Nevada Clean Energy Fund (NCEF)

Nevada Solar for All (NSFA) Program Guidance

for

Multifamily Affordable Housing

December 6, 2024 Version

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SECTION 1: INTRODUCTION

1. About the Nevada Clean Energy Fund

The Nevada Clean Energy Fund (NCEF) is a nonprofit organization dedicated to supporting a thriving, affordable, and accessible clean energy economy by providing financial and technical resources to Nevadans. NCEF's programs are designed to accelerate clean energy growth in the state, reduce energy costs, create jobs, and meaningfully address climate change. NCEF works with communities, affordable housing, local businesses, schools, governments, Tribes, utilities, contractors, and others to increase access to clean energy opportunities, from rooftop solar and energy storage to energy efficiency and electric vehicles. NCEF was established by Nevada statute in 2017 to serve as the state's nonprofit green bank. More information about NCEF is available at nevadacef.org.

NCEF received a $156 million grant from the U.S. Environmental Protection Agency to establish statewide financial and technical assistance that enables Nevada households to benefit from solar energy. See Section 2 for more details about the Nevada Solar for All initiative.

2. How to Use This Program Guidance

The Nevada Solar for All (NSFA) Program Guidance documents provide information about how Nevada's communities can participate in NSFA. NSFA encompasses multiple distinct programs that provide financial assistance to single-family homeowners, multifamily affordable housing, and residential-serving community solar, as detailed in Section 2.

Each program has one or multiple separate Program Guidance documents outlining the goals, eligibility criteria, benefits, application process, and other considerations. This document makes up the Multifamily Affordable Housing Direct Ownership Program Guidance. All current and archived NSFA Program Guidance documents are available at https://nevadacef.org/solar-for-all/. Each Program Guidance document is structured as follows:

- **Section 1** overview about NCEF and introduces the Program Guidance.
- **Section 2** details Nevada Solar for All and its sub-programs.
- **Section 3** detailed program guidance for the specific program, including actionable steps on how stakeholders can participate in or benefit from this program.

This Multifamily Affordable Housing Program Guidance includes guidelines for multifamily affordable housing properties interested in solar on their property's rooftop, carports, or land.[1]

NCEF may update Program Guidance documents on a regular basis to reflect changes in economic, regulatory, and operational contexts.

[1] Multifamily housing tenants can explore NSFA participation as a community solar subscriber as long as the multifamily housing does not participate in NSFA. Tenants should refer to the appropriate Program Guidance for community solar subscribers, for more information.

SECTION 2: NEVADA SOLAR FOR ALL

1. Program Overview

The Inflation Reduction Act of 2022 authorized the U.S. Environmental Protection Agency (EPA) to create and implement the $27 billion Greenhouse Gas Reduction Fund (GGRF). GGRF aims to reduce greenhouse gas emissions and other air pollutants, deliver benefits to low-income and disadvantaged communities, and mobilize financing and private capital through three programs:

1. National Clean Investment Fund ($14 billion)
2. Clean Communities Investment Accelerator program ($6 billion)
3. Solar for All ($7 billion)

Solar for All aims to enable over 900,000 households in low-income and disadvantaged communities nationwide to benefit from distributed solar energy. EPA awarded a $156 million Solar for All grant to the Nevada Clean Energy Fund (NCEF) to implement programs in Nevada that enable low-income and disadvantaged communities to benefit from distributed solar energy. The grant period began May 1, 2024 and ends April 30, 2029.

NCEF's NSFA program enables low-income and disadvantaged communities in Nevada to deploy and benefit from distributed solar energy by providing financial and technical assistance and transforming the Nevada low-income solar market into a vibrant and self-sustaining industry. NSFA is designed to deliver the equivalent of at least 20% monthly utility bill savings compared to the average utility bill to every participating household. NSFA encompasses the following three programs:

1. **Single-Family:** NSFA provides financing to single-family homeowners to install solar systems on their properties. NSFA provides both options for the homeowner to directly own the solar system or to lease a third party-owned (TPO) system. The direct ownership option is designed for homeowners with sufficient taxable income to monetize the Section 25D Residential Clean Energy Tax Credit.
2. **Multifamily Affordable Housing:** NSFA provides financial and technical assistance to eligible affordable housing properties to install solar on their properties. Building owners must share solar savings with individual household tenants through tenant benefit sharing agreements. Multifamily properties can alternatively participate as a Community Solar Project host if implementing a tenant benefit sharing agreement is not feasible. In addition, the TPO alternative provides flexibility for multifamily affordable housing properties that do not want to own the solar system. Under the TPO model, the affordable housing property would enter into a lease or power purchase agreement (PPA) for a solar system owned and operated by a third party.
3. **Residential-Serving Community Solar or "Community Solar":** NSFA provides financial and technical assistance to solar systems with up to 5 MWdc nameplate capacity that deliver at least 50% of the benefits derived by the power generated from the system to multiple residential customers. The TPO alternative provides flexibility for site hosts who do not want to directly own the solar system. Under the TPO model, the site host would enter into a lease or power purchase agreement (PPA) for a solar system owned and operated by a third party.

