and containing the information that the office requires, which shall include the plans and specifications for the proposed energy efficiency project.
- (2)
 - (a) In the application, a political subdivision may request a loan to cover all or part of the cost of an energy efficiency project.
 - (b) If an application is rejected, the office shall notify the applicant stating the reasons for the rejection.

Amended by Chapter 37, 2012 General Session

11-45-204 Energy advisor to make rules establishing criteria.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules to determine:
 - (a) eligibility for a loan; and
 - (b) priorities among energy efficiency projects.
- (2) When making a rule to determine priorities among energy efficiency projects, the office may consider the following:
 - (a) possible additional sources of revenue;
 - (b) feasibility and practicality of an energy efficiency project;
 - (c) energy savings;
 - (d) annual energy cost savings;
 - (e) projected energy cost payback;
 - (f) financial need of the public facility owner;
 - (g) environmental and other benefits to the state and local community; and
 - (h) availability of federal funds.

Amended by Chapter 37, 2012 General Session

11-45-205 Approval of loan by energy advisor.

- (1) In approving a loan, the office shall:
 - (a) review the loan application, plans, and specifications for the project;
 - (b) determine whether or not to grant the loan by applying the office's eligibility criteria; and
 - (c) if the loan is granted, prioritize the energy efficiency project by applying the office's priority criteria.
- (2) The office may provide conditions on a loan to ensure that:
 - (a) the proceeds of the loan will be used to pay the cost of the project; and
 - (b) the project will be completed.

Amended by Chapter 37, 2012 General Session

