

Introduced by: The Council President

At the request of: The Administration (Department of Finance)

Prepared by: Department of Legislative Reference

Date: March 6, 2018

Referred to: JUDICIARY AND LEGISLATIVE INVESTIGATIONS Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18-0195

A BILL ENTITLED

AN ORDINANCE concerning

PACE Loan Program – Corrective

FOR the purpose of clarifying the description of priorities to which surcharge payments received under the PACE Loan Program must be credited.

BY repealing and reordaining, with amendments

Article 28 - Taxes

Section 30-8(g)

Baltimore City Code

(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

Department of Public Works

Department of Real Estate

Department of Recreation and Parks

Department of Transportation

Fire Department

Health Department

Mayor's Office of Employment Development

Mayor's Office of Human Services

Mayor's Office of Information Technology

Office of the Mayor

Police Department

Other: _____

Office of Sustainability

Department of Planning

Department of Human Resources

Department of Housing and Community Development

Department of General Services

Department of Finance

Department of Audits

Comptroller's Office

City Solicitor

Baltimore Development Corporation

Baltimore City Public School System

Other: _____

Other: _____

Boards and Commissions

Environmental Control Board

Fire & Police Employees' Retirement System

Labor Commissioner

Parking Authority Board

Planning Commission

Wage Commission

Other: _____

Other: _____

Other: _____

Board of Estimates

Board of Ethics

Board of Municipal and Zoning Appeals

Comm. for Historical and Architectural Preservation

Commission on Sustainability

Employees' Retirement System

Other: _____

Other: _____

Other: _____

Council Bill 18-0195

1 (2) FOR PROJECTS INITIATED ON OR AFTER JANUARY 1, 2020, THE ADMINISTRATOR MAY
2 APPROVE A CLEAN ENERGY LOAN UP TO 30 MONTHS AFTER THE PROPERTY OWNER
3 PLACES QUALIFYING ENERGY IMPROVEMENTS IN SERVICE, as long as the property
4 owner has filed an initial PACE loan application prior to:

5 (I) [(1)] commencing construction of an energy-improvement project; or

6 (II) [(2)] altering a previously proposed project to include qualifying energy
7 improvements.

8 **§ 30-8. Surcharge.**

9 (g) *Repayment priority.*

10 Surcharge payments collected through a property owner's real property or stand-alone tax
11 bill shall be credited:

12 (1) first, to any non-Program [unpaid] taxes, as defined by [§ 14-801(c)] § 14-801(D)
13 of the State Tax-Property Article, [assessments, and charges] THAT ARE
14 DELINQUENT AS OF THE DATE THE SURCHARGE PAYMENTS ARE RECEIVED; and

15 (2) then, to Program surcharges.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
17 are not law and may not be considered to have been enacted as a part of this or any prior
18 Ordinance.

19 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
20 after the date it is enacted.

Council Bill 18-0195

Certified as duly passed this _____ day of APR 16 2018



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of APR 16 2018



Chief Clerk


Approved this 23 day of April, 2018



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

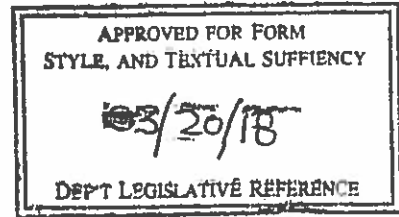
This 19th Day of April 2018



Chief Solicitor

Approved For Form and Legal Sufficiency
This _____

Chief Solicitor



AMENDMENTS TO COUNCIL BILL 18-195
(1st Reader Copy)

By: Judiciary and Legislative Investigations Committee

ADOPTED

Amendment No. 1

On page 1, in line 2, strike “**Corrective**” and substitute “**Corrections and Updates**”; and, in line 4, after “credited”, insert “; basing certain time limitations on and requirements for approving clean energy loans on the date of a project’s initiation; and, in line 7, strike “Section” and substitute “Sections 30-7(b) and”.

Amendment No. 2

On page 1, after line 14, insert:

“§ 30-7. Financing.

(b) Timing.