The TPO options reduce the burden of tax credit monetization and project operations and maintenance for the homeowner, multifamily affordable housing property, or community solar site host. NCEF's goal in designing the NSFA financial assistance programs was to structure the TPO and direct ownership options such that participating in either program resulted in similar financial benefits to the applicant. Applicants must use a TPO provider selected and approved by NCEF. In 2025 NCEF will select one or more NSFA TPO providers via a competitive procurement process using requests for proposals, and reserves the right to consider other TPO providers on a case-by-case basis.

Conversely, NSFA financial assistance provided *directly* to single-family homeowners, multifamily affordable housing properties, and residential-serving community solar projects will be federal funds provided in the form of Participant Support Costs (PSCs), and PSC recipients are known as Program Beneficiaries. PSCs are differentiated from subawards pursuant to EPA Guidance on Participant Support Costs, and Program Beneficiaries are not considered federal subrecipients or subawardees.

In addition, NSFA offers community engagement and technical assistance programs to support the deployment of low-income solar projects, including workforce development and training programs, solar contractor vetting, education about solar consumer protections and other clean energy incentives, and partnerships with community organizations to promote program awareness. Interested parties should check https://nevadacef.org/solar-for-all/ to get the most up-to-date information about these programs.

2. Disclaimers

Prospective NSFA financial assistance recipients should note that various factors may present significant challenges to project feasibility and economics. These factors include but are not limited to, changes in utility rates and fees, political or governmental action, adverse legal proceedings, contractor poor performance, supply chain constraints, the solar resource, and environmental factors. Various risk factors are described below in more detail.

Solar for All is a federal grant program authorized under the Inflation Reduction Act and implemented by the EPA. Legislative, regulatory, or administrative changes may impact the availability of funding or funding requirements.

Energy cost savings for distributed generation are highly dependent on utility rates and fees, including but not limited to, net metering rates, retail electricity rates, and fixed charges.

As described later in this document, NCEF assesses contractors who are eligible to install projects that receive NSFA financial assistance. NCEF makes no representations or warranties, express or implied, including without limitation any warranties of title or implied warranties of merchantability or fitness for a particular purpose with respect to performance of the contractors. NSFA financial assistance recipients should conduct their own due diligence of all quotes, proposals, and work done by contractors.

As described later in this document, certain NSFA eligible project investments may be eligible for federal tax credits, such as the Section 48 and/or Section 25D tax credits. The federal government could change legislation or regulations related to federal clean energy tax credits, including related to timeline of eligibility, elective payment, and transferability.

3. Contact NCEF

If you have questions or feedback on NSFA, you may contact NCEF directly at nevadasolarforall@nevadacef.org.

For program specific inquiries, please contact the email addresses in Table 1:

Table 1: NSFA Program Contact Information	
Single-Family	singlefamilysolar@nevadacef.org
Community Solar	communitysolar@nevadacef.org
Multifamily Affordable Housing	affordablehousing@nevadacef.org
Community Engagement	communityengagement@nevadacef.org

SECTION 3: NEVADA SOLAR FOR ALL MULTIFAMILY AFFORDABLE HOUSING PROGRAM GUIDANCE

1. Description

Solar on multifamily affordable housing (MFAH) refers to facilities that produce electricity using solar photovoltaic ("PV") panels sited on a multifamily affordable housing property. Under this program, NCEF provides direct financial and technical assistance to property owners who then share the benefits of the installed solar with the tenants living on that property.

Properties eligible to receive NSFA funds under the MFAH program are affordable housing property owners or developers as designated by EPA (see Section 2.1 for specific eligible housing designations). Solar systems may be owned by site hosts or owned, operated, and maintained by a third-party owner. MFAH properties are also eligible to participate in NCEF's community solar program, as provided in a separate Program Guidance document. Solar projects can be paired with energy storage in limited instances.

The solar project owner must share a portion (at least 50%) of the project's benefits (revenue or cost savings) with their tenants and ensure that tenants are realizing 20% utility savings from the area average utility bill. Benefits can be delivered to households either through a credit on a utility or rent bill or indirectly through services that would not have been offered without the financial benefits accruing from the solar installation. NCEF will monitor benefits as discussed in Section 3.4.9. NCEF also intends to facilitate the sale of Renewable Energy Certificates (RECs) and the transfer of Investment Tax Credits (ITC) to achieve capital recycling. Table 2 describes the Solar for All program options available to multifamily affordable housing properties and their ownership and benefit sharing structures.

