



Waganakising Odawak
Little Traverse Bay Bands of Odawa Indians
Office of the Tribal Chairperson
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**ENERGY IMPROVEMENT PROGRAM APPLICATION FOR THIRD PARTY
FINANCING REGULATIONS
REG-WOS 2021-014- 03172022-001**

SECTION I: PURPOSE

The purpose of these Regulations is to provide guidance with a specified structure that delineates the Energy Improvement Program Application and the required submission of information.

SECTION II: DEFINITIONS

- A. Applicant** means the principal owner, or a person that has twenty-five (25) percent or more ownership in a corporation, LLC or other legal entity.
- B. Department** means the Little Traverse Bay Bands of Odawa Indians Department of Commerce.
- C. Market Value** means the value of a property after it reaches stabilized occupancy or upon completion of the Energy Improvement.

SECTION III: ELIGIBLE PROPERTY

A. Commercial Property

Only Commercial Property will be eligible for the Energy Improvement Program. Commercial Property means any property other than a residential building containing four (4) or fewer dwelling units that is used for manufacturing, hospitality, medical, industrial or government, and other businesses that are not for the intended purpose of human habitation, including, but not limited to, the following: office buildings, medical centers, hotels, malls, retail/restaurant stores, retail buildings, multifamily housing buildings larger than a fourplex, gas stations/garages, warehouses, self-storage developments, and multi-use buildings.

B. Property Status

1. Eligible properties must meet one or more of the following:

- i. wholly owned by the Tribe,
- ii. majority owned by the Tribe by at least fifty-one (51) percent,
- iii. or held in trust by the Secretary of Interior.

C. Documentation

The Department shall verify through submitted documents, pictures, maps or other sources that the property is commercial. The Department shall verify through submitted documents that the property is either wholly owned by the Tribe, majority owned by the Tribe by at least fifty-one (51) percent, or held in trust by the Secretary of Interior.

SECTION IV: APPLICATION

- A.** Applications shall be available by request and available through the Tribal website. The application for the Program must be made no later than three (3) years from the date of the completion of the energy efficiency improvement or renewable energy improvement evidenced by appropriately issued and closed out permits or Occupancy Permit for new construction.
- B.** The Department may request additional documents to be submitted within a required timeframe. Failure to do so within the timeframe as required by the Department may result in application denial.
- C. Application Contents**
1. A postal address or electronic mail address of the eligible property owner(s).
 2. The name and postal or electronic mailing address of any person holding a lien against the eligible property.
 3. Signed Credit History Report waiver
 4. Name of private third-party financier and letter of qualifying verification.
 5. Letter verifying that any mortgage or lien holder consents to the eligible property participating in the Program and will be a subordinate lienholder and consent to the levying of an assessment on the property.
 6. A cost estimate or construction budget of the Energy Efficiency Improvement project from a licensed contractor.

D. Energy Efficiency Improvements

The Department shall require documentation of one or more of the following:

1. Verification that the contractor is licensed to perform the work.
2. Verification that the contractor has a permit to acquire, construct, install, or modify an energy project issued by the Tribe's Planning Department.
3. A written confirmation from the licensed contractor that verifies the cost of completing the Energy Efficiency Improvement project and confirms that the energy project was properly acquired, constructed, installed or modified and is operating as intended for one or more of the following:
 - i. Insulation in walls, roofs, floors, and foundations and in heating and cooling distribution systems;
 - ii. Storm windows and doors, multi-glazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and door systems, with additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;
 - iii. Automatic energy control systems;
 - iv. Heating, ventilating, or air conditioning and distribution system modifications or replacements in a building;
 - v. Caulking and weather stripping;
 - vi. Replacement or modification of lighting fixtures to increase the energy efficiency of the system;
 - vii. Energy recovery systems;
 - viii. Daylighting systems;
 - ix. Electric vehicle charging equipment added to the building or its associated parking area;
 - x. Any other modification, installation, or remodeling approved by the Department as a utility cost-savings measure, including water conservation fixtures, including both indoor and outdoor fixtures and for both hot and cold water.
4. An Energy Audit Report in compliance with ASHRAE for projects that involve multiple energy efficiency improvements, include at a minimum building description, baseline consumption and cost, and measure-level descriptions, costs, and savings projections. An estimate of the value of the

benefit provided by the completed energy efficiency improvement or renewable energy improvement(s) to the applicant's eligible property.

