

Municipality of Cumberland By-Law 18-03

The Property Assessed Clean Energy By-Law

TITLE

1. This Bylaw shall be known as “The Property Assessed Clean Energy Program” Bylaw.

PURPOSE

2. The purpose of this Bylaw is to enable financing of energy efficiency upgrades to qualifying residential properties within the Municipality.

DEFINITIONS

3. In this Bylaw:
 - (a) “Chief Administrative Officer” means the Chief Administrative Officer of the Municipality;
 - (b) “Director of Finance” means the Director of Finance of the Municipality;
 - (c) “Energy Efficiency Upgrade” means an installation that is permanently affixed to the property and which:
 - i. Will result in improved energy efficiency and substantially reduced energy use;
 - ii. Meets or exceeds applicable energy efficiency standards established or approved by the Municipality; and
 - iii. Involves central ducted or ductless heat pumps or solar panels meeting specifications or having ENERGY STAR[®] certification, air sealing, insulating, ENERGY STAR[®] windows and doors, or such other energy efficiency upgrades as are approved and agreed in writing by the Municipality.
 - (d) “Municipality” means the Municipality of the County of Cumberland;
 - (e) “PACE Customer Agreement” means the written, signed Property Assessed Clean Energy Efficiency Program Customer Agreement between the owner of a qualifying property and the Municipality for financing of an Energy Efficiency Upgrade to the property.
 - (f) “PACE Charge” means the Property Assessed Clean Energy improvement tax levied on the property pursuant to s.81A of the Municipal Government Act.

(g) "PACE Program" means the program established by the Municipality under which owners of Qualifying Properties may apply for and obtain financing for Energy Efficiency Upgrades.

(h) "Qualifying Property" means an owner-occupied residential property located within the Municipality but does not include multi-unit residential or non-profit owned buildings and does not include business or industrial premises.

APPLICATION AND APPROVAL

4. An owner of a Qualifying Property within the Municipality who is not otherwise in default of any municipal taxes, rates or charges, may apply for Municipal financing of Energy Efficient Upgrades to the property.
5. Financing shall be subject to Municipal approval and execution of a PACE Customer Agreement with the owner of the Qualifying Property.

PAYMENT OF CHARGE

6. The PACE charge shall become payable in full on completion of installation of the Energy Efficiency Upgrade in accordance with the PACE Customer Agreement.
7. The Director of Finance shall maintain a separate account of all monies due for PACE charges levied pursuant to this By-law, identifying:
 - a) the names of the property owners and assessment, PID and civic address information of the subject property;
 - b) the amount of the PACE charge levied on the property;
 - c) the amount paid on the PACE charge.

LIEN

8. On completion of an Energy Efficiency Upgrade pursuant to a PACE Customer Agreement, the PACE Charge shall be levied against the property.
9. A PACE Charge imposed pursuant to this Bylaw constitutes a first lien on the subject property and has the same effect as rates and taxes under the Assessment Act.
10. A PACE Charge pursuant to this Bylaw is collectable in the same manner as rates and taxes under the Assessment Act and, at the option of the Director of Finance, is collectable at the same time and by the same proceedings as taxes.

11. The lien provided for in this Bylaw shall become effective on the date on which the Chief Administrative Officer files with the Director of Finance a certificate that the agreed improvement has been completed.
12. The lien provided for in this Bylaw shall remain in effect until the total charge, plus interest, has been paid in full.

INTEREST


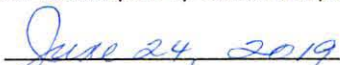
13. Interest will be charged on PACE Charges at a rate of Municipal cost of borrowing plus 1% per annum.
14. Interest shall accrue on any PACE Charge or portion thereof which remain outstanding from the date of billing.
15. Interest is payable annually on the entire amount outstanding and unpaid, whether or not the owner has elected to pay by installments.

INSTALLMENT PAYMENTS

16. The owner of a Qualified Property may elect to pay the PACE Charge by equal installment payments over a period or not more than 10 years, as set out in the PACE Customer Agreement.
17. In the event of default of any installment payment under the PACE Customer Agreement, the entire outstanding balance shall be immediately due and payable.

EFFECTIVE DATE

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

| <u>Clerk's Annotation For Official By-Law Book</u> | |
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| Date of first reading: | <u>June 20, 2018</u> |
| Date of advertisement of Notice of Intent to Consider: | <u>July 4, 2018</u> |
| Date of second reading: | <u>July 25, 2018</u> |
| *Date of advertisement of Passage of By-Law: | <u>September 12, 2018</u> |
| Date of mailing to Minister a certified copy of By-Law: | <u>June 24, 2019</u> |
| I certify that this Property Assessed Clean Energy Program By-Law was adopted by Council and published as indicated above. | |
|  Municipal Clerk |  Date |
| *Effective Date of the By-Law unless otherwise specified in the text of the By-Law | |