



## **TOWN OF KENTVILLE BY-LAW**

### **CHAPTER 97**

### **PROPERTY ASSESSED CLEAN ENERGY PROGRAM**

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#### **1.0 PURPOSE**

- 1.1 Section 65 (aca) of the Municipal Government Act provides municipalities with the power to make bylaws providing for financing and installing energy-efficiency equipment on private property with the consent of the owner.
- 1.2 This by-law may be cited as the Property Assessed Clean Energy Program By-Law, and may be referred to as the PACE By-law.

#### **2.0 DEFINITIONS**

In this by-law

- 2.1 "CAO" means the Chief Administrative Officer for the Town, or his or her designate for the purposes of implementing this Bylaw;
  - 2.2 "Director of Finance" means the Director of Finance for the Town, or his or her designate;
  - 2.3 "Clean Energy Upgrade" means equipment that is affixed to a Qualifying Property and which
    - 2.3.1 will result in substantially improved energy efficiency, the generation of renewable energy, or reduced greenhouse gas emissions;
    - 2.3.2 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, 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;
    - 2.3.3 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; and
    - 2.3.4 achieves an overall savings to debt ratio for the 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.
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- 2.4 “PACE Customer Agreement” means the Property Assessed Clean Energy Program Customer Agreement between the owner of a Qualifying Property and the Town for a Clean Energy Upgrade;
- 2.5 “PACE Charge” means the charge for reimbursement for costs incurred by the Town for the installation of a Clean Energy Upgrade as calculated pursuant to this by-law;
- 2.6 “PACE Program” means a program established by the Town under which an owner of a Qualifying Property may obtain a Clean Energy Upgrade;
- 2.7 “Qualifying Property” means an owner-occupied single-unit residential property located within the Town and with respect to which no property taxes, rates or charges are outstanding, subject to any building type restrictions contained in the PACE Program;
- 2.8 “Town” means the Town of Kentville; and
- 2.9 “Treasurer” means the treasurer for the Town.

### **3.0 SCOPE**

### **4.0 BY-LAW**

#### **Application and Approval**

- 4.1 An owner of a Qualifying Property may apply for a Clean Energy Upgrade to the Qualifying Property.
- 4.2 A Clean Energy Upgrade shall be subject to the execution of a PACE Customer Agreement by the CAO (on behalf of the Town) and owner of the Qualifying Property.

#### **Payment of Charge**

- 4.3 The PACE Charge shall be payable 30 days following completion of installation of the Clean Energy Upgrade in accordance with the PACE Customer Agreement.
- 4.4 The PACE Charge shall consist of:
  - 4.4.1 the cost of the Clean Energy Upgrade, including all labour costs, permitting fees, and applicable taxes;
  - 4.4.2 applicable PACE Program service fees; and
  - 4.4.3 where the Charge is paid by installments, an administrative charge of 4% of the outstanding balance of the Charge.
- 4.5 Interest shall accrue on the PACE Charge at the same rate applied by the Town for unpaid taxes.
- 4.6 The owner of a Qualified Property may pay the PACE Charge by equal installments amortized over a period of not more than 10 years.
- 4.7 In the event of the owner of a Qualified Property failing to make any payment required by the PACE Customer Agreement, the outstanding balance shall be immediately due and payable.
- 4.8 The Treasurer shall maintain a separate account of all monies due for PACE Charges, identifying:
  - 4.8.1 the names of the property owners, assessment numbers, Property Identification (PID) numbers, and civic address;

- 4.8.2 the amount of the PACE Charge; and
- 4.8.3 the amount paid on the PACE Charge.

**Lien**

- 4.9 On completion of a Clean Energy Upgrade pursuant to a PACE Customer Agreement, the PACE Charge is a first lien on the Qualifying Property. The Upgrade shall be deemed complete when the CAO certifies completion, in writing, to the Treasurer. The Charge is collectable in the same manner as taxes and, at the option of the Treasurer, collectable at the same time, and by the same proceedings, as taxes.
- 4.10 Where a PACE Customer Agreement permits the owner of a Qualifying Property to pay the PACE Charge by installments:
  - 4.10.1 an annual payment calculated by dividing the total PACE Charge by the amortization period shall be paid at the same time as the first tax instalment is paid each year; and
  - 4.10.2 the amount outstanding on the PACE Charge shall be due and payable in the event of default of any payment.

**Interest**

- 4.11 Interest at the rate charged by Council for overdue taxes shall accrue on any outstanding balance of the PACE Charge from the date the PACE Charge is payable.

**5.0 ASSOCIATED DOCUMENTS**

**6.0 CLERK’S ANNOTATION FOR OFFICIAL BY-LAW BOOK**

Date of first reading:	May 30, 2016
Date of advertisement of Notice of Intent to Consider:	June 1, 2016
Date of second reading:	June 27, 2016
*Date of advertisement of Passage of By-Law:	July 4, 2016
Date of mailing to Minister a certified copy of By-Law:	July 4, 2016
Reformatted:	December 2017

I certify that this PACE Bylaw – Chapter 97 was adopted by Council and published as indicated above.

December 5, 2017

\*Effective Date of the By-Law unless otherwise specified in the By-Law