

# MUNICIPALITY OF THE COUNTY OF KINGS

**For By-Law information contact the Municipal Clerk**

Tel: (902) 678-6141 Fax: (902) 678-9279 E-mail: [municipalclerk@countyofkings.ca](mailto:municipalclerk@countyofkings.ca)



## BY-LAW #112

### PROPERTY ASSESSED CLEAN ENERGY PROGRAM BY-LAW

The Council of the Municipality of the County of Kings pursuant to section 65 and 81A of the *Municipal Government Act*, S.N.S. 1998, c.18 enacts as follows:

#### SHORT TITLE

1. This By-law shall be known as By-law 112 and may be cited as the *Property Assessed Clean Energy Program By-law* or may be referred to as the *PACE By-law*.

#### INTERPRETATION

2. In this By-law,
  - (a) **Act** means the *Municipal Government Act*, S.N.S. 1998, c.18.
  - (b) **Director of Finance** means the Director of Finance of the Municipality;
  - (c) **Energy Efficiency Upgrade** means any installation that is permanently affixed to the property and which will result in any of the following:
    - (a) improved energy efficiency and reduced energy use;
    - (b) the generation of renewable energy, or reduced greenhouse gas emissions;
    - (c) is identified as an eligible upgrade in the PACE Program Policy, and meets or exceeds applicable energy efficiency standards as defined in that Policy.
  - (d) **Fees Policy** means the Fees Policy of the Municipality;
  - (e) **MGA** means the *Municipal Government Act*, S.N.S., 1998 c.18, as amended;
  - (f) **Municipality** means the Municipality of the County of Kings;
  - (g) **Owner** means an owner or owners of a Qualifying Property. All owners must consent to participation in the PACE Program.
  - (h) **PACE Customer Agreement** means the written, signed PACE Program Customer Agreement between the Owner and the Municipality for financing of an Energy Efficiency Upgrade;
  - (i) **PACE Program Charge** means the property assessed clean energy improvement charge levied on a property pursuant to s.81A of the MGA;

- (j) **PACE Program Policy** means the policy that lays out the detailed structure and operations of the PACE Program;
- (k) **PACE Program** means the program established by the Municipality under which an Owner may apply for and obtain financing for Energy Efficiency Upgrades;
- (l) **Program Administrator** means the department of the Municipality responsible for operating the PACE Program or a designated 3rd party administrator approved by the Director of Finance;
- (m) **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.

**APPLICATION AND APPROVAL**

- 3.1 The Owner may apply under the PACE Program for financing of the cost of an Energy Efficiency Upgrade to the Qualifying Property.
- 3.2 Approval of financing shall be subject to the following:
  - 3.2.1 The Owner not being in default of payment of any municipal taxes, rates or charges;
  - 3.2.2 Approval of the Qualifying Property and the Energy Efficiency Upgrade by the Program Administrator;
  - 3.2.3 The Energy Efficiency Upgrade 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, unless otherwise authorized by the Program Administrator;
  - 3.2.4 The execution of a PACE Customer Agreement between the Owner and the Municipality; and
  - 3.2.5 All conditions set out in the PACE Program Policy and PACE Customer Agreement being met.
- 3.3 Financing shall be made available upon receipt by the Director of Finance of notice by the Program Administrator that the agreed Energy Efficiency Upgrade has been completed in accordance with the PACE Customer Agreement and the requirements of the PACE Program Policy.
- 3.4 Energy Efficiency Upgrade financing and payment installment terms, and any other limitations or requirements, shall be in accordance with the PACE Program Policy.

**PAYMENT OF CHARGE**

- 4.1 The PACE Program Charge may consist of the following:

- 4.1.1 The cost of the Energy Efficiency Upgrade, including all labour costs for installation, permitting fees and applicable taxes, less any federal, provincial or other funding;
  - 4.1.2 Applicable PACE Program service fees; and
  - 4.1.3 Interest accrued on the charge including any additional interest arising due to any default of payment.
- 4.2 The PACE Program Charge shall become payable on completion of the installation of the Energy Efficiency Upgrade in accordance with the PACE Customer Agreement.
- 4.3 The Director of Finance shall ensure a separate account is kept of all monies due for PACE Program Charges, identifying:
- 4.3.1 The Owner names, assessment, PID and civic address information of the subject property;
  - 4.3.2 The amount of the PACE Program Charge levied on the property;
  - 4.3.3 The annual interest rate and amount of interest charges included in the PACE Program Charge;
  - 4.3.4 The amount paid on the PACE Program Charge; and
  - 4.3.5 The balance due on the PACE Program Charge.
- 4.4 In the event of default of any payment under the PACE Customer Agreement, the outstanding balance of the PACE Program Charge shall be immediately due and payable. Interest shall accrue on the amount then due and payable at the same rate as applied by the Municipality for unpaid taxes.

**LIEN**

- 5.1 A PACE Program Charge shall be a first lien on property on which an Energy Efficiency Upgrade is installed and has the same effect as rates and taxes under the Assessment Act.
- 5.2 A PACE Program Charge may be collected in the same manner as rates and taxes under the MGA and, at the option of the Director of Finance, is collectable at the same time and by the same proceedings as taxes.
- 5.3 The lien provided for in this By-law shall become effective on the date on which any funds have been advanced by the Municipality to the Owner for the project.
- 5.4 The lien provided for in this By-law shall remain in effect until the total PACE Program Charge, including interest, has been paid in full.

**INTEREST**

- 6.1 Interest will be charged on PACE Program Charges at a rate calculated in accordance with the Fees Policy and as agreed to in the executed PACE Customer Agreement.
- 6.2 Interest shall accrue on any PACE Program Charge or portion thereof which remains outstanding from the date of billing.
- 6.3 Interest is payable annually on the entire amount outstanding and unpaid.

<b>By-law Adoption</b>					
First Reading	Notice of Second Reading	Second Reading	Notice of Passing	Certified Copy to Minister	Approval/Acknowledgement by Minister
July 16, 2024	July 30, 2024	September 3, 2024	September 17, 2024	September 17, 2024	

<b>By-law Amendments</b>					
First Reading	Notice of Second Reading	Second Reading	Notice of Passing	Certified Copy to Minister	Approval/Acknowledgement by Minister