Table 2: Multifamily Affordable Housing (MFAH) Solar for All Options				
Program	***Solar Facility Owner***	***Party Responsible for Benefit Transfer***	***Solar Beneficiaries***	***In this Program Guidance Document***
Multifamily Affordable Housing	MFAH Property	MFAH Property	MFAH Property Residents	Yes
	Third Party	MFAH Property	MFAH Property Residents	Yes (Not Available until 2025)
Community Solar	MFAH Property	NCEF (via loan repayments from solar facility owner)	NCEF Community Solar Program Subscribers	No (See Community Solar Program Guidance)
	Third Party	NCEF (via loan repayments from solar facility owner)	NCEF Community Solar Program Subscribers	No (See Community Solar Program Guidance)

2. Eligibility Criteria

a. Project Owner

Entities that are eligible to be system owners receiving financial and technical assistance through SFA are multifamily affordable housing property owners that are covered under certain eligible federal and state housing assistance programs as determined by the Environmental Protection Agency. Covered housing programs and policies (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3))) with active affordability covenants tied to the following:

- Department of Housing and Urban Development's (HUD) Section 202 Supportive Housing for the Elderly, including the direct loan program under Section 202;
- HUD's Section 811 Supportive Housing for Persons with Disabilities;
- HUD's Housing Opportunities for Persons With AIDS (HOPWA) program;
- HUD's homeless programs under title IV of the McKinney-Vento Homeless Assistance Act, including the Emergency Solutions Grants program, the Continuum of Care program, and the Rural Housing Stability Assistance program;
- HUD's HOME Investment Partnerships (HOME) program;
- Federal Housing Administration (FHA) mortgage insurance under Section 221(d)(3) subsidized with a below-market interest rate (BMIR) prescribed in the proviso of Section 221(d)(5) of the National Housing Act;
- HUD's Section 236 interest rate reduction payments;
- HUD Public Housing assisted under section 9 of the United States Housing Act of 1937;
- HUD tenant-based and project-based rental assistance under section 8 of the United States Housing Act of 1937;
- HUD Section 8 Moderate Rehabilitation Program;
- HUD Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals;
- USDA Section 515 Rural Rental Housing;
- USDA Section 514/516 Farm Labor Housing;
- USDA Section 538 Guaranteed Rural Rental Housing;
- USDA Section 533 Housing Preservation Grant Program;
- Treasury/IRS Low-Income Housing Credit under section 42 of the Code;
- HUD's National Housing Trust Fund;
- Veterans Administration's (VA) Comprehensive Service Programs for Homeless Veterans;
- VA's grant program for homeless veterans with special needs;
- VA's financial assistance for supportive services for very low-income veteran families in permanent housing; and/or
- Department of Justice transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.
- Section 48(e)(2)(B)(i) also includes the following Federal housing programs:
  - Housing assistance programs administered by the USDA under title V of the Housing Act of 1949; and/or
  - Housing programs administered by an Indian Tribe or a Tribally designated housing entity (as defined in section 4(22) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(22)).

In addition, naturally occurring affordable housing properties may qualify upon approval by NCEF, considered on a case-by-case basis.

Additionally, in order to qualify, the site hosts must:

- provide evidence of site ownership or control (e.g., long-term lease)
- be located within the boundaries of the State of Nevada;
- be current on real estate taxes;
- be current on all loans secured by a mortgage or deed of trust;
- not be insolvent or subject to bankruptcy proceedings;
- not be in dispute of title to the property; and,
- be eligible for net energy metering (NEM) or equivalent utility programs,[2]
- have two price quotes from contractors for the proposed project.

For solar installed on new constructions, the applicant must demonstrate using whole-building energy modeling that the as-designed modeled energy performance will meet or exceed the code compliant modeled energy baseline. The existing Las Vegas energy code is IECC 2018/ASHRAE 90.1-2016.

MFAH properties that wish to pursue a third-party ownership model, the site host will work with NCEF to select an appropriate TPO provider from the list of NCEF-approved TPO providers. In 2025 NCEF will select one or more NSFA TPO providers via a competitive procurement process using requests for proposals, and reserves the right to consider other TPO providers on a case-by-case basis. The TPO will then receive financial assistance for the solar installation directly from NCEF. In the case that the property owner wishes to pursue a Community Solar model—under which the MFAH owner is not required to manage benefit transfer—MFAH owners should refer to the separate Community Solar Program Guidance for more information.

b. Household

To be eligible for benefits under the Multifamily Affordable Housing Program, a household must be a tenant currently living at a participating multifamily affordable housing property. In this scenario, the household will *not* apply directly to NCEF to participate in NSFA; rather, their building's owner will automatically transfer benefits to the household.

If a tenant lives in a multifamily affordable housing property whose building owner is not participating in Nevada Solar for All, the tenant may explore Solar for All participation as a Community Solar Project Subscriber.[3] In general, applicants cannot have received financial assistance (i.e., loans or rebates) from any other NCEF Solar for All program at the time of application and cannot be concurrently benefitting from multiple Solar for All programs.

c. Technology

Eligible technologies include:

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[2] Net metering allows utility customers to use electricity generated from an on-site solar system to offset their monthly power bill. Under current Nevada law, tenants of individually-metered multifamily properties[2] are unable to participate in net metering without the property owner being regulated as a public utility under Nevada Revised Statute (NRS) 704.020. Regulation as a public utility would impose prohibitive costs on a property owner.

[3] Tenants should refer to the separate Community Solar Program Guidance for more information about participating as a project subscriber.

