

## Energy Performance Contract Term Limits

**I. Federal Law.** On August 8, 2005, the Energy Policy Act of 2005. Subtitle D – Public Housing, Section 151 amended Section 9(e)(2)(C) of the United States Housing Act of 1937 by adding a new paragraph (iii), which states: “Term of Contract – The total term of a contract described in clause (i) shall not exceed 20 years to allow longer payback periods for retrofits, including windows, heating system replacements, wall insulation, site-based generation, advanced energy savings technologies, including renewable energy generation, and other such retrofits”. The Department encourages Public Housing Authorities (PHAs) through its support of the Energy Policy Act of 2005 to employ innovative approaches to achieve programmatic efficiency and reduce utility costs particularly as PHAs transition to asset management. As stated in the Energy Act of 2005 the contracting period is intended to enable longer payback periods for energy conservation measures (ECMs) such as heating, windows, energy savings technologies, e.g., cogeneration, and renewable energy technologies. HUD Regulations at 24 CFR § 965.305 and 24 CFR § 990.185 describe permissible funding options for accomplishing cost-effective energy audits and ECMs. 24 CFR § 965.305 states that the cost of accomplishing ECMs shall be funded from operating subsidy of the PHA to the extent feasible. 24 CFR § 990.185 states that if a PHA undertakes ECMs that are financed by an entity other than HUD, the PHA may qualify for incentives available in 24 CFR § 990.185.

An Energy Performance Contract (EPC) is one of several means available to PHAs for financing and implementing capital energy improvements and services. EPCs are offered by qualified Energy Services Companies (ESCOs) or other appropriate contractors. The energy consumption and cost savings produced by the energy project must be sufficient to cover all project related costs (including such elements as financing, ongoing maintenance, monitoring and verification service, audit services and resident education on energy conservation) over the contract term. The ESCO assumes the performance risks for the ECMs implemented, and the ESCO’s compensation is tied to the measured performance of the integrated package of services delivered by the ESCO. The ESCO conducts an energy audit of selected facilities to determine the potential for saving energy through high-efficiency equipment replacements, building upgrades and improved management systems. Based on the audit results, the ESCO makes recommendations that, when implemented, will generate enough energy and cost savings to pay for the entire cost of the project over the term of the contract. The contract period is not limited to ESCO energy performance contracts. Under 24 CFR § 990.185, “If a PHA undertakes energy conservation measures that are financed by an entity other than HUD, the PHA may qualify for incentives available under this section. The energy conservation measures may include, but are not limited to: Physical improvements financed by a loan from a bank, utility, or governmental entity; management of costs under a performance contract; or a shared savings agreement with a private energy service company.

” The contract period may also apply to a PHA acting in a manner similar to the role of an ESCO for an energy project financed by a loan from a bank, utility or governmental entity.

Under 24 CFR 990.185, a PHA may request that HUD freeze its rolling base to generate savings and allow the PHA to retain 100 percent of the savings from the decreased energy consumption for the term of the contract. Until such time as the HUD regulation may be changed, the period for freezing the rolling base is limited to 12 years. PHAs wishing to enter into contracts exceeding 12 years but not to exceed 20 years may request a waiver of the regulation. Such requests must be submitted through the local Field Offices to the Assistant Secretary for Public and Indian Housing for final approval. Under the provisions of the Energy Policy Act of 2005 and an approved waiver, HUD may freeze a PHA’s rolling base consumption level (RBCL) for the period of the contract agreement not to exceed up to 20 years. See Notice PIH 2006-06, Guidance on Energy Performance Contracts with Terms up to 20 years, issued February 1, 2006 for further processing information.

PIH 2006-06 provides that existing energy performance contracts are not eligible to be extended. Also note that PHAs must comply with HUD procurement regulations in 24 CFR § 85.36, which specifically require under 24 CFR 85.36(c) that all procurement be done in a manner that provides full and open competition. Regulations at 24 CFR 965.308 require that EPCs be procured through competitive proposals unless services are available only from a single source.

