

TOWN OF NEW GLASGOW

THE PROPERTY ASSESSED CLEAN ENERGY PROGRAM BY-LAW

TITLE

1. This By-Law shall be known and cited as "The Property Assessed Clean Energy Program By-Law."

PURPOSE

2. The purpose of this By-Law is to enable low cost, municipally sourced financing of energy efficiency upgrades and renewable energy installation to qualifying residential properties within the Town of New Glasgow.

DEFINITIONS

3. In this By-Law:
 - a. "CAO" means the Chief Administrative Officer of the Town;
 - b. "Director of Corporate Services" means the Director of Corporate Services of the Town, responsible for matters of finance and corporate services;
 - c. "Energy Efficiency Upgrade" means an affixed installation to the Qualifying Property and which:
 - i. will result in substantial improvements to energy efficiency, reduce energy use, and lower greenhouse gas emissions or generate renewable energy;
 - ii. involves:
 - a) upgrades to the building envelope including weather stripping, caulking, duct/air sealing, improvements to insulation, or energy efficient windows and doors;
 - b) Upgrades to heating, ventilation or air conditioning systems, including heat pumps, wood or pellet stoves, and furnaces or boilers;
 - c) Installation of renewable energy systems including solar photovoltaic panels, solar thermal panels, or other potential clean energy applications; or
 - d) Other upgrades as approved in writing by the Town.
 - d. "Owner" means the legal or beneficial owner of property as registered in accordance with the Land Registration Act, S.N.S. 2001;
 - e. "PACE Charge" means the amount pursuant to the Property Assessment Clean Energy By-Law as set out in the PACE customer agreement, pursuant to s.81A of the *Municipal Government Act*, S.N.S. 1998, c. 18;
 - f. "PACE Customer Agreement" means the written, signed Property Assessed Clean Energy Program Customer Agreement between the owner of a Qualifying Property and the Town for financing of an Energy Efficiency Upgrade;
 - g. "PACE Program" means the program established by the Town of New Glasgow under which owners of Qualifying Properties may apply for and obtain financing for Energy Efficiency Upgrades;

- h. "Qualifying Property" means a residential property located within the Town. This does not include multi-unit residential buildings, non-profit owned buildings, or business or industrial premises;
- i. "Town" means the Town of New Glasgow.

APPLICATION AND APPROVAL

- 4. An Owner of a Qualifying Property within the Town of New Glasgow, in good standing on any municipal taxes, rates or charges, is eligible to apply for the Clean Energy Financing for energy efficiency upgrades to the property. Applications will be considered on the criteria set out in the PACE Policy.
- 5. Financing shall be subject to approval under the PACE Policy and to the execution of a PACE Customer Agreement by the Owner of the Qualifying Property and the Town. The following conditions must be met for approval:
 - a. The Owner of the Qualifying Property is not in default of any municipal taxes, rates, or charges;
 - b. The Energy Efficiency Upgrades achieve 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 the initial qualified property energy assessment; and
 - c. The selection criteria as established in the PACE Policy.

PAYMENT OF CHARGE

- 6. The PACE Charge shall become payable in full upon completion of the installation of the Energy Efficiency Upgrade in accordance with the PACE Customer Agreement.
- 7. The Corporate Services Department shall maintain PACE Charge accounts for the subject property, including:
 - 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.
- 8. The PACE Charge will consist of:
 - a. The cost of the Energy Efficiency Upgrade, including labour, permitting fees, and applicable taxes;
 - b. Applicable PACE Program service fees; and
 - c. Administrative charges on the PACE Charge including interest and any interest or charges arising due to late payment or default of payment, if any.
- 9. The Owner of a Qualified Property shall pay the PACE Charge over a period of not more than 10 years, but in any event over a period not longer than as set out in the PACE Customer Agreement.
- 10. In the event of default of any installment payment or amount due under the PACE Customer Agreement, in the sole and unfettered discretion of the Town, the entire 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 Town for unpaid taxes and charges in default.

LIEN

11. On completion of an Energy Efficiency Upgrade pursuant to a PACE Customer Agreement, the PACE Charge shall be levied against the property.
12. A PACE Charge imposed pursuant to this By-Law constitutes a first lien on the subject property and has the same effect as rates and taxes under the Municipal Government Act.
13. A PACE Charge pursuant to this By-Law is collectable in the same manner as rates and taxes under the Municipal Government Act, and, at the option of the Director of Corporate Services, is collectable at the same time and by the same proceedings as taxes.
14. A PACE Charge is due and payable in full on the sale of the Qualifying Property by the Owner.
15. The lien provided for in this By-Law shall become effective on the date on which the CAO files with the Director of Corporate Services a certificate that the agreed improvement has been completed.
16. The lien provided for in this By-Law shall remain in effect until the total charge, plus interest, has been paid in full.

INTEREST

17. Interest will be charged on PACE Charges at a rate determined in the PACE Policy.
18. Interest shall accrue on any PACE Charge or portion thereof which remain outstanding from the date of billing.

EFFECTIVE DATE

This By-Law shall come into effect on the day of publication.

Date of first reading:	November 16, 2020
Date of advertisement of Notice of Intent to Consider:	November 26, 2020
Date of second reading:	December 14, 2020
Date of advertisement of Passage of By-Law:	December 24, 2020
Date of mailing to Minister a certified copy of By-Law:	December 16, 2020

I certify that the above PROPERTY ASSESSED CLEAN ENERGY PROGRAM BY-LAW was duly adopted by New Glasgow Town Council at duly called meetings and was published as indicated above.


 Chief Administrative Officer

TOWN OF NEW GLASGOW

AMENDMENT PROPERTY ASSESSED CLEAN ENERGY PROGRAM BY-LAW

The Property Assessed Clean Energy Program By-Law is hereby amended as follows:

1. In Section 2 after "residential" insert "and commercial"
2. In Section 3. h. after "residential" insert "or commercial"
3. In Section 3 h. remove "multi-unit residential buildings, non-profit owned buildings, or business or"

CAO ANNOTATION

Date of First Reading: Dec. 19/22

Date of advertisement of Notice of Intent to Consider: Jan. 12/23

Date of Second Reading: February 6, 2023

Date of advertisement of Passage of By-law: Feb. 9/23

Date of mailing to Minister a certified copy of By-law: Feb. 13/23

I certify that the above AMENDMENT TO THE PROPERTY ASSESSED CLEAN ENERGY PROGRAM BY-LAW was duly adopted by New Glasgow Town Council at duly called meetings and was published as indicated above.



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