- **Residential rooftop solar for affordable housing properties**: Behind-the-meter solar photovoltaic (PV) power-producing facilities, including rooftop, pole-mounted, and ground-mounted PV systems, that support individual households in existing and new affordable housing properties. This includes behind-the-meter solar facilities serving multifamily buildings classified as commercial buildings so long as the solar facility benefits individual households either directly or indirectly such as through tenant benefit agreements. Residential rooftop solar includes properties that are both rented and owned. The solar could be installed on an existing affordable housing property or included in a new construction.

- **Enabling Upgrades:** Eligible enabling upgrades include investments in energy and building infrastructure necessary to deploy and/or maximize the benefits of solar project receiving financial assistance from Nevada Solar for All. Eligibility is noted in below (subject to change at NCEF's discretion):
    - **Eligible enabling upgrades:**
        - Pipes, ducts, or conduits used exclusively to carry energy derived from solar and solar energy property funded by NCEF
        - Incremental costs associated with structural upgrades necessary for NCEF-funded solar systems
        - Incremental costs associated with electrical panel and wiring upgrades necessary for NCEF-funded solar systems
        - Trimming of tree canopy to prevent shading of NCEF-funded projects
    - **Ineligible enabling upgrades include**: roof repair or replacement, wiring repairs, and panel upgrades that occur irrespective of solar system structure requirements

All projects must include new generation placed in service since May 1, 2024. New generation added to an existing solar project placed in service before May 1, 2024 could be eligible if one of the following two criteria are met:

1) The fair market value of the old system is not more than 20% of the new system's total value (i.e., the cost of the new system plus the value of the old system); or
2) Project specifications and records of historical production demonstrate that the system has been out of service or producing below its rated capacity for each of the last three years.

3. Program Benefits

a. Financial Assistance

NCEF will offer the financing structures listed below. Detailed financial product terms for these financial structures are provided in Table 3. NCEF may revise the rebate amount and loan terms over time to reflect market pricing and other factors, and reserves the right to adjust financial assistance terms in response to project-specific factors.

- **Rebates / Forgivable Loans**: provided to reduce the upfront cost of solar and support delivery of at least 20% savings, relative to the average utility bill, to each tenant. Rebates / forgivable loans must be provided in conjunction with a project loan.
- **Project Loans:** provided to cover gaps in the project capital stack and includes tax credit bridge loans.

- **Enabling Upgrade Loans:** provided to catalyze additional energy and building infrastructure necessary for the site host to implement solar.

Table 3. Detailed financial assistance terms

	Rebate / Forgivable Loan	Project Loan
Activities supported	Residential rooftop solar	(1) Residential rooftop solar (2) Enabling upgrades when certified by a contractor as necessary to deploy the solar installation and approved by NCEF
Range of funding to be provided	$1,000 per kWdc for projects in NV Energy's service territory for solar installations under 4 kWdc per unit. Any solar installation over 4 kWdc per unit will be reviewed on a case-by-case basis to determine appropriate rebate size. Rebate size for projects outside of NV Energy's service territory will be determined on a case-by-case basis.	Up to $2,000,000 per installation (exceptions considered on a case-by-case basis)
Interest Rates & Term	Forgivable loan forgiven upon receipt of placed in service documentation prior to disbursement of permanent loan (e.g. Closed Building Permit, Certificate of Completion, Utility Interconnection Validation, Permission to Operate)	• 24-month Section 48 tax credit bridge loan with 1% interest • 12-year loan for the remaining project costs with interest rates as low as 3% and up to 8% OR • 3-year loan for the remaining project costs with interest rates as low as 3% and up to 8%
Fees	3% closing fee Prepayment penalties on the 12-year loan	
Security	Project assets and/or Section 48 investment tax credit elective payment where appropriate and/or corporate guarantee	

NCEF will disburse financial assistance after performing due diligence on the site host and project specifics (e.g., the contractor's quote) and executing an agreement with the site host. Due diligence will also consider whether projects are leveraging additional funds to implement complementary measures, such as enabling upgrades or energy efficiency upgrades. NCEF encourages participants who qualify to use other sources of complementary funds for enabling upgrades. To avoid instances of excessive benefit (i.e., grant funds exceeding 100% of the cost of the project), applicants are required to disclose information about other sources and uses of funds.

b. Technical Assistance

NCEF supports a range of activities, including education and outreach and community engagement. NCEF can provide a financial model template to support MFAH property owners in understanding the economics of solar and the potential NSFA financing. Reach out to affordablehousing@nevadacef.org to make an appointment with an NCEF team member and gain access to this financial model.

NCEF supports project hosts monetizing federal clean energy tax credits and deductions, including non-taxed entities using the IRS Direct Pay process, private entities transferring credits to third-party buyers, and tax-exempt entities seeking to benefit from the Section 48, Section 45L, or Section 179D tax credits and deduction. NCEF's technical assistance will includes applying for allocated bonuses to the Investment Tax Credit, pre-filing registration for Direct Pay, project structuring guidelines to optimize for Direct Pay and/or Transferability, and other ad-hoc supports.

NCEF provides MFAH solar project hosts access to vetted contractors, who will be monitored for compliance with minimum contract requirements and disclosures in accordance with all applicable laws, regulations, and best practices, including performance guarantees. NCEF's vetted contractor network includes developers able to implement third party-owned systems.