- (1) [The] FOR PROJECTS INITIATED ON OR AFTER JULY 1, 2016, THROUGH DECEMBER 31, 2019, THE Administrator may approve a clean energy loan up to [1 year] 30 MONTHS after the property owner places qualifying energy improvements in service. AS LONG AS THE PROPERTY OWNER HAS FILED AN INITIAL PACE LOAN APPLICATION ON OR BEFORE DECEMBER 31, 2019.**

- (2) FOR PROJECTS INITIATED ON OR AFTER JANUARY 1, 2020, THE ADMINISTRATOR MAY APPROVE A CLEAN ENERGY LOAN UP TO 30 MONTHS AFTER THE PROPERTY OWNER PLACES QUALIFYING ENERGY IMPROVEMENTS IN SERVICE. as long as the property owner has filed an initial PACE loan application prior to:**
 - (i) [(1)] commencing construction of an energy-improvement project: or**

 - (ii) [(2)] altering a previously proposed project to include qualifying energy improvements.”.**

BALTIMORE CITY COUNCIL JUDICIARY AND LEGISLATIVE INVESTIGATIONS VOTING RECORD

DATE: March 20, 2018

Bill #: 18-0195

BILL TITLE: PACE Loan Program - Corrective

MOTION BY: Bullock SECONDED BY: Clarke

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, Eric - Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary - Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, John	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, Edward	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott, Brandon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TOTALS	<u>6</u>	<u>—</u>	<u>1</u>	<u>—</u>

CHAIRPERSON: Eric T. Costello, E.T. Costello

COMMITTEE STAFF: Marguerite Currin, Initials: M.C.

CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

March 16, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 18-0195- PACE Loan Program - Corrective

Dear President and City Council Members:

The Law Department has been asked to review City Council Bill 18-0195 for form and legal sufficiency. The bill clarifies how a surcharge payment received by the Finance Department will be allocated. The amendment specifies that a surcharge payment collected through the property-owners tax bill shall be credited first to any non-Program taxes that are delinquent as of the date the surcharge payment is received.

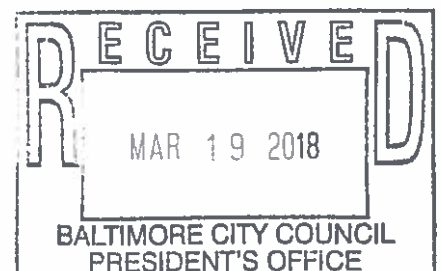
The bill is consistent with the enabling legislation in the Maryland Ann. Code, Local Gov. Art., Sec. 1-1101 et seq. It is therefore an appropriate exercise of the authority granted by State law. Accordingly, the Law Department approves the bill for form and legal sufficiency.

Sincerely yours, ^{ecm}

Elena R. DiPietro

Elena R. DiPietro
Chief Solicitor

cc: Andre Davis, City Solicitor
Karen Stokes, Executive Director, MOGR
Kyron Banks Mayor's Legislative Liaison
Victor Tervalo, Chief Solicitor
Hilary Ruley, Chief Solicitor
Ashlea Browns, Special Assistant Solicitor
Avery Aisenstark



F

FROM	NAME & TITLE	Henry J. Raymond, Director
	AGENCY NAME & ADDRESS	Department of Finance 100 Holliday Street, Room 454
	SUBJECT	City Council Bill 18-0195

CITY of
BALTIMORE
MEMO



TO The Honorable President and Members of the
City Council
c/o Natawna Austin
Room 400, City Hall

DATE: March 15, 2018

We are herein reporting on City Council Bill 18-0195, the purpose of which is to make minor clarifying changes in the existing language for the Property Assessed Clean Energy Program (PACE) to create certainty among the lenders, participants and the City as to how the PACE surcharge will be distributed once received by the City. This change in language will identify delinquent City invoices that must be paid before the City sends the remaining surcharge balance to the program administrator.

Background

Baltimore City Code Article 28, Section 30 established the PACE program effective October 26, 2016. The purpose of PACE is to assist qualifying commercial property owners to finance qualifying energy improvements through non-accelerating PACE loans from participating private lenders. A property owner repays the clean energy loan through annual surcharge on the property owners real property or stand alone tax bill.

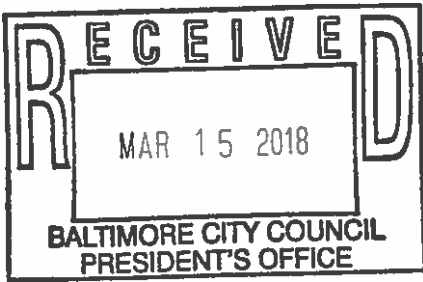
The proposed change is a technical amendment to identify delinquent city invoices that must be paid before the City sends the remaining surcharge balance to the program administrator.

