

**THE MUNICIPALITY OF
THE DISTRICT OF BARRINGTON**

**PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM BY-LAW
BY-LAW NO. 38**

1. Title and Purpose

- 1.1 This By-law shall be known as the Property Assessed Clean Energy Program By-law and may be referred to as the PACE By-law.

2. Definitions

In this by-law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular; and the word shall is mandatory and not permissive. All other words carry their customary meaning except for those as defined in this section.

- 2.1 **CAO** means the Chief Administrative Officer for the Municipality, or his or her designate.
- 2.2 **Manager of Finance** means the Manager of Finance for the Municipality, or his or her designate.
- 2.3 **Clean Energy Upgrade** means an installation that is affixed to the Qualifying Property and which:
- a. will result in substantially improved energy efficiency, the generation of renewable energy, or reduced greenhouse gas emissions; and,
 - b. results in 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 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 in writing by the Municipality; and,
 - c. 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.

- 2.4 ***Municipality*** means the District of Barrington.
- 2.5 ***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.
- 2.6 ***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.
- 2.7 ***PACE Program*** means a program established by the Municipality under which owners of qualifying properties may obtain financing for Clean Energy Upgrades.
- 2.8 ***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. Administration

Application and Approval

- 3.1 An owner of a Qualifying Property within the Municipality may apply to the Municipality for financing of a 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.

Payment of Charge

- 3.3 The PACE charge shall become payable on completion of installation of the Clean Energy Upgrade in accordance with the PACE Customer Agreement. The PACE Charge may consist of:
- a. The Cost of the Clean Energy Upgrade, including all materials, labour costs, permitting fees and applicable taxes;
 - b. Applicable PACE Program service fees
 - c. Administration charges on the PACE charge including any additional interest arising due to any default of payment
- 3.4 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 section 3.14 and 3.15 and in the PACE Customer Agreement.
- 3.5 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.
- 3.6 The Manager 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.

Lien

- 3.7 On completion of a Clean Energy Upgrade pursuant to a PACE Customer Agreement, the PACE Charge shall be levied against the property.
- 3.8 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;
 - b. The full amount outstanding on the PACE charge shall become due and payable in the event of default of payment.

- 3.9 A PACE Charge imposed pursuant to the by-law constitutes a first lien on the property and has the same effect as rates and taxes under the Assessment Act.
- 3.10 A PACE Charge pursuant to the by-law 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.
- 3.11 The lien provided for in this by-law shall become effective on the date on which the CAO files with the Manager of Finance a certificate that the agreed improvement has been completed.
- 3.12 The lien provided for in this by-law shall remain in effect until the total charge, including any accrued interest, and administrative charges have been paid in full.

Administrative Charge

- 3.13 Where the owner of a Qualifying property opts for installment payments, administrative charges will be payable on any balance owing on the PACE Charge at the rate set out in the PACE Lending Rate Policy.

Interest

- 3.14 Interest shall accrue on any PACE Charge or portion thereof, including administrative charges, which remain outstanding from the date of billing.
- 3.15 Interest is payable on all amounts deemed outstanding pursuant to the PACE Lending Rate Policy.

Approved by Council August 28, 2017