NCEF provides resources to facilitate Build America Buy America (BABA) and Davis Bacon and Related Acts (DBRA) compliance where applicable.

NCEF and its partners will continue to monitor building code and NEM regulations and policies and educate policymakers and others, as needed, on the importance of protecting NEM benefits for low-income and disadvantaged households

NSFA will also launch a solar training voucher program to provide job training funds in the form of participant support costs that allow affordable housing property owners, community solar project hosts (e.g., municipalities, Tribes, community-based organizations, schools), and solar contractors to train employees on low-income solar deployment and enable access to technical assistance resources. The program aims to empower recipients to build local capacity to assess, identify, implement, and maintain solar projects. NCEF will maintain a list of eligible solar training resources, including NABCEP, IREC, and the Solar Energy Industries Association, as well as resources on career pathways in the solar industry. Applicants can apply for vouchers for trainings and capacity building resources, including for associated registration, travel, and training material costs, in the following solar-related areas: financial modeling, project design, siting, permitting, installation, operations, maintenance, safety, Good Jobs Principles, Davis Bacon compliance, and diversity, equity, inclusion, and accessibility.

4. Program Application and Participation

1) Intake and Application

Potential properties interested in applying for NSFA financial assistance are invited to apply via the online application on the NCEF website.[4] Applications are accepted on a rolling basis. NCEF will continuously consider applications and work with applicants to provide technical assistance. If necessary, NCEF may implement a waitlist system. Key elements that are required during the application process include the eligibility criteria as presented in Section 2, the type of the solar project (e.g., rooftop, ground-mounted, carport), a quote from an eligible contractor or third-party developer, and anticipated project size.

2) Timeline

NCEF will provide financial and technical assistance to solar owners from January 2025 to April 2029, or until federal grant funds under this program are fully expended. The solar systems are expected to have a usable life of at least 20 years. NCEF's program guidance includes best

[4] https://nevadacef.org/solar-for-all/

practices for working with contractors to cover operations and maintenance needs over the system life. NCEF aims to continue to provide financial and technical assistance to community solar hosts after the formal conclusion of the Nevada Solar for All program.

3) Tax Credit Monetization

Solar projects under the NSFA programs may qualify for the Investment Tax Credit (ITC) as defined under Section 48 of the Internal Revenue Code. The ITC can cover between 30% and 70% of the eligible system's installed cost. The percentage relevant to your project will depend on a number of factors, such as the use of domestically sourced materials, project size, project location, and use of prevailing wages. Please see Table 4 for more details. If you are uncertain about the ITC level for which your project is eligible, please indicate that in your application and NCEF can provide assistance.

Table 4. ITC Bonus Levels & Criteria

Base ITC[1, 2]	**30%**
+ Bonus for Meeting Domestic Content Minimums[3]	10%
+ Bonus for siting in "Energy Community"	10%
+ Allocated Low-Income Bonus[4] • Projects Located in Low-Income Communities or Indian Land • Projects that are Qualified Low-Income Residential Building Projects	 10% 20%

[1] Bonuses are effective for projects in service after December 31, 2022.
[2] Entities can choose between an investment tax credit (ITC) and a production tax credit (PTC). The ITC includes bonuses for projects benefiting low-income communities.
[3] Must include 100% domestic iron/steel and an increasing percent of manufactured goods over time.
[4] Allocation will be based on an award process developed by the Secretary of the Treasury. Max 1.8 GW_{ac}/year.

Property owners have several options for monetizing the ITC:

- Directly, provided the host has sufficient tax liability
- Through a tax equity investor (small projects lack sufficient scale and incur high transaction costs in a tax equity transaction)
- Through the IRS Transferability option, i.e., selling tax credits to a third party
- Hybrid transaction structures, combining transferability and tax equity
- In the case of tax-exempt entities (e.g., Tribes, local government, 501c3 nonprofits), the IRS Direct Pay (also known as Elective Pay) can provide a cash reimbursement for the value of the tax credit

NCEF can provide technical assistance throughout its application intake and project due diligence process to assist applicants in understanding the tax credit monetization options available to their project. In addition, NCEF is exploring partnerships that can facilitate tax credit sales for SFA projects under the Transferability mechanism or hybrid transaction structures. Entities interested in purchasing tax credits under Solar for All should contact NCEF at nevadasolarforall@nevadacef.org with the subject line "SFA Tax Credit Purchase".

4) Renewable Energy Certificates

Solar projects generate Renewable Energy Certificates (RECs). RECs are legal and market-based instruments representing the property rights to the environmental, social, and other non-power attributes of renewable electricity generation.[3] RECs are issued when electricity is generated and delivered to the grid from a renewable energy resource. RECs are issued when electricity is generated and delivered to the grid from a renewable energy resource. RECs are market-based and can be traded separately from the sale of the physical power from a renewable energy project. A REC that is sold separately from the associated physical power is called an unbundled REC, while a REC sold in conjunction with the physical power is called a bundled REC. A buyer might purchase and retire RECs to meet mandatory or voluntary renewable electricity commitments or other environmental, social, and governance (ESG) goals.