HUD’s EPC procedures and training are available at <http://www.hud.gov/offices/pih/programs/ph/phecc/eperformance.cfm>. Inquiries should be directed to the Management and Occupancy Division of the Office of Public Housing and Voucher Programs, John Miller 202-402-4237, [john\\_h\\_miller@hud.gov](mailto:john_h_miller@hud.gov)

**II. State Laws.** In addition to the Federal Law requirements that PHAs must comply with as mentioned above, States and local authorities have also issued legislation on the duration of EPCs. PHAs must also follow applicable State and local laws and regulations, provided they conform to applicable Federal Law requirements. For example, a PHA may not enter into an EPC for a term exceeding 20 years regardless of a State law authorizing a longer term. If a PHA is subject to a State law limiting EPC terms to 10 years, then the PHA must abide by the State law limit regardless of the higher Federal Law limit. Attached is a listing of current State legislation with a brief description of the term limits to be used as a starting point for compliance with State Laws. Please note that the laws on this list may change and additional laws may exist which are not on this list. PHAs should review their State and local laws with their counsel. PIH Directors should consult with Field Office Counsel on conflict of laws questions.

### **III. State Energy Performance Contract Term Limits Chart.**

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States	State Legislative Code / State Energy Guideline	Time limits
<a href="#">Alabama</a>	<a href="http://www.legislature.state.al.us/CodeofAlabama/1975/coatoc.htm">http://www.legislature.state.al.us/CodeofAlabama/1975/coatoc.htm</a>	The governmental unit may enter into a guaranteed energy cost savings contract with a qualified provider if it finds that the amount it would spend on the energy cost savings measures recommended in the proposal would not exceed the amount of energy or operational cost savings, or both, within the lesser of a 20-year period or the average useful life of the energy cost savings measures from the date installation is complete and has been accepted by the governmental unit, if the recommendations in the proposal are followed
<a href="#">Alaska</a>	<a href="http://www.state.ak.us/courts/library.htm">http://www.state.ak.us/courts/library.htm</a>	No existing limitation; Confirmed by Alaska Statute AS 36.30.308
<a href="#">Arizona</a>	<a href="http://www.azleg.state.az.us/ars/34/00455.doc">http://www.azleg.state.az.us/ars/34/00455.doc</a>	Each contract may be for a period of not more than the expected life of the energy savings measures implemented or twenty five years, whichever is shorter.
<a href="#">Arkansas</a>	<a href="http://www.arkleg.state.ar.us/NXT/gateway.dll?f=templates&amp;fn=default.htm&amp;vid=bl:ar">http://www.arkleg.state.ar.us/NXT/gateway.dll?f=templates&amp;fn=default.htm&amp;vid=bl:ar</a>	The contract may provide that all payments except obligations on termination of the contract before its expiration are to be made over time and that the energy cost savings are guaranteed by the qualified provider to the extent necessary to pay all of the costs of the energy conservation measures, including all costs of financing and annual services that may include the measurement and verification of the guaranteed savings. ( Contract term is based on time necessary to pay ECM costs, as guaranteed by a qualified ESCO)
<a href="#">California</a>	<a href="http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=69182510492+6+0+0&amp;WAISSaction=retrieve">http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=69182510492+6+0+0&amp;WAISSaction=retrieve</a>	The repayment period may not exceed the life of the equipment, as determined by the commission or the lease term of the building in which the energy conservation measures will be installed.
<a href="#">Colorado</a>	<a href="http://www.state.co.us/gov_dir/leg_dir/olls/sl2001/sl.291.htm">http://www.state.co.us/gov_dir/leg_dir/olls/sl2001/sl.291.htm</a>	Requires the party entering into the energy performance contract with the same agency to provide that the sum of utility cost savings and operation and maintenance cost savings for each year during the first three years of the contract period shall not be less the calculated savings for that year described in paragraph (a) of this subsection (1); and (d)requires payments by a state agency to be made within twelve years after the date of the execution of the contract; except that the maximum term of the payments shall be less than the cost-weighted average useful life of utility cost-savings equipment for which the contract is made, not to exceed twenty-five years
<a href="#">Connecticut</a>	<a href="http://search.cga.state.ct.us/dtsearch_pub_statutes.html">http://search.cga.state.ct.us/dtsearch_pub_statutes.html</a>	No existing limitation Confirmed by Connecticut General Assembly Legislative Library Staff 860-240-8888
<a href="#">Delaware</a>	<a href="http://delcode.delaware.gov/title29/c069/sc05/index.shtml">http://delcode.delaware.gov/title29/c069/sc05/index.shtml</a>	The agency may enter into an energy performance contract with a qualified provider if the agency finds that the amount the agency would spend on the energy conservation measures will not exceed the amount to be saved in both energy and operational costs for up to 20 years from the date of installation.