Conclusion


The passage of City Council Bill 18-0195 would not represent any material fiscal impact to the City's operation and would provide a technical clarification to enhance administration; therefore, the Department of Finance is in support of this bill.

Cc: Kyrn Banks

Favorable





FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	CITY COUNCIL BILL 18-0195		

DATE: March 15, 2018

TO

The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin
Room 400 – City Hall

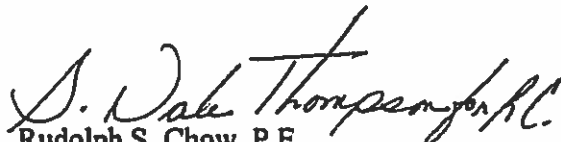
I am herein reporting on City Council Bill 18-0195, introduced by Council President Young at the request of the Administration (Department of Finance). The purpose of this legislation is to clarify the description of priorities to which surcharge payments received under the PACE Loan Program must be credited.

The Property Assessed Clean Energy Loan Program ("PACE Loan Program") was established by Ordinance 16-533 to assist qualifying commercial property owners to finance energy improvements through non-accelerating PACE loans from participating private lenders. The program authorizes the City to collect PACE Loan payments owed to a private lender through a surcharge on the property owner's real property tax bill. It provides that any unpaid surcharge constitutes a lien on the real property, and it provides terms for disbursement, repayment priority, delinquency, and other procedures.

This program is authorized by the State Property Tax article. The City Code references sections of this Enabling Law, including §14-801 which provides the definition of "tax," among other definitions. In 2015, the General Assembly passed House Bill 1035, which was subsequently signed by the Governor and became law. This legislation added a definition of "owner-occupied residential property" to §14-801, which resulted in a re-ordering of the definitions. The referenced definition of "tax" is no longer §14-801 (c) as cited in the City Code but is now §14-801 (d). City Council Bill 18-0195, if enacted, would correct this citation to State Law in the City Code.

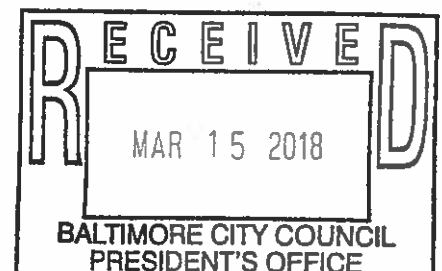
Based on these findings, the Department of Public Works supports City Council Bill 18-0195.


Sincerely,


Rudolph S. Chow, P.E.
Director

RSC/KTO

Favorable



FROM	NAME & TITLE	LISA MCNEILLY, DIVISION CHIEF <i>lmcneilly</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING, Sustainability 417 EAST FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #18-0195/PACE Loan Program -- Corrective		

DATE:

TO

March 15, 2018

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

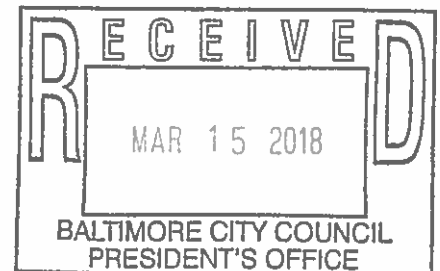
The Office of Sustainability is in receipt of City Council Bill #18-0195, PACE Loan Program – Corrective, for the purpose of clarifying the description of priorities to which surcharge payments received under the PACE Loan Program must be credited.

The Office of Sustainability has no objections to City Council Bill #118-0195/PACE Loan Program – Corrective.

If you have any questions, please contact me at 410-396-8360.

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Kyron Banks, Mayor's Office
Mr. Thomas J. Stosur, Department of Planning

No Objection



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Judiciary and Legislative Investigations

Tuesday, March 20, 2018

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

18-0195

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 6 - Member Eric T. Costello, Member Mary Pat Clarke, Member Leon F. Pinkett III, Member John T. Bullock, Member Brandon M. Scott, and Member Robert Stokes Sr.
- Absent** 1 - Member Edward Reisinger

ITEM SCHEDULED FOR PUBLIC HEARING

18-0195

PACE Loan Program - Corrective

For the purpose of clarifying the description of priorities to which surcharge payments received under the PACE Loan Program must be credited.