The Program's funding agreements will stipulate that NCEF has claim to the RECs, with exceptions considered on a case-by-case basis.[5] NCEF plans to aggregate and sell the unbundled RECs associated with NSFA-funded projects and use the proceeds to support further financial assistance for clean energy projects in Nevada. Entities interested in purchasing RECs should contact NCEF at nevadasolarforall@nevadacef.org with the subject line "SFA REC Purchase".

To participate in REC transactions, NCEF must monitor and report on energy production from the installed photovoltaic system. RECs are certified and tracked across the Western Interconnection territory by the Western Renewable Energy Generation Information System (WREGIS). NCEF will aggregate and report solar energy production data across NSFA projects to WREGIS. To do this NCEF must have access to the production monitoring platform or a separately installed REC meter for each project. Several of the common photovoltaic system manufacturers currently offer monitoring platforms. These include Enphase, SolarEdge, Tesla, and SMA. Enphase offers a micro-inverter system that is widely viewed as the current best-in-class for user friendly production monitoring at the individual solar panel scale, as well as for optimizing array efficiency.

When unbundled RECs from a solar project are sold to a third party, communications about the project must comply with relevant Federal Trade Commission (FTC) regulations, namely that the project owner or host cannot represent, directly or by implication, that the electricity generated by the solar projects is "renewable."[6]

5) Construction & Contractors

Direct Ownership

Property owners must work with solar contractors who belong to NCEF's vetted contractor network. NCEF evaluates contractors to ensure they are properly licensed and insured, comply with state regulation and consumer protection laws, and adhere to best practices in solar system design, operation, and maintenance. This is intended to ensure that all contractors installing systems under Nevada Solar for All possess the necessary knowledge, expertise, and experience to optimize system performance and longevity throughout the estimated 20-year project lifetime. Contractors interested in participating in Solar for All as a vetted contractor should apply to join the network at https://nevadacef.org/contractors/.

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[5] Solar project owners may opt to keep the RECs themselves, resulting in a reduction in the rebate amount equal to the discounted lifetime value of the RECs.

[6] Federal Trade Commission. Guides for the Use of Environmental Marketing Claims. October 12, 2012. https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-issues-revised-green-guides/greenguides.pdf

Third-Party Ownership
Multi-family affordable housing properties that are unable to or prefer not to directly own the solar asset can participate in the Program through the TPO pathway. Under the TPO pathway, a site host enters into a power purchase agreement (PPA) or lease agreement with third-party solar provider who builds, owns, and operates a solar system on the property of the site host. The site host then pays the third-party entity a monthly lease payment or a per-kilowatt hour (kWh) PPA payment. NCEF will select one or more TPO providers as part of this program that will be available in 2025. NCEF reserves the right to grant exemptions on a case-by-case basis.

The TPO arrangement can be simpler for site hosts who do not have the in-house capacity to manage ownership or maintenance of a solar asset, monetize tax credits associated with the solar asset, or provide ongoing reporting to NCEF. Site hosts interested in the TPO pathway should indicate this in their application and plan to solicit a quote from a TPO-eligible solar developer. TPO-eligible solar developers must undergo additional evaluation and vetting by NCEF (beyond the requirements of the vetted contractor network) to participate in NSFA. Entities interested in becoming eligible third-party owners under the NSFA program should contact nevadasolarforall@nevadacef.org.

Davis-Bacon and Related Acts Compliance
Davis-Bacon and Related Acts may or may not apply to an NSFA-supported project. All projects whose construction is funded by Nevada Solar for All federal funds must comply with all Davis Bacon and Related Acts (DBRA) (40 U.S.C. 3141 et seq.) requirements. Financial assistance recipients are responsible for complying with DBRA requirements. NCEF assists NSFA financial recipients with DBRA compliance via its vetted contractor network, training vouchers, and informational resources. Questions about DBRA compliance should be sent to affordablehousing@nevadacef.org.

Properties should be advised that if using NSFA federal funds for structural components of a new construction project such as roof reinforcements, DBRA requirements may apply to the entire property. EPA applies the Purpose, Time, and Place (PTP) test to define the scope of a project. Additional information on the PTP test is provided below.

NSFA funds that refinance a construction loan using non-federal funding sources for eligible technologies following the completion of construction may not implicate DBRA.

Build America Buy America Compliance
Build America Buy America may or may not apply to an NSFA-supported project. The Build America, Buy America Act – Public Law 117-58 (41 U.S.C. 83), requires that federal funds used for the construction of a public infrastructure project must comply with the following:

(1) All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
(2) All manufactured products used in the project are produced in the United States— this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and

(3) All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The construction material standards are listed below.

BABA applies to "public infrastructure," which is defined broadly in 2 CFR 184.4(d). Per EPA's guidance in September 2024, "public infrastructure" does not include projects on privately-owned single-family homes, multi-family homes that are not subsidized by public bodies, or privately-owned commercial buildings that do not meet the "public function" test. Further, under EPA's interpretation of the "public function" test, the inclusion of LIHTC or Section 8 funding in the capital stack does not trigger BABA, in and of itself. Other local, state, and federal housing assistance programs do not trigger BABA so long as the government funding source does not confer an ownership stake to that government entity. The ultimate determination for a particular project is always *fact-specific*.