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<a href="#">District of Columbia</a>	<a href="http://www.grc.dc.gov/grc/cwp/view.asp?a=1205&amp;Q=447198&amp;grcNav_GID=1423">http://www.grc.dc.gov/grc/cwp/view.asp?a=1205&amp;Q=447198&amp;grcNav_GID=1423</a>	The amount the agency would spend on the conservation measures recommended in the report will not exceed the amount to be saved in energy and operation costs within 15 years from the date of installation, based on life cycle costing calculations, if the recommendations in the report were followed, and (B) the energy performance contractor provides a written guarantee that the energy and operating cost savings will exceed the cost of the system. The contract may provide for payment over a period of time not to exceed 15 years.
<a href="#">Florida</a>	<a href="http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&amp;SubMenu=1&amp;App_mode=Display_Statute&amp;Search_String=energy+performance+contracts&amp;URL=CH0489/Sec145.HTM">http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&amp;SubMenu=1&amp;App_mode=Display_Statute&amp;Search_String=energy+performance+contracts&amp;URL=CH0489/Sec145.HTM</a>	The agency may enter into a guaranteed energy performance savings contract with a guaranteed energy performance savings contractor if the agency finds that the amount the agency would spend on the energy conservation measures will not likely exceed the amount of the energy cost savings for up to 20 years from the date of installation, based on the life cycle cost calculations provided in s. 255.255, if the recommendations in the report were followed and if the qualified provider or providers give a written guarantee that the energy cost savings will meet or exceed the costs of the system. The contract may provide for installment payments for a period not to exceed 20 years.
<a href="#">Georgia</a>	<a href="http://www.legis.ga.gov/legis/2007_08/search/sb180.htm">http://www.legis.ga.gov/legis/2007_08/search/sb180.htm</a>	The guaranteed energy cost savings contract shall include a written guarantee of the qualified provider that either the energy or operational cost savings, or both, will meet or exceed the costs of the energy cost savings measures within the lesser of 20 years or the average useful life of the energy cost savings measures. The qualified provider shall reimburse the governmental unit for any shortfall of guaranteed energy cost savings on an annual basis. The guaranteed energy cost savings contract may provide for payments over a period of time, not to exceed the lesser of 20 years or the average useful life of the energy cost savings measures.
<a href="#">Guam</a>	<a href="http://guamlawlibrary.org/">http://guamlawlibrary.org/</a>	No existing limitations; Confirmed by the Guam Law Library
<a href="#">Hawaii</a>	<a href="http://www.hawaii.gov/dbedt/info/energy/efficiency/state/performance/epc.pdf">http://www.hawaii.gov/dbedt/info/energy/efficiency/state/performance/epc.pdf</a>	DBEDT proposed legislation to amend HRS 36-41 to define performance contracting and to encourage State agencies to pursue this mechanism. The legislature adopted definitions and clarifying language in 1989, and extended the term of contracts from 10 to 15 years in 1997.
<a href="#">Idaho</a>	<a href="http://adm.idaho.gov/pubworks/PerfContracting/">http://adm.idaho.gov/pubworks/PerfContracting/</a>	The performance contract may extend for a term not to exceed twenty-five (25) years. The permissible length of the contract may also reflect the useful life of the cost-savings measures.
<a href="#">Illinois</a>	<a href="http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=727&amp;ChapAct=50%26nbsp%3BILCS%26nbsp%3B515%2F&amp;ChapterID=11&amp;ChapterName=LOCAL+GOVERNMENT&amp;ActName=Local+Government+Energy+Conservation+Act%2E">http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=727&amp;ChapAct=50%26nbsp%3BILCS%26nbsp%3B515%2F&amp;ChapterID=11&amp;ChapterName=LOCAL+GOVERNMENT&amp;ActName=Local+Government+Energy+Conservation+Act%2E</a>	The guaranteed energy savings contract shall include a written guarantee of the qualified provider that either the energy or operational cost savings, or both, will meet or exceed within 10 years the costs of the energy conservation measures.
<a href="#">Indiana</a>	<a href="http://www.in.gov/legislative/bills/1999/EH/EH1509.2.html">http://www.in.gov/legislative/bills/1999/EH/EH1509.2.html</a>	An energy cost savings contract must include a guarantee from the qualified provider to the state that: (1) energy cost savings; (2) operational cost savings; or (3) both energy and operational cost savings; will meet or exceed the cost of the qualified energy project not later than ten (10) years after the date installation is completed.
<a href="#">Iowa</a>	<a href="http://www.legis.state.ia.us/iowaLaw.html">http://www.legis.state.ia.us/iowaLaw.html</a>	No existing limitations; Confirmed by the Iowa General Assembly

