§ 54-1511. State assistance payments for climate smart community projects.

1. Unless otherwise specified by law, the commissioner is authorized to provide on a competitive basis, within amounts appropriated, state assistance payments to a municipality toward the cost of any climate smart community project approved by the commissioner provided that the commissioner determines that future physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable, has been considered, except that such determination shall not apply to rebates for eligible purchases pursuant to section 54-1521 of this title.

2. The commissioner and a municipality may enter into a contract for the undertaking of a climate smart community project. Such project shall be recommended to the commissioner by the governing body of the municipality, and when approved by the commissioner, undertaken by the municipality pursuant to this article and any other applicable provisions of law.

3. State assistance payments shall not exceed fifty percent of the project cost or two million dollars, whichever is less, provided however if a municipality meets criteria established by the department relating to either financial hardship or disadvantaged communities pursuant to section 75-0101 of this chapter, the commissioner may authorize state assistance payments of up to eighty percent of the project cost or two million dollars, whichever is less. Such costs are subject to final computation and determination by the commissioner upon completion of the project, and shall not exceed the maximum eligible cost set forth in the contract. A determination of financial hardship shall be based on criteria that clearly indicates that the municipality is experiencing significant and widespread financial distress, with primary consideration given to whether a municipality has a median household income at or below eighty percent of the state median household income.

4. The commissioner shall promulgate rules and regulations which shall

include criteria for determining eligible expenditures and procedures for governing the commitment and disbursement of funds appropriated in accordance with this title. The commissioner shall also promulgate rules and regulations which shall include application procedures, review processes, and project approval guidelines and criteria.