There are program-wide BABA waivers and project-specific BABA waivers. EPA has issued several program-wide waivers that may be applicable to certain projects. This includes the *De Minimis Waiver*, which states that there may be costs associated with the project that would be subject to BABA but are considered de minimis to the overall project (no more than a total of 5% of total project cost). In this instance, the recipient may qualify for a De Minimis Waiver. The *Small Project Waiver* for projects under $250,000 may or may or may not apply to NSFA projects. EPA could issue additional program-wide BABA waivers in the future. If you believe your project is covered by a program-wide waiver, notify NCEF. Additional information on requesting a project-specific BABA waiver is provided below.

NSFA funds that refinance a construction loan using non-federal funding sources for eligible technologies following the completion of construction may not implicate BABA.

Multifamily property owners are responsible for ensuring that they comply with BABA, if applicable. NSFA requires manufacturer certification letters for every product used in each BABA-applicable project unless a valid waiver is in place. BABA certification letters are needed for each project and cannot be copied between projects. Contractors do not create the certification letter; the manufacturer of the item being purchased (e.g., the company producing the iron used on a project) is required to attest to the required information. Multiple items supplied from the same manufacturer may be listed on one certification letter. A BABA-applicable project using many products will likely need many separate certification letters.

Properties should be advised that if using NSFA federal funds for structural components of a new construction project such as roof reinforcements, BABA requirements may apply to the entire property. EPA applies the Purpose, Time, and Place (PTP) test to define the scope of a project. Additional information on the PTP test is provided below.

MFAH property owners should reach out to NCEF if they have questions about BABA applicability.

Requesting a Project-Specific BABA Waiver

Pursuant to Section 70914(b) of BABA and 2 CFR 184.7 EPA may waive BABA requirements where EPA finds that:

(1) applying the domestic content procurement preference would be inconsistent with the public interest;
(2) types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

Waivers may be requested from EPA if assistance recipients reasonably believe a waiver is justified under paragraph (a) of 2 CFR 184.7. A request from assistance recipients to waive the application of the Buy America Preference must be provided to EPA in writing. Note that there is currently no public interest waiver that applies generally to the Solar for All program. EPA expects project-level public interest waivers to be rare, as most projects should be able to comply with BABA requirements by obtaining certification letters, requesting project-level product non-availability waivers where appropriate, and using the already approved De Minimis Waiver. EPA expects waiver requests to take several months (2 to 6+) for approval after submission to the EPA.

Purpose, Time, and Place (PTP) Test

EPA applies the Purpose, Time, and Place (PTP) test to define the scope of a project. Additional information on the PTP test is provided below.

EPA will use a "Purpose, Time, and Place" (PTP) test to determine a "project" for BABA and DBRA applicability. This ensures that projects are not intentionally separated into pieces as an attempt to avoid BABA or DBRA compliance. As an example, if federal funds provide $1 to a Qualified Project involving construction work, as defined under 29 CFR Part 5, that also receives non-federal funds to ensure the completion of the same project, DBRA and BABA would apply to all construction work necessary to complete that project if the PTP test is met. While each analysis will be fact specific, generally the PTP test will consider whether, regardless of the number of individual contracts, the contracts or activities funded are closely related in purpose, time, and place. The PTP test considers whether the activities are integrally and proximately related to the whole, but also recognizes that many activities are undertaken in segregable phases that are distinct in purpose, time, or place. All three elements must be consistent for the activity to be considered a "project."

Purpose: Is the purpose for the funded activity segregable? For example, a Brownfields Revolving Loan Fund (RLF) Cooperative Agreement is awarded for $5M. The recipient plans to award five loans for $1M each to different recipients for different projects. The purpose for the award is distinct and each loan would be considered distinct "projects."

Time: Is the timing of the funded activity distinct? For example, in FY23, a state receives a cooperative agreement to develop the structure and guidance for a recycling grant program for their state. In FY24, the state award is amended and it receives additional funds that will fund the grant pool. These are both distinct in purpose and time and would be distinct "projects."

Place: A county receives a grant from the state in the "time" example above. The city plans to use the grant to fund two recycling facilities. One in the upper county and one in the lower county. Each has unique structural requirements. The place of the activity is distinct and would be considered separate "projects."

6) Benefit Sharing & Treatment of Solar Benefits

Benefit Sharing
Project owners must ensure that tenants achieve a 20% savings over the utility service territory's average utility bill. Under the Multifamily Affordable Housing Program, project owners are responsible for passing on benefits to tenants. Depending on the meter and utility charge structure, project hosts may either pass benefits on directly through a discount on utility bills or indirectly via non-financial benefits. Table 6 outlines the options available to site hosts based on meter and utility charge structures.