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<a href="#">Kansas</a>	<a href="http://www.kscourts.org/kansas-courts/law-library/default.asp">http://www.kscourts.org/kansas-courts/law-library/default.asp</a>	No existing limitations; Confirmed by the Kansas Law Library
<a href="#">Kentucky</a>	<a href="http://law.justia.com/kentucky/codes/045a00/352.html">http://law.justia.com/kentucky/codes/045a00/352.html</a>	The guaranteed energy savings contract may provide for payments over a period of time, not to exceed the term of the contract.
<a href="#">Louisiana</a>	<a href="http://www.legis.state.la.us/">http://www.legis.state.la.us/</a>	No existing limitations; Confirmed by the Louisiana State Legislature Office
<a href="#">Maine</a>	<a href="http://janus.state.me.us/legis/statutes/5/title5sec20005-A.html">http://janus.state.me.us/legis/statutes/5/title5sec20005-A.html</a>	No existing limitations; Confirmed by the Maine State Law and Legislative Reference Library
<a href="#">Maryland</a>	<a href="http://law.justia.com/maryland/codes/gsf/12-301.html">http://law.justia.com/maryland/codes/gsf/12-301.html</a>	Notwithstanding any other provision of law and subject to the approval and control of the Board of Public Works, a primary procurement unit of State government is authorized to enter into energy performance contracts of up to 15 years duration.
<a href="#">Massachusetts</a>	<a href="http://www.mass.gov/legis/laws/mgl/25a-11i.htm">http://www.mass.gov/legis/laws/mgl/25a-11i.htm</a>	The guaranteed energy savings contract term for providing a guarantee, measurement and verification, maintenance, service and installment or lease payments shall not exceed 20 years.
<a href="#">Michigan</a>	<a href="http://www.legislature.mi.gov/(S(n0tdsxn2smarmz55rrqtd245))/mileg.aspx?page=getobject&amp;objectname=mcl-41-75b&amp;queryid=20531950&amp;highlight=energy%20AND%20contract">http://www.legislature.mi.gov/(S(n0tdsxn2smarmz55rrqtd245))/mileg.aspx?page=getobject&amp;objectname=mcl-41-75b&amp;queryid=20531950&amp;highlight=energy%20AND%20contract</a>	These contractual agreements may provide that the cost of the energy conservation improvements are paid only if the energy savings are sufficient to cover their cost. An installment contract or notes issued pursuant to this subsection shall extend for a period of time not to exceed 10 years.
<a href="#">Minnesota</a>	<a href="http://ros.leg.mn/bin/getpub.php?pubtype=STAT_CHAP_SEC&amp;year=2007&amp;section=123B.65">http://ros.leg.mn/bin/getpub.php?pubtype=STAT_CHAP_SEC&amp;year=2007&amp;section=123B.65</a>	The guaranteed energy savings contract may provide for payments over a period of time, not to exceed 15 years.
<a href="#">Mississippi</a>	<a href="http://michie.lexisnexis.com/mississippi/lpext.dll?f=templates&amp;fn=main-h.htm&amp;cp=">http://michie.lexisnexis.com/mississippi/lpext.dll?f=templates&amp;fn=main-h.htm&amp;cp=</a>	The term of any energy services performance contract, energy services contract, lease or lease-purchase agreement for energy efficiency services and/or equipment entered into under this section shall not exceed fifteen (15) years.
<a href="#">Missouri</a>	<a href="http://www.moga.state.mo.us/statutes/c000-099/0080000231.htm">http://www.moga.state.mo.us/statutes/c000-099/0080000231.htm</a>	The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time and the energy cost savings are guaranteed to the extent necessary to make payments for the systems.
<a href="#">Montana</a>	<a href="http://law.justia.com/montana/codes/90/90-4-1107.html">http://law.justia.com/montana/codes/90/90-4-1107.html</a>	The term of an energy performance contract must be a minimum of 3 years and may be up to the useful life of the conservation measures or 20 years, whichever is less.
<a href="#">Nebraska</a>	<a href="http://www.unicam.state.ne.us/web/public/research">http://www.unicam.state.ne.us/web/public/research</a>	no existing limitations; Confirmed by Nebraska State Law Library Staff
<a href="#">Nevada</a>	<a href="http://law.justia.com/nevada/codes/NRS-332.html">http://law.justia.com/nevada/codes/NRS-332.html</a>	The performance contract may extend for a term not to exceed 15 years. The length of a performance contract may reflect the useful life of the operating cost-savings measure being installed or purchased under the performance contract.
<a href="#">New Hampshire</a>	<a href="http://gencourt.state.nh.us/rsa/html/l/21-l/21-l-19-d.htm">http://gencourt.state.nh.us/rsa/html/l/21-l/21-l-19-d.htm</a>	Any energy performance contract should require the contractor to include all energy efficiency improvement in selected buildings that are calculated to recover all costs within 10 years from the date of project implementation at existing energy prices. The term of any energy performance contract entered into pursuant to this section shall not exceed 10 years from the date of project implementation.