E. New Construction

The Department shall require documentation of the following:

1. Total project construction costs by a trade component so that the Department can evaluate the Total Eligible Construction Cost (TECC). The TECC will include all hard and soft costs associated with construction and excludes the cost to purchase or lease the land itself as well as any components that are not permanently attached to the building.
2. Eligible costs: All soft costs shall be in proportion to the hard costs of construction.
3. Proof that the current or applicable International Energy Conservation Code has been met or exceeded.
4. Soft Costs include, but not limited to, subject to review and approval by the Department:
 - i. Commissioning costs
 - ii. Energy audit costs
 - iii. Engineering and design expenses
 - iv. Measurement & verification costs
 - v. Permit fees
 - vi. Renewable energy feasibility study costs
 - vii. Processing fees including but not limited to appraisals, lender fees, Department fees, legal fees.

F. Like-for-like Replacement Projects

The Department shall require documentation of one of the following:

1. Measure-level descriptions, costs, and savings projections;
2. Spreadsheets or dynamic building simulation input files and output reports;
or
3. Energy Performance Improvement Calculator report, based on level of project complexity simulation (building drawings, audit forms or notes,

equipment cut sheets, pictures, etc.)

G. Renewable Energy Improvement

The Department shall require documentation for the following:

1. That one or more fixtures, products, systems, or devices, or an interacting group of fixtures, products, systems, or devices will be or have been completed, that directly benefit eligible property or that are installed behind the meter of any eligible property, and that produce energy from renewable resources which may include, but not limited to, photovoltaic, solar thermal, wind, low-impact hydroelectric, biomass, fuel cell, or geothermal systems, such as ground source heat pumps.
2. The Department shall require documentation of a renewable energy feasibility study that ensures the efficient use of the energy.

H. Electronic Transmission

Completed applications and electronic signatures shall be accepted by email or other forms of electronic transmission.

I. Amount of Assessment

The Department shall require documentation of one or both of the following:

1. An energy audit that does not exceed one-hundred (100) percent of the financing of the energy improvement or renewable energy improvement or up to thirty (30) percent financing of the Market Value either as “Stabilized Value” or “Complete Value” for new construction projects.
2. Proof of total costs for the financing of the of the energy improvement or renewable energy, including hard and soft costs.

SECTION V: CREDIT REVIEW OF APPLICANT

The Department will perform a Credit History Report check to ensure the following:

1. There are no involuntary liens on the property, including, but not limited to, construction or mechanics liens, liens pending or judgments against the record owner, environmental proceedings, or eminent domain proceedings.
2. There are no notices of default or other evidence of property-based debt delinquency have been recorded and not cured.

3. The owner is current on all mortgage debt on the property, the record owner has not filed for bankruptcy in the last two (2) years, and the property is not an asset in a current bankruptcy proceeding.

SECTION VI: DEPARTMENT APPLICATION FEE

1. The Department shall collect an application fee equal to 2.25% of the Project finance amount, subject to a minimum fee of \$5,000 and not to exceed \$50,000 per Project for each Program application submission.
2. The owner will be responsible for any additional administrative fees, if the application is approved and any other costs incurred by the Department on behalf of the applicant, owner, or project.

SECTION VII: EFFECTIVE DATE

This Policy and Procedure take effect immediately upon Tribal Council approval.

CERTIFICATION

As Chairperson, I approve these Energy Improvement Application Regulations for the Department of Commerce.

Date: 3.14.2022


Regina Gasco Bentley, Tribal Chairperson

As the Legislative Leader and Tribal Council Secretary, we certify that these Energy Improvement Application Regulations were approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on 04.07.2022 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 2 absent.

Date: 04.07.2022


Emily Proctor, Legislative Leader

Date: 04.07.2022


Marcella Reyes, Secretary