



Pinellas County

Staff Report

File #: 17-1347A, **Version:** 1

Subject:

Ordinance amending Pinellas County Code Chapter 42, Consumer Protection, by adding new Article XIII Property Assessed Clean Energy (PACE) Program, which provides for minimum standards and limitations for the operation of any PACE Program within Pinellas County.

Recommended Action:

Adopt a proposed ordinance amending Pinellas County Code Chapter 42, Consumer Protection by adding new Article XIII Property Assessed Clean Energy (PACE) Program, which provides for minimum standards and limitations for the operation of any PACE Program within the County.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

Practice Superior Environmental Stewardship

3.1 Implement green technologies and practices where practical

Deliver First Class Services to the Public and Our Customers

5.1 Maximize partner relationships and public outreach

Summary:

The Board of County Commissioners (Board) directed the County Attorney's Office to draft an ordinance that provides for minimum standards and limitations for the operation of any PACE Program within the County. While it is difficult to address every possible instance of consumer fraud or abuse, the additional consumer protections incorporated into the ordinance include but are not limited to the following:

- Requirement that certain critical information be disclosed to the property owner by a written notice (page 7).
- Prohibition of pre-payment penalties by PACE providers (page 9).
- Requirement that PACE providers establish a code of conduct and ethics standards for contractors (page 10).
- Establishment of guidelines for marketing practices by PACE providers (page 11).
- Limitations on the amounts that can be financed by property owners (page 13).
- Establishment of certain eligibility requirements for property owners (page 14).

Background Information:

During the May 18, 2017 Work Session, the Board provided direction to staff to include residential properties as eligible for the PACE program with additional consumer protections. If this ordinance is enacted, it would establish the PACE Program throughout the County for both commercial and

residential properties.

PACE programs are authorized generally by §163.08, Florida Statutes, which provides that certain improvements to real properties for energy conservation and efficiency, renewable energy improvements, or wind resistance improvements, may qualify for funding through governmental programs, which allow for the collection of such funding financed by the local government to be voluntarily collected through the non-ad valorem assessment process.

Several special purpose local governments have been created by interlocal agreement of cities and counties throughout Florida. For these special purpose governments to be able to provide services within the County, the County must either become an active part of such special purpose local government, or have an interlocal agreement with such special purpose local government to allow it to utilize the ability of the County to place assessments on the County tax rolls.

This proposed ordinance creates a set of minimum standards for a PACE Program operated and administered by a special purpose local government, or its third party administrator, within the County. These standards are intended to create consumer protections above those required by statute, and maintain the separation between Pinellas County government and such third parties, but still allow such special purpose local governments to offer PACE Programs entering into interlocal agreements allowing them to utilize the ability of the County to place assessments on the County tax rolls.

This ordinance is to be adopted countywide and will allow one hundred and twenty (120) days for any municipality that desires to opt out of such requirements to do so by the passing of an ordinance in conflict with the County ordinance.

Fiscal Impact:

N/A

Staff Member Responsible:

Jewel White, County Attorney

Donald S. Crowell, Chief Assistant County Attorney

Partners:

N/A

Attachments:

Proposed PACE Program ordinance for AATF

Letter from Congressman Calvert to Federal Agencies (Housing and Urban Development and Veterans Affairs)

Public hearing notice for PACE Program ordinance

Affidavit notice of public hearing regarding PACE Program ordinance