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<a href="#">New Jersey</a>	<a href="http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=203870378&amp;Depth=2&amp;TD=WRAP&amp;advquery=energy%20savings%20and%20contract&amp;depth=4&amp;expandheadings=on&amp;headingswithhits=on&amp;hitsperheading=on&amp;infobase=statutes.nfo&amp;rank=&amp;record={84E1}&amp;softpage=Doc_Frame_PG42&amp;wordsaroundhits=2&amp;zz=">http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=203870378&amp;Depth=2&amp;TD=WRAP&amp;advquery=energy%20savings%20and%20contract&amp;depth=4&amp;expandheadings=on&amp;headingswithhits=on&amp;hitsperheading=on&amp;infobase=statutes.nfo&amp;rank=&amp;record={84E1}&amp;softpage=Doc_Frame_PG42&amp;wordsaroundhits=2&amp;zz=</a>	The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which is to be established as a percentage of the resultant savings in energy costs, for a term not exceeding 10 years; provided that a contract is entered into only subject to and in accordance with guidelines promulgated by the Board of Public Utilities establishing a methodology for computing energy cost savings.
<a href="#">New Mexico</a>	<a href="http://www.emnrd.state.nm.us/MMD/Publications/documents/2001-5Renew.pdf">http://www.emnrd.state.nm.us/MMD/Publications/documents/2001-5Renew.pdf</a>	The estimated savings are guaranteed with a performance bond; ESCOs recover their costs from energy savings realized over a maximum period of 10 years.
<a href="#">New York</a>	<a href="http://law.justia.com/newyork/codes/energy/eng09-103_9-103.html">http://law.justia.com/newyork/codes/energy/eng09-103_9-103.html</a>	Energy performance contracts. 1. Notwithstanding any other provision of law, any agency, municipality, or public authority, in addition to existing powers, is authorized to enter into energy performance contracts of up to thirty-five years duration, provided, that the duration of any such contract shall not exceed the reasonably expected useful life of the energy facilities or equipment subject to such contract.
<a href="#">North Carolina</a>	<a href="http://law.justia.com/northcarolina/codes/chapter_143/gs_143-64.17b.html">http://law.justia.com/northcarolina/codes/chapter_143/gs_143-64.17b.html</a>	The term of the contract does not exceed 12 years from the date of the installation and acceptance by the governmental unit of the energy conservation measures provided for under the contract. The governmental unit finds that the energy savings resulting from the performance of the contract will equal or exceed the total cost of the contract.
