



### MUNICIPALITY OF EAST HANTS BYLAW IO-500 PROPERTY ASSESSED CLEAN ENERGY PROGRAM BYLAW

WHEREAS Section 81A of the Municipal Government Act, Bylaw regarding equipment charges states:

81A (1) The council may make bylaws imposing, fixing and providing methods of enforcing payment of charges for the financing and installation of any of the following on private property with the consent of the property owner:

- (a) energy-efficiency equipment;
- (b) renewable energy equipment;
- (c) equipment for the supply, use, storage or conservation of water; and
- (d) on-site sewage disposal equipment.

81A(2) A bylaw passed pursuant to this Section may provide;

- (a) that the charges fixed by, or determined pursuant to, the bylaw may be chargeable according to a plan or method set out in the bylaw;
- (b) that the charges may be different for different classes of development and may be different in different areas of the municipality;
- (c) when the charges are payable;
- (d) that the charges are first liens on the real property and may be collected in the same manner as other taxes;
- (e) that the charges be collectable in the same manner as taxes and, at the option of the treasurer, be collectable at the same time, and by the same proceedings, as taxes;
- (f) a means of determining when the lien becomes effective or when the charges become due and payable;
- (g) that the amount payable may, at the option of the owner of the property, be paid in the number of annual instalments set out in the bylaw and, upon default of payment of any instalment, the balance becomes due and payable; and
- (h) that interest is payable annually on the entire amount outstanding and unpaid,





whether or not the owner has elected to pay by instalments, at a rate and beginning on a date fixed by the bylaw.

**BE IT ENACTED** by the Council of the Municipality of East Hants, as follows:

### 1. SHORT TITLE

This bylaw shall be known and may be cited as the “Property Assessed Clean Energy Program Bylaw” or may be referred to as the “PACE Bylaw”.

### 2. DEFINITIONS

In this bylaw the following words and phrases shall have the following meanings:

- (a) “CAO” means the Chief Administrative Officer for the Municipality, or his or her designate;
- (b) “Clean Energy Upgrade” means an installation that is affixed to the Qualifying Property and which
  - 1. Will result in substantially improved energy efficiency, the generation of renewable energy, or reduced greenhouse gas emissions;
  - 2. 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, ETS (electric thermal storage), wood or pellet stoves, or furnaces or boilers; renewable energy upgrades such as solar thermal panels or solar photovoltaic panels; or such other clean energy upgrades as are approved and agreed in writing by the Municipality; and
  - 3. 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 that Policy.
- (c) “Director of Finance” means the Director of Finance for the Municipality
- (d) “Municipality” means the Municipality of the District of East Hants;





- (e) “PACE Customer Agreement” means the written, signed Property Assessed Clean Energy Program Customer Agreement between the owner of a Qualifying Property and the Municipality for financing of a Clean Energy Upgrade;
- (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 a program established by the Municipality under which owners of Qualifying Properties may obtain financing for Clean Energy Upgrades;
- (h) “Qualifying Property” means a residential property located within the Municipality subject to any building type restrictions contained in the specific PACE Program in respect of which the financing is sought.

### 3. Application and Approval

3.1. An owner of a Qualifying Property within the Municipality may apply for Municipal financing of Clean Energy Upgrade to the property.

3.2. Financing shall be subject to the approval and agreement in writing of the CAO, or designate, on behalf of the Municipality, 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 for the homeowner 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.

### 4. Payment of Charge

4.1. The PACE charge shall become payable on completion of installation of the Clean





Energy Upgrade in accordance with the PACE Customer Agreement

4.2. The PACE charge may consist of:

- (a) the cost of the Clean Energy Upgrade, including all labour 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.

4.3. 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 sections 16, 17 and 18, and in the PACE Customer Agreement.

4.4. In the event of 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.

4.5. The Director of Finance shall maintain a separate account of all monies due for PACE charges, identifying, for the subject property:

- (a) the names of the property owners, assessment, PID, and civic address;
- (b) the amount of the PACE charge levied; and
- (c) the amount paid on the PACE charge.

## 5. Lien

5.1. On completion of a Clean Energy Upgrade pursuant to a PACE Customer Agreement, the PACE Charge shall be levied against the property.

5.2. 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

(b) the amount outstanding on the PACE charge shall become due and payable in the event of default of payment.

5.3. A PACE Charge imposed pursuant to this bylaw constitutes a first lien on the property and has the same effect as rates and taxes under the Assessment Act.

5.4. A PACE Charge pursuant to this bylaw is collectable in the same manner as rates and taxes under the Municipal Government Act and is collectable at the same time and by the same proceedings as taxes.

5.5. The lien provided for in this bylaw shall become effective on the date on which the CAO files with the Director of Finance a certificate that the agreed improvement has been completed.

5.6. The lien provided for in this bylaw shall remain in effect until the total charge, including any accrued interest, has been paid in full.

## 6. Interest

6.1. Where the owner of a Qualifying Property opts for installment payments, interest will be payable on any balance owing on the PACE Charge at a rate specified in the Municipality's Fees Policy.

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

6.3. Interest is payable annually on the amount outstanding, whether or not the owner has elected to pay by installments.

## Certification

I, Kim Ramsay, Municipal Clerk of the Municipality of East Hants, hereby certify that the above noted





bylaw was passed at a meeting of the East Hants Municipal Council on May 25, 2022.

Kim Ramsay, CPA, CMA  
CAO/Municipal Clerk

Bylaw Adoption	
First Reading:	April 27, 2022
Website and Social Media Notifications:	April 30, 2022
Formal Notice of Publication:	April 30, 2022
Second Reading:	May 25, 2022
Website and Social Media Notifications:	May 27, 2022
Formal Final Publication and Enactment:	May 27, 2022
Enacted Bylaw posted to website:	May 27, 2022
Notice to the Province of Nova Scotia:	May 29, 2022

Version Number	Amendment Description	Council Approval Date
1	Establishment of new bylaw	May 25, 2022



