

## CEED Program Ordinance Overview

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### Statute

#### **“62-17A-5. Required grant of authority.**

A. The Community Energy Efficiency Development Block Grant Act is enacted to allow the state, a county or a municipality to provide or pay the costs of financing infrastructure necessary to support affordable housing projects as provided by Article 9, Section 14 of the constitution of New Mexico.

B. Prior to the department's final approval of an application for a grant pursuant to the Community Energy Efficiency Development Block Grant Act, an applicant that is a **county or a municipality** shall provide the department with a copy of the **ordinance** enacted by the county or municipality that provides the county's or municipality's formal approval for a specific community energy efficiency development block grant and includes in the ordinance the terms and conditions of the grant approved by the department. The department shall not approve an application for a community energy efficiency project if the county or municipality fails to enact an ordinance that gives formal approval for the terms and conditions approved by the department for the community energy efficiency development block grant and includes in the ordinance those exact terms and conditions.”

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### Ordinance Template

*\*\*Sample language – Please edit as required for individual entity use.*

### ORDINANCE

**APPROVING A COMMUNITY ENERGY EFFICIENCY DEVELOPMENT (CEED) BLOCK GRANT FROM THE NEW MEXICO STATE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, ENERGY CONSERVATION AND MANAGEMENT DIVISION PURSUANT TO THE CEED BLOCK GRANT ACT TO AUTHORIZE THE EXECUTION OF A CEED PROGRAM PROJECT AND FORMALLY APPROVE THE TERMS AND CONDITIONS OF THE GRANT AGREEMENT.**

WHEREAS, the **[[City/County/Town]]** is a legally and regularly created, established, organized, and existing **[[county/municipal]]** corporation of the State of New Mexico; and

WHEREAS, the CEED Block Grant (Act) was enacted to establish the CEED Program and allow local governments to provide financing to support affordable housing energy efficiency programs and projects; and

WHEREAS, pursuant to NMSA 1978, § 62-17A, the purpose of CEED Program projects is to provide improvements to residential buildings in underserved communities that will, in the aggregate, reduce energy consumption, energy-related operating costs, carbon intensity of energy consumption, or a combination thereof; and

WHEREAS, the CEED Program project will promote the general welfare and significantly benefit the quality of life of underserved communities in the [\[\[City/County/Town\]\]](#); and

WHEREAS, the Energy Conservation and Management Division is the administering agency for the CEED Program and is authorized to issue competitive grant awards to eligible entities; and

WHEREAS, pursuant to NMSA 1978, § 62-17A, counties and municipalities must enact an ordinance authorizing formal acceptance of the grant and incorporating the terms and conditions of the grant as a condition of final approval.

**BE IT ORDAINED BY THE [\[\[COUNCIL/GOVERNING BODY\]\]](#) OF THE [\[\[CITY/COUNTY/TOWN\]\]](#):**

**SECTION 1. APPROVAL**

That the Community Energy Efficiency Development (CEED) grant is formally approved, the CEED Program award from the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) is accepted.

This ordinance may be cited as the “[\[\[City/County/Town\]\]](#) Community Energy Efficiency Development Block Grant Ordinance.”

**SECTION 2: PURPOSE**

This Ordinance is adopted to implement the [\[\[City/County/Town\]\]](#)’s CEED Program project. In accordance with N.M. Const., art. IX, § 14, H.; the Community Energy Efficiency Development Block Grant Act (“Act”), § 62-17A-1, et seq. NMSA 1978; NM Energy, Minerals and Natural Resources Department (“EMNRD”) rule, 19.1.10 NMAC (“rule”), the purpose of the CEED Block Grant Ordinance is to:

- (1) Provide for the approval of the [\[\[City/County/Town\]\]](#)’s CEED Block Grant;
- (2) Provide for the acceptance of the CEED Block Grant from EMNRD;
- (3) Provide for implementation of the CEED Program; and
- (4) Provide for and adopt the Terms and Conditions of the Grant approved by EMNRD pursuant to the act.

Community energy efficiency projects are projects that provide improvements to residential buildings in an underserved community that will, in the aggregate, reduce energy consumption, energy-related operating costs, carbon intensity of energy consumption, or a combination thereof. These projects will target the adoption of energy-efficient consumer behavior, equipment, or devices that result in a decrease in energy consumption without reducing the amount or quality of energy services. This includes health and safety measures, including those that use efficient equipment or devices to improve indoor air or drinking water quality.

### SECTION 3: GRANT TERMS AND CONDITIONS

The [Governing Body] formally adopts the full terms and conditions of the CEED Program grant as set forth in the Governmental Services Agreement (GSA) issued by EMNRD. The GSA is incorporated herein by reference and shall have the full force and effect of law within the jurisdiction of the [City/County/Town].

The [City/County/Town] shall implement the CEED Program in compliance with the GSA and all applicable federal, state, and local laws, including reporting, procurement, wage compliance, and allowable use of funds.

[[INSERT AGREEMENT TERMS AND CONDITIONS]]

#### **Administration.**

The [[City/County/Town]] shall administer any CEED Program project in accordance with provisions of the act, the rule, this chapter, any applicable state and federal laws and regulations as each of which may be amended or supplemented from time-to-time. The [[City/County/Town]], in establishing, funding and administering the CEED Program and by making, executing, delivering and performing any award, contract, grant or any other activity or transaction contemplated by the act, shall not violate any provision of law, rule or regulation or any decree, writ, order, injunction, judgment, determination or award and will not contravene the provisions of or otherwise cause a default under any of its agreements, indentures, or other instruments to which it may be bound.

#### **Discrimination prohibited.**

The development; construction, occupancy and operation of a CEED Program or a CEED Program project financed or assisted under the act and this chapter shall be undertaken in a manner consistent with principles of nondiscrimination and equal opportunity, and the [[City/County/Town]] shall require compliance by all qualifying grantees with all applicable federal and state laws and regulations relating to affirmative action, nondiscrimination and equal opportunity.

#### **Termination.**

The [[governing body/council/commission]] may repeal this chapter and terminate the [[City/County/Town]]'s CEED Program and any or all contracts undertaken in its authority. Termination shall be by ordinance at a public hearing and in accordance with the terms of the contract. If an ordinance or a contract is repealed or terminated, all contract provisions of the contract regarding termination shall be satisfied.

### SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage and adoption. A certified copy shall be provided to EMNRD as evidence of formal compliance with CEED Program requirements.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025, by the

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### Reference

As stated above, this document is intended to serve only as a starting point—please edit as required for individual entity use. Several sections have been intentionally left open for your legal team to tailor based on its interpretation of the Act. For reference, sample ordinance language can be found in documents from the [City of Albuquerque](#), [Taos County](#), and [Santa Fe County](#).