<a href="#">North Dakota</a>	<a href="http://www.legis.nd.gov/cencode/t48c05.pdf">http://www.legis.nd.gov/cencode/t48c05.pdf</a>	The contract must include a written guarantee of the qualified provider that the energy and operating cost-savings will meet or exceed the costs of the system. The written guarantee must be for a period equal to the financing period, which may provide payments over a period not exceeding 15 years.
<a href="#">Northern Marianas Islands</a>	<a href="http://www.cnmilaw.org/welcome.php">http://www.cnmilaw.org/welcome.php</a>	No existing limitations; Confirmed by the Northern Marianas Commonwealth Law Commission
<a href="#">Ohio</a>	<a href="http://codes.ohio.gov/orc/156">http://codes.ohio.gov/orc/156</a>	In the case of a contract for any energy saving measure that is not a cogeneration system, a payment term longer than ten years.
<a href="#">Oklahoma</a>	<a href="http://www.lsb.state.ok.us/OKStatutes/CompleteTitles/os19.rtf">http://www.lsb.state.ok.us/OKStatutes/CompleteTitles/os19.rtf</a>	The repayment period of the lease-purchase agreement shall not exceed the lesser of fifteen (15) years or the weighted average equipment life of equipment to be installed under the energy conservation contract.
<a href="#">Oregon</a>	<a href="http://landru.leg.state.or.us/ors/469.html">http://landru.leg.state.or.us/ors/469.html</a>	No existing limitations; Confirmed by State of Oregon Law Library
<a href="#">Pennsylvania</a>	<a href="http://www.gggc.state.pa.us/gggc/cwp/view.asp?a=515&amp;q=157006#3753">http://www.gggc.state.pa.us/gggc/cwp/view.asp?a=515&amp;q=157006#3753</a>	A governmental unit may enter into a guaranteed energy savings contract with a qualified provider if it finds that the amount it would spend on the energy conservation measures recommended in the proposal would not exceed the amount to be saved in both energy and operational costs within a 15 -year period from the date of installation
<a href="#">Puerto Rico</a>	<a href="http://www.access.gpo.gov/uscode/title48/chapter4_subchaptervii_.html">http://www.access.gpo.gov/uscode/title48/chapter4_subchaptervii_.html</a>	No existing limitations; Confirmed by US Code Title 48 Chap. 4
<a href="#">Rhode Island</a>	<a href="http://www.energy.ri.gov/documents/efficiency/ESCO_Contract.pdf">http://www.energy.ri.gov/documents/efficiency/ESCO_Contract.pdf</a>	No explicit PC enabling legislation, but PC can be done in all types of public facilities. Link is a sample contract and acts as only a guideline to EPC's in Rhode Island

