



1. TITLE

This By-law shall be known, and may be cited, as the Property Assessed Clean Energy (PACE) By-law.

2. BACKGROUND AND SCOPE

- 2.1. The purpose of this By-law is to enable West Hants Regional Municipality to establish financing of energy and water efficiency, renewable energy, greenhouse gas emission reduction, and climate change adaptation for Qualifying Properties.
- 2.2. This By-law is enacted pursuant to the Nova Scotia *Municipal Government Act* (NS MGA) Section 81A (1), which states: *The council may make by-laws imposing, fixing, and providing methods of enforcing payment of charges for the financing and installation of any of the following on private property with the consent of the property owner:*
 - (a) *energy-efficiency equipment;*
 - (b) *renewable energy equipment;*
 - (c) *equipment for the supply, use, storage, or conservation of water.*
- 2.3. This By-law does not exempt any person from complying with the requirements of other by-laws, regulations, licenses, permits, authorities, or approvals in force