Table 6: Benefit Sharing Based on Meter and Utility Charge Structure

	Owner Paid, No Separate Utility Charge to Tenant	**Owner Paid, Separate Utility Charge to Tenant**	**Tenant Paid, Direct to Utility**
Individual Meters[7]	*Policy Change Needed* Indirect benefit	*Policy Change Needed* Indirect benefit, Credit on utility bill	*Policy Change Needed* Credit on utility bill
Shared Meter(s)	Indirect benefit	Indirect benefit, Credit on utility bill	N/A

Treatment of Solar Benefits for Tenants

For individually metered buildings that pass on financial benefits to tenants on their utility bills, the affordable housing property will be required to follow the steps outlined in the U.S. Department of Housing and Urban Development (HUD)'s July 2022 Memorandum on *Treatment of Community Solar Credits on Tenant Utility Bills* (or any subsequent updates to this Memorandum from HUD) to ensure that the solar bill credit does not result in a lower utility allowance.

For properties that pass non-financial benefits to tenants, property owners must explain how they will provide 20% household savings in the form of non-financial benefits as described in HUD's 2023 Memorandum on *Treatment of Solar Benefits for Residents in Master-metered Buildings* (or any subsequent updates to this Memorandum from HUD), including by entering into a benefits-sharing agreement with the tenants. The property owner must demonstrate 1) how the financial savings from the solar project are being shared by categorizing the service as

[7] Under current Nevada law, tenants of individually-metered multifamily properties are unable to participate in net metering without the property owner being regulated as a public utility under Nevada Revised Statute (NRS) 704.020. NRS 704.021 further clarifies that a master-metered multifamily or commercial building with a net metering system that delivers the power only to persons, units, or spaces located on the premises is not considered a "public utility."

an operating expense in their pro forma financials and 2) how the value of the service equals the 20% household savings multiplied by the total number of units on the Affordable Housing Property.

Third-Party Ownership
Solar hosts that are unable or prefer not to directly own and maintain the solar asset can participate in the Program through a Third-Party Ownership (TPO) pathway, as described in Section 3.4.5. Under the TPO pathway, the building owner enters into a lease or power purchase agreement with a TPO provider. The multi-family affordable housing property owner will maintain responsibility for transferring solar benefits to tenants according to a benefit sharing agreement with tenants, which NCEF will review and verify before providing financial assistance to the TPO provider.

7) Compliance Procedures & Reporting

Projects receiving direct financing from NCEF must adhere to program requirements and federal and state regulations, including Build America, Buy America (BABA), Davis Bacon and Related Acts (DBRA), and system permitting and interconnection requirements. In addition, site hosts must provide semi-annual reporting to NCEF on data such as system performance, benefit sharing, and jobs. These requirements will be outlined in detail in the participant support cost and/or financing agreement that the site host executes with NCEF. Non-compliance may lead to fines/penalties, project delays, loss of funding, project suspension, project termination, or inability to participate in future NCEF programs.

Non-compliance may lead to fines/penalties, project delays, loss of funding, project suspension, project termination, or inability to participate in future NCEF programs. Participating project hosts unable to provide ongoing reporting to NCEF or with concerns about compliance can consider the third-party ownership (TPO) pathway described in Section 3.4.5

8) Measurement & Verification

NCEF shall collaborate with contractors and site hosts to monitor solar systems to track and generation, benefit sharing, and overall system performance. This could include on-site or virtual site inspections that ensure that the installed solar systems are operating efficiently and as expected. Site hosts are expected to facilitate access to such inspections throughout the Solar for All Period of Performance, with advanced notice provided to the site host as outlined in the participation agreement.

Additionally, NCEF will conduct randomized audits of 10% of participating multifamily affordable housing properties each year that may include but not be limited to, reviewing utility bills, contacting tenants, or conducting on-site visits to verify delivery of benefits.

Residents of Multifamily Affordable Housing Properties participating in Solar for All will also have the opportunity to participate in an annual survey to ensure that the 20% savings requirement is achieved.

9) Operations & Maintenance

Direct Financing
Under the direct financing option, the MFAH property is responsible for ongoing operations and maintenance of the project throughout the project life, anticipated to extend 20 years or more.

NSFA also requires MFAH properties to work with solar contractors in NCEF's vetted contractor network. NCEF evaluates contractors to ensure they are properly licensed and insured, comply with state regulation and consumer protection laws, and adhere to best practices in solar system design, operation, and maintenance. In addition, MFAH properties should ensure installed systems have equipment and labor warranties in accordance with state requirements and assess whether non-standard additional maintenance services are available from the contractor during or beyond the warranty periods (e.g., regular inspections, panel cleaning, etc.).

Third-Party Ownership
Solar hosts that are unable to or prefer not to directly own the solar asset can participate in the Program through a Third-Party Ownership (TPO) pathway, as described in Section 3.4.5. Under the TPO pathway, a third-party solar developer or contractor designs, builds, owns, and operates a solar system on the property of the site host and handles all system maintenance for the life of the project. The TPO arrangement can be simpler for site hosts who do not have the in-house capacity to manage ownership or maintenance of a solar asset. Multifamily affordable housing properties participating under the TPO option will be required to grant these contractors access to the solar systems to allow effective day to day management of the solar facility.