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<a href="#">South Carolina</a>	<a href="http://www.scstatehouse.net/code/t48c052.doc">http://www.scstatehouse.net/code/t48c052.doc</a>	The contract must provide that all payments, except obligations on termination of the contract before its expiration, must be made over time and the energy, water, or wastewater cost savings or billable revenue increases resulting from implementation of the energy, water, or wastewater conservation measures may be used to make payments for the energy, water, or wastewater conservation systems installed pursuant to guaranteed energy, water, or wastewater savings contracts. Annual revenues or savings from the guaranteed contract may be less than annual payments, if during the length of the contract aggregate savings occur as provided for by the terms of the contract.
<a href="#">South Dakota</a>	<a href="http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&amp;Statute=1-33B-8">http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&amp;Statute=1-33B-8</a>	The contract shall include a written guarantee of the qualified provider that either the energy or operating cost savings, or both, will meet or exceed the costs of the energy efficiency measure within fifteen years.
<a href="#">Tennessee</a>	<a href="http://michie.lexisnexis.com/tennessee/lpext.dll?f=templates&amp;fn=main-h.htm&amp;cp=">http://michie.lexisnexis.com/tennessee/lpext.dll?f=templates&amp;fn=main-h.htm&amp;cp=</a>	No existing limitations; Confirmed by Tennessee Code and Constitution ;Contracts by counties, cities, metropolitan governments, towns, utility districts and other municipal and public corporations of this state for energy-related services that include both engineering services and equipment, and have as their purpose the reduction of energy costs in public facilities, shall be awarded on the same basis as contracts for professional services.
<a href="#">Texas</a>	<a href="http://law.justia.com/texas/codes/lg/009.00.000302.00.html">http://law.justia.com/texas/codes/lg/009.00.000302.00.html</a>	An energy savings performance contract may be financed: (1) under a lease-purchase contract that has a term not to exceed 15 years from the final date of installation and that meets federal tax requirements for tax-free municipal leasing or long-term financing; or (2) under a contract with the provider of the energy or water conservation measures that has a term not to exceed 15 years from the final date of installation.
<a href="#">Utah</a>	<a href="http://le.utah.gov/~code/TITLE63/htm/63_07005.htm">http://le.utah.gov/~code/TITLE63/htm/63_07005.htm</a>	A state agency may enter into an energy savings agreement for a term of up to 20 years.
<a href="#">Vermont</a>	<a href="http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&amp;Chapter=123&amp;Section=03448f">http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&amp;Chapter=123&amp;Section=03448f</a>	Authorization. Notwithstanding any provision of law to the contrary, a district may enter into a performance contract pursuant to this section for a period not to exceed 20 years. Cost-saving measures implemented under the contract shall comply with all state and local building codes.
<a href="#">Virginia</a>	<a href="http://law.justia.com/virginia/codes/toc1100000/11-34.3.html">http://law.justia.com/virginia/codes/toc1100000/11-34.3.html</a>	The energy performance contractor provides a written guarantee that the energy and operating cost savings will meet or exceed the costs of the system. The contract may provide for payments over a period of time not to exceed 20 years.
<a href="#">Virgin Islands</a>	<a href="http://michie.lexisnexis.com/virginislands/lpext.dll?f=templates&amp;fn=main-h.htm&amp;cp=">http://michie.lexisnexis.com/virginislands/lpext.dll?f=templates&amp;fn=main-h.htm&amp;cp=</a>	No existing limitations; Confirmed by Virgin Islands Code
<a href="#">Washington</a>	<a href="http://www.energy.wsu.edu/library/bills/energybilltracking.cfm">http://www.energy.wsu.edu/library/bills/energybilltracking.cfm</a>	No existing limitations Confirmed by the Washington State Law Library
<a href="#">West Virginia</a>	<a href="http://www.legis.state.wv.us/WVCODE/05a/WVC%20%205%20A-%20%203%20B-%20%20%202%20%20.htm">http://www.legis.state.wv.us/WVCODE/05a/WVC%20%205%20A-%20%203%20B-%20%20%202%20%20.htm</a>	An energy-savings contract may extend beyond the fiscal year in which it first becomes effective: Provided, That such a contract may not exceed a fifteen-year term:

Energy Performance Contract Term Limits

<a href="#">Wisconsin</a>	<a href="http://www.legis.state.wi.us/statutes/Stat0066.pdf">http://www.legis.state.wi.us/statutes/Stat0066.pdf</a>	<p>Each performance contract shall provide that all payments, except obligations on termination of the contract before its expiration, shall be made over time as energy savings are achieved. Energy savings shall be guaranteed by the qualified provider for the entire term of the performance contract.</p>
<a href="#">Wyoming</a>	<a href="http://www.wyomingbusiness.org/pdf/energy/Appx_1D-WYECIP_EPC_Contract.pdf">http://www.wyomingbusiness.org/pdf/energy/Appx_1D-WYECIP_EPC_Contract.pdf</a>	<p>No existing limitations; Confirmed by the Wyoming State Law Library</p>