Sponsors: City Council President (Administration)

A motion was made by Member Bullock, seconded by Member Clarke, that Bill 18-0195 be recommended favorably with amendments. The motion carried by the following vote:

- Yes:** 6 - Member Costello, Member Clarke, Member Pinkett III, Member Bullock, Member Scott, and Member Stokes Sr.

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 18-0195

PACE Loan Program - Corrective

Committee: Judiciary and Legislative Investigations

Chaired By: Councilmember Eric T. Costello

Hearing Date: Tuesday, March 20, 2018

Time (Beginning): 10:15 AM

Time (Ending): 10:25 AM

Location: Clarence "Du" Burns Chamber

Total Attendance: Approximately 45

Committee Members in Attendance:

- Eric T. Costello Leon Pinkett
Mary Pat Clarke Robert Stokes
John Bullock Brandon Scott

Bill Synopsis in the file? [X] yes [] no [] n/a
Attendance sheet in the file? [X] yes [] no [] n/a
Agency reports read? [X] yes [] no [] n/a
Hearing televised or audio-digitally recorded? [] yes [X] no [] n/a
Certification of advertising/posting notices in the file? [] yes [] no [X] n/a
Evidence of notification to property owners? [] yes [] no [X] n/a
Final vote taken at this hearing? [X] yes [] no [] n/a
Motioned by: Councilmember Bullock
Seconded by: Councilmember Clarke
Final Vote: Favorable with Amend

Major Speakers

(This is not an attendance record.)

- Yoanna Moises, Finance Department - Bureau of Revenue Collections

Major Issues Discussed

1. The chairman informed the attendees how the hearings and work session would proceed.
 2. The representative from the Bureau of Revenue Collections talked briefly about the Pace Loan Program and about the intent of the legislation.
 3. Chairman Costello submitted and discussed two (2) proposed amendments. Amendments passed and vote was taken.
-

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

E. Costello: Yea
M. Clarke: Yea
J. Bullock: Yea
L. Pinkett: Yea
E. Reisinger Absent
B. Scott: Yea
R. Stokes: Yea

M.M. Currin

Marguerite M. Currin, Committee Staff

Date: March 20, 2018

cc: Bill File
OCS Chrono File



CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Judiciary and Legislative Investigations **Chairperson:** The Honorable Eric T. Costello
Date: Tuesday, March 20, 2018 **Time:** 10:00 AM **Place:** Clarence "Du" Burns Chambers
Subject: Ordinance - PACE Loan Program - Corrective **CC Bill Number:** 18-0195

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		LOBBYIST: ARE YOU REGISTERED IN THE CITY (*)
						FOR	AGAINST	
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	TESTIFY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kristyn	Oldendorf		DPW				<input type="checkbox"/>	<input type="checkbox"/>
Felicja A. Yoanna	Lockett Moisides		Finance				<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>
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(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Judiciary and Legislative Investigations

Tuesday, March 20, 2018

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

18-0195

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEM SCHEDULED FOR PUBLIC HEARING

18-0195

PACE Loan Program - Corrective

For the purpose of clarifying the description of priorities to which surcharge payments received under the PACE Loan Program must be credited.

Sponsors:

City Council President (Administration)

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



**BALTIMORE CITY COUNCIL
JUDICIARY AND LEGISLATIVE INVESTIGATIONS
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Judiciary and Legislative Investigations Committee is to investigate and study the continuing operations, efficiency, and functions of Baltimore City government in accordance with the laws of Baltimore City, the State of Maryland, and the United States.

As a result of its investigations and studies, the Committee will recommend and oversee reforms to improve the operations of Baltimore City's government through legislative, administrative, and/or budgetary processes.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**TUESDAY, MARCH 20, 2018
10:00 AM
CLARENCE "DU" BURNS COUNCIL CHAMBERS**

***Council Bill #18-0195
Ordinance – PACE Loan Program - Corrective***

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac “Yitzy” Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: Larry Greene

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac “Yitzy” Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac “Yitzy” Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: Marguerite Currin

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Samuel Johnson

LAND USE AND TRANSPORTATION

Edward Reisinger – Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac “Yitzy” Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (pension only)



BILL SYNOPSIS

Committee: Judiciary and Legislative Investigations

Bill 18-0195

PACE Loan Program - Corrective

Sponsor: *President Young at the request of the Department of Finance*

Introduced: *March 12, 2018*

Purpose:

FOR the purpose of clarifying the description of priorities to which surcharge payments received under the PACE Loan Program must be credited.

Effective: On the 30th day after the date it is enacted.

