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§9–20D–03.

(a) The Administration may create a Regulated Sustainable Energy Contract Program to authorize qualified contractors to provide residential renewable energy installations and residential energy efficiency measures to residential property owners under regulated sustainable energy contracts in accordance with this subtitle.

(b) The Administration shall manage, supervise, and administer a Program created under this subtitle.

(c) If the Administration creates a Program under this subtitle, the Administration shall adopt regulations that:

(1) ensure that financing is provided only to a project that carries out the purposes stated in a regulated sustainable energy contract;

(2) establish eligibility criteria for qualified contractors, including a required minimum level of capitalization;

(3) establish eligibility requirements for property owners that give due regard to the owner's ability to pay in a manner substantially similar to the requirements for a mortgage loan under §§ 12–127, 12–311, 12–409.1, 12–925, and 12–1029 of the Commercial Law Article;

(4) define and place limits on eligible residential renewable energy installations and eligible residential energy efficiency measures;

(5) establish cost-effectiveness requirements for eligible residential renewable energy installations and eligible residential energy efficiency measures;

(6) establish payback requirements, rate-of-return and interest rate guidelines, and limits for regulated sustainable energy contracts;

(7) establish mechanisms for independent quality control and quality assurance;

(8) market the Program to property owners and potential qualified contractors; and

(9) provide a process for adopting brand names for the Program as well as elements of the Program.

(d) The Administration may enter into contracts with third parties to ensure that:

(1) financing is provided only to projects that carry out the terms and conditions of regulated sustainable energy contracts; and

(2) the purposes of the Program are fulfilled.

(e) The Administration may collect reasonable fees from qualified contractors to:

(1) ensure that the purposes of the Program are fulfilled; and

(2) carry out the Administration's duties under this subtitle.

(f) The Administration may authorize qualified contractors to:

(1) enter into regulated sustainable energy contracts with individual residential property owners, groups of residential property owners, or the builder of a new residential structure;

(2) directly bill, in accordance with the rate and payment schedules provided in the regulated sustainable energy contract, each property owner that:

(i) is a party to a regulated sustainable energy contract; or

(ii) owns property subject to a regulated sustainable energy contract;

and

(3) enforce payment under a regulated sustainable energy contract in accordance with § 9-20D-08 of this subtitle.

(g) The Administration may:

(1) limit the authorization of a qualified contractor to a particular territory or specified residential renewable energy installation; and

(2) authorize more than one qualified contractor to operate in a particular territory or to offer specified residential renewable energy installation.

(h) The Administration:

(1) before developing and implementing a Program, shall perform a study to assess:

(i) the feasibility of the Program; and

(ii) the Administration's abilities to fulfill its duties regarding the Program under this subtitle;

(2) may develop and implement a test or pilot program; and

(3) notwithstanding the provisions in this subtitle, shall ensure that any financing authorized under this subtitle shall comply with applicable provisions in Title 12, Subtitles 1, 3, 4, 6, 9, and 10 of the Commercial Law Article.

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