

**THE TOWN OF AMHERST BY-LAW XX RESPECTING
CHARGES FOR
THE PROPERTY ASSESSED CLEAN ENERGY (PACE)
PROGRAM**

TITLE

1. This Bylaw shall be known as “*The Property Assessed Clean Energy Program*” Bylaw.

PURPOSE

2. The purpose of this Bylaw is to enable financing of energy efficiency upgrades to qualifying residential properties within the Municipality.

DEFINITIONS

3. In this Bylaw:
 - a) “Chief Administrative Officer” means the Chief Administrative Officer of the Municipality;
 - b) “~~Director of Finance~~Chief Financial Officer” means the ~~Director of Finance~~Chief Financial Officer of the Municipality;
 - c) “~~Energy Efficiency~~Clean Energy Upgrade” means an installation that is permanently affixed to the qualifying property and which
 - i. ~~Will~~ result in improved energy efficiency, the generation of renewable energy, and or substantially reduced energy use;
 - ii. ~~Meets or exceeds applicable energy efficiency standards established or approved by the Municipality; and 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,~~
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.
 - iii. ~~Involves central ducted or ductless heat pumps or solar panels meeting specifications or having ENERGY STAR[®] certification, air sealing, insulating, ENERGY STAR[®] windows and doors, or such other energy efficiency upgrades as are approved and agreed in writing by the Municipality.~~
 - d) “Municipality” means the Town of Amherst;
 - e) “PACE Customer Agreement” means the written, signed Property Assessed Clean Energy Efficiency Program Customer Agreement between the owner of a qualifying property and the Municipality for financing of an Energy Efficiency Upgrade to the property.
 - f) “PACE Charge” means the Property Assessed Clean Energy improvement tax levied on the property pursuant to s.81A of the Nova Scotia Municipal Government Act.
 - g) “PACE Program” means the program established by the Municipality under which owners of Qualifying Properties may apply for and obtain financing for Energy Efficiency~~Clean Energy~~ Upgrades.

- h) "Qualifying Property" means an owner-occupied residential property located within the Municipality, but does not include multi-unit residential with more than 2 dwelling units, ~~or~~ non-profit owned buildings and does not include business or industrial premises.

APPLICATION AND APPROVAL

4. An owner of a Qualifying Property within the Municipality who is not otherwise in default of ~~any of any~~ municipal taxes, rates or charges, may apply for Municipal financing of ~~Energy Efficient~~ Clean Energy Upgrades to the property.
5. Financing shall be subject to ~~Municipal approval and execution of a PACE Customer Agreement with the owner of the Qualifying Property~~ the approval and agreement in writing of the COA, 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:
- the owner of the Qualifying Property is not in default of any municipal taxes, rates or chargers;
 - 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,
 - any additional conditions specified in the PACE Customer Agreement are met.

PAYMENT OF CHARGE

6. The PACE charge shall become payable in full on completion of installation of the Clean Energy ~~Efficiency~~ Upgrade in accordance with the PACE Customer Agreement.
7. The PACE charge may consist of:
- the cost of the Clean Energy Upgrade, including all labour costs, permitting fees, and applicable taxes;
 - applicable PACE Program service fees; and,
 - interest accrued on the charge including any additional interest arising due to any default of payment.
- ~~78.~~ The Director of Finance ~~Chief Financial Officer~~ shall maintain a separate account of all monies due for PACE charges levied pursuant to this By-law, identifying:
- The names of the property owners and assessment, PID and civic address information of the subject property;
 - The amount of the PACE charge levied on the property;
 - The amount paid on the PACE charge.
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.

10. 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.

LIEN

~~811.~~ –On completion of ~~an~~ Clean Energy Efficiency Upgrade pursuant to a PACE Customer Agreement, the PACE Charge shall be levied against the property.

12. 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.

~~913.~~ A PACE Charge imposed pursuant to this Bylaw constitutes a first lien on the subject property and has the same effect as rates and taxes under the ~~Assessment Act~~ Municipal Government Act.

~~1014.~~ A PACE Charge pursuant to this Bylaw is collectable in the same manner as rates and taxes under the ~~Assessment Act~~ Municipal Government Act and, at the option of the ~~Director of Finance~~ Chief Financial Officer, is collectable at the same time and by the same proceedings as taxes.

~~1115.~~ The lien provided for in this Bylaw shall become effective on the date on which the Chief Administrative Officer files with the ~~Director of Finance~~ Chief Financial Officer a certificate that the agreed improvement has been completed.

~~1216.~~ The lien provided for in this Bylaw shall remain in effect until the total charge, plus interest ~~and administrative charges have,~~ has been paid in full.

INTEREST

~~1317.~~ ~~Interest will be charged on PACE Charges at a rate of Municipal cost of borrowing plus 1% per annum. Interest will be payable on any balance owing on the PACE Charge at a rate specified in the Town of Amherst PACE Program Policy.~~

~~1418.~~ Interest shall accrue on any PACE Charge or portion thereof which remain outstanding from the date of billing.

~~1519.~~ Interest is payable annually on the entire amount outstanding and unpaid, whether or not the owner has elected to pay by installments.

INSTALLMENT PAYMENTS

~~16. The owner of a Qualified Property may elect to pay the PACE Charge by equal installment payments over a period or not more than 10 years, as set out in the PACE Customer Agreement.~~

~~17. In the event of default of any installment payment under the PACE Customer Agreement, the entire outstanding balance shall be immediately due and payable.~~

EFFECTIVE DATE

This Bylaw shall come into effect on _____

THIS IS TO CERTIFY THAT the foregoing is a true and exact copy of a By-Law passed at a duly called meeting of the Town of Amherst held on the xxth day of ____ A.D., 20189.

GIVEN under the hands of the Mayor and CAO and under the Corporate Seal of the Town of Amherst aforesaid, this xx day of _____, A.D., 20189.

Mayor

Chief Administrative Officer