Hearing Date/Time/Location: Tuesday, March 20, 2018/10:00 AM/Council Chambers

Agency Reports

Law Department
Department of Public Works
Office of Sustainability
Department of Housing and Community Development
Department of Finance

Analysis

Current Law

The Baltimore City Code:

Article 28 – “Property Assessed Clean Energy (PACE) Loan Program,” under Subtitle 30, outlines the mandates, rules and regulations for the City’s PACE Loan Program.

State’s Local Government Article, Title 1, Subtitle 11 “Clean Energy Loan Programs” also outlines the mandates, rules and regulations pertaining to Clean Energy Loan Programs in the State of Maryland.

Background

The PACE Loan Program for Baltimore City was enacted in November 2016 at the request of CBJ Energy.¹

CBJ Energy is a provider of capital, facility auditing, and project management and is one of the leading providers of long-term financing for energy efficiency, renewable energy, water conservation and earth vibration (such as earthquakes and landslides) improvements to commercial and multifamily properties across the United States.²

The Program:

- Allows qualified commercial property owners access to new financing sources for building upgrades;
- Assists qualifying commercial property owners to finance energy improvements through non-accelerating PACE Loans from participating private lenders, and
- Authorizes the City to collect PACE Loan payments owed to a private lender, to include certain PACE Program administrative costs, through a surcharge on the property owner's real property tax bill.

The legislation was introduced at the request of the Department of Finance and if enacted, the legislation would help facilitate and stabilize the collection of the surcharges.

Additional Information

Fiscal Note: None

Information Source(s): City Code, Council Bills #16-0692 and 18-0195, see footnotes below.

Analysis by: *Marguerite M. Currin* Marguerite M. Currin Direct Inquiries to: 443-984-3485
Analysis Date: March 15, 2018

¹ Council Bill 16-0692, Property Assessed Clean Energy Loan Program

² News Article by Clean Fund News dated October 26, 2016, Entitled, "Baltimore City Council passes PACE legislation, allowing Mid-Atlantic commercial property owners access new financing source for building upgrades."

18-0195

AGENCY REPORTS

**None received as of this
writing**

**CITY OF BALTIMORE
COUNCIL BILL 18-0195
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of Finance)

Introduced and read first time: March 12, 2018

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works, Office of Sustainability, Department of Housing and Community Development, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **PACE Loan Program – Corrective**

3 FOR the purpose of clarifying the description of priorities to which surcharge payments received
4 under the PACE Loan Program must be credited.

5 BY repealing and reordaining, with amendments

6 Article 28 - Taxes
7 Section 30-8(g)
8 Baltimore City Code
9 (Edition 2000)

10 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
11 Laws of Baltimore City read as follows:

12 **Baltimore City Code**

13 **Article 28. Taxes**

14 **Subtitle 30. Property Assessed Clean Energy (PACE) Loan Program**

15 **§ 30-8. Surcharge.**

16 (g) *Repayment priority.*

17 Surcharge payments collected through a property owner's real property or stand-alone tax
18 bill shall be credited:

19 (1) first, to any non-Program [unpaid] taxes, as defined by [§ 14-801(c)] § 14-801(D)
20 of the State Tax-Property Article, [assessments, and charges] THAT ARE
21 DELINQUENT AS OF THE DATE THE SURCHARGE PAYMENTS ARE RECEIVED; and

22 (2) then, to Program surcharges.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 18-0195

1 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
2 are not law and may not be considered to have been enacted as a part of this or any prior
3 Ordinance.

4 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
5 after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

APPROVED FOR FORM, STYLE, AND TEXTUAL SUFFICIENCY 3-6-18 DEPT LEGISLATIVE REFERENCE
--

Introduced by: The Council President
At the request of: The Administration (Department of Finance)

A BILL ENTITLED

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PACE Loan Program – Corrective

FOR the purpose of clarifying the description of priorities to which surcharge payments received under the PACE Loan Program must be credited.

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Baltimore City Code

Article 28. Taxes

Subtitle 30. Property Assessed Clean Energy (PACE) Loan Program

§ 30-8. Surcharge.

(g) *Repayment priority.*

Surcharge payments collected through a property owner's real property or stand-alone tax bill shall be credited:

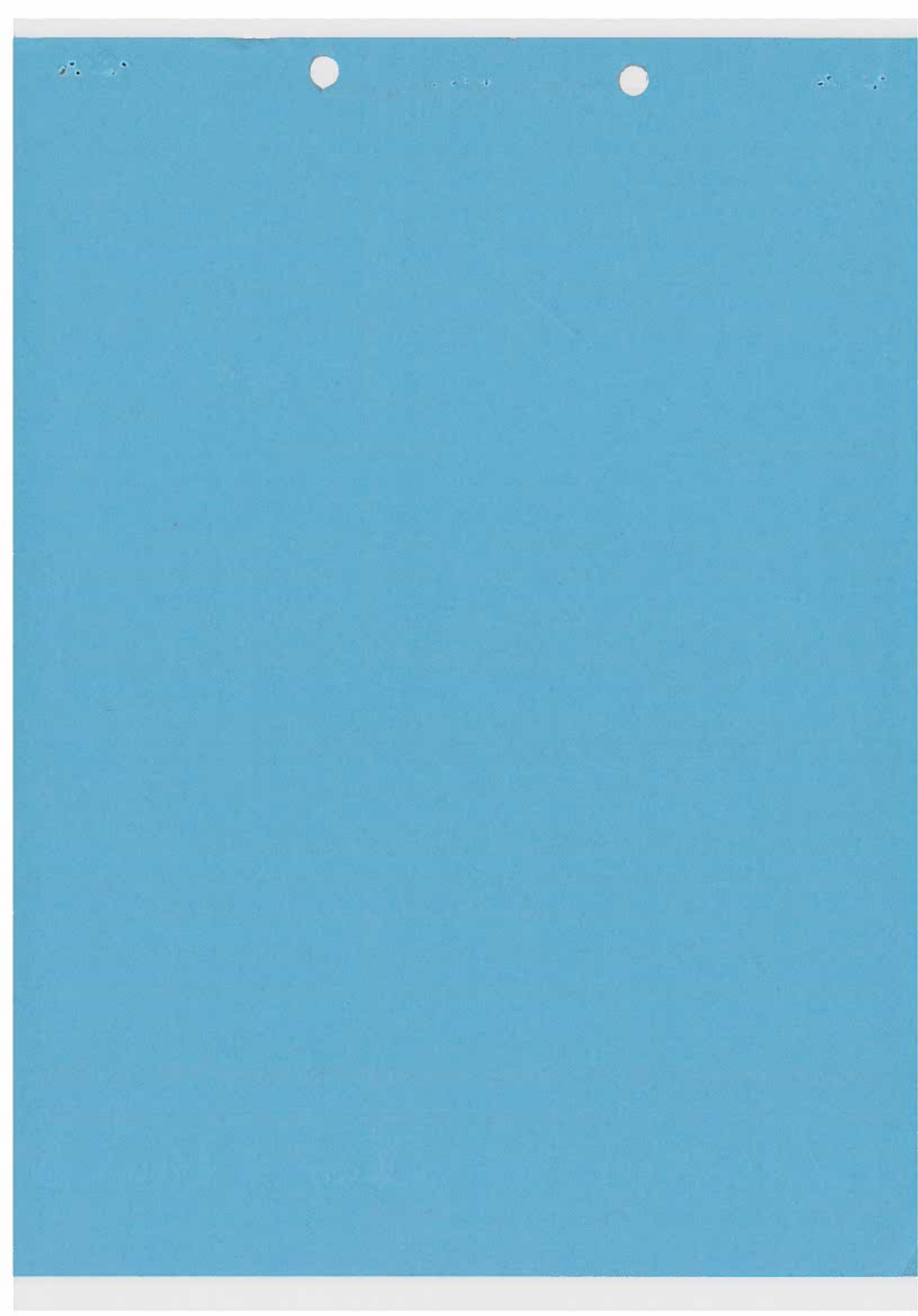
- (1) first, to any non-Program [unpaid] taxes, as defined by [§ 14-801(c)] § 14-801(D) of the State Tax-Property Article, [assessments, and charges] THAT ARE DELINQUENT AS OF THE DATE THE SURCHARGE PAYMENTS ARE RECEIVED; and
- (2) then, to Program surcharges.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.



ACTION BY THE CITY COUNCIL

MAR 12 2018
20

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON March 20, 2018 _____ 20 _____

COMMITTEE REPORT AS OF March 26, 2018 _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

ET. out

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

MAR 26 2018
20

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ APR 16 2018
20

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]

President

[Signature]

Chief Clerk