

**BY-LAW TO AMEND THE
PROPERTY ASSESSED CLEAN ENERGY
(PACE) BYLAW B-8**

The Town of Amherst PACE By-Law, B-8 approved by Council on October 22, 2018 is hereby amended as follows:

1. Replace *Director of Finance* with *Chief Financial Officer* throughout.
2. Replace *Energy Efficiency Upgrades* with *Clean Energy Upgrades* throughout.
3. Replace references to the *Assessment Act* to the *Municipal Government Act* throughout.
4. Change section 3 (c) to better define what a Clean Energy Upgrade includes.
 - 3 (c) i Add “the generation of renewable energy or...”
 - 3 (c) ii Delete “Meets or exceeds applicable energy efficiency standards established or approved by the Municipality and”

Add “involves building envelope upgrades such as caulking and weather stripping, duct/air sealing, insulating, or energy efficient windows and doors, building heating, ventilation and air conditioning system upgrades such as heat pumps, wood or pellet stoves, or furnaces or boilers; renewable energy upgrades such as solar thermal panels, solar photovoltaic panels, or wind turbines; or such other clean energy upgrades as are approved and agreed to in writing by the town, and,”
 - 3(c) iii Add “is identified as an eligible upgrade in the PACE program Clean Energy upgrade standards policy, and meets or exceeds applicable energy efficiency standards as defined in the policy
5. Change section 3(h) to allow owner-occupied multi-unit residences with 2 units.
6. Change section 5 to better define participant approval.

Delete “involves central duct or ductless heat pumps or solar panels meeting specifications or having ENERGY STAR certification, air sealing, insulation, ENERGY STAR windows and doors, or such other energy efficiency upgrades as are approved and agreed in writing by the Municipality”

3 (f) Add words “Nova Scotia”

Delete “Municipal approval and execution of a PACE Customer Agreement with the owner of the qualifying property.”

Add “the approval and agreement in writing of the CAO, or designate, on behalf of the Town, and the execution of a PACE Customer Agreement by the owner of the qualifying property. The conditions that must be met for approval include that a) the owner of the qualifying property is not in default of any municipal taxes, rates or charges; b) the Clean Energy upgrade achieves an overall savings to debt ratio of the property owner equal to or greater than the ratio specified in the PACE Customer Agreement, as estimated by a qualified energy assessment generated through the PACE program; and, c) any additional conditions specified in the PACE Customer Agreement are met.”

7. Add section 7 to define what is included in a *PACE charge*.

Added “The PACE charge may consist of

- a) the cost of Clean Energy Upgrade, including all labor costs, permitting fees, and applicable taxes;
- b) applicable PACE program service fees; and,
- c) interest accrued on the charge including any additional interest arising due to any default of payment

8. Add section 9

“The owner of a qualified property may elect to pay the PACE charge by equal installments over a period of not more than 10 years, on which interest shall be payable as set out in the PACE Customer Agreement, pursuant to the PACE Program Policy.”

9. Add Section 10 that establishes the 10-year financing term, and provides for additional default charges.

“In the event of a default of any payment, under the PACE Customer Agreement, the outstanding balance shall be immediately due and payable. Interest shall be accrued on the amount then due and payable at the same rate applied by the Municipality for unpaid taxes and charges in default.”

10. Add section 12 to establish the annual payment and reaffirms default payment terms.

“Where the owner of a qualifying property opts for installment payments

- a) the portion of the PACE charge payable annually shall be equal to the total PACE charge outstanding divided by the number of years remaining; and, the amount outstanding on the PACE charge shall become due and payable in the event of default payment.”

11. Section 16 add the words “and administrative charges have” and remove word “has”

12. Add section 17 that removes the interest rate from the Bylaw and references the PACE Program Policy for the rate. This change allows future interest rate changes without the need to amend the Bylaw.

13. Removes the redundant *INSTALLMENT PAYMENTS* section as these provisions are captured in new sections 9 and 10 of the *PAYMENT OF CHARGE* section.