

**OFFICE OF THE LIEUTENANT  
GOVERNOR**

Honorable Tregenza A. Roach, Esq.  
Lieutenant Governor

Testimony before the  
Committee on  
Disaster Recovery, Infrastructure and  
Planning

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Good Day, Honorable Senator Marise C. James, Chair of the Committee on Disaster Recovery, Infrastructure and Planning, other committee members, other members of the 36<sup>th</sup> Legislature of the Virgin Islands, and viewing and listening audiences. I am Ludence A. Romney, Tax Assessor, Office of Tax Assessor (“OTA”), and I am accompanied today by Mr. Brent Leerdam, Tax Collector, Office of Tax Collector, within the Office of the Lieutenant Governor (“LGO”).

On behalf of Lieutenant Governor Tregenza A. Roach, Esq., the Office of the Lieutenant Governor, Division of Real Property Tax, it gives me great pleasure to testify on Bill No. 36-0248, an Act amending Title 29 of the Virgin Islands Code by enacting the “Commercial Property Assessed Clean Energy (C-PACE) Act.” Based on the following reasons, as presently written, we object to Bill No. 36-0248.

Bill No. 36-0248 seeks to enact the Commercial Property Assessed Clean Energy Act (C-PACE), which is intended to provide a funding mechanism that enables low-cost, long-term funding for energy efficiency, renewable energy and hurricane preparedness to privately-owned commercial property owners. This legislation seeks to provide a special, voluntary property assessment to property owners with the goal of capturing improvements to energy and water sustainability, that can translate into borrowing capacity to the property owner.

The legislation further seeks to conjoin the intended responsibilities of the Virgin Islands Energy Office, with the statutory responsibilities of the Office of the Lieutenant Governor, Real Property Tax Division. Specifically, pursuant to Bill No. 36-0248, section 1508, “annual special assessment on the property tax bill of the benefited property, and it shall be collected in the same manner and time as provided

for under 33 V.I.C. subtitle 2, chapter 89, and when received shall be **remanded** in a **timely** manner to the appropriate capital provider.”

First, the Real Property Tax Division, namely the Office of the Tax Assessor, is charged with administering the assessment of property taxes based on the regulations and guidance of the International Association of Assessment Officers (IAAO) and is not suited to provide analysis of specialized property improvements to energy and water efficiency.

Second, this Bill can achieve the same initiatives if the VI Energy Office:

- a) Hires an independent appraiser to determine the specialized improvements/applications
- b) Performs the billing and collection process in-house or out-sources the billing and collection process
- c) In accordance with the proposed statute, Bill No. 36-0248, the written Notice of Assessment and C-PACE lien should be recorded with the Recorder of Deeds Office.

Third, the Bill as written increases the risks of jeopardy to the GVI Audit process, that is rigorously pursued each year by external auditors, due to the varied streams of revenue, not related to property taxes. Such a scenario raises the possibility of our need to explain our juxtaposed responsibilities both as an impartial government Tax Assessor/Collector versus a role as Mortgage/Borrower/Collector and the related Final Collection Activity processes.

Madam Chairperson, thank you for the opportunity to testify on behalf of Lieutenant Governor Roach and the rest of the LGO team concerning Bill No. 36-

0248. We are available to answer any questions that you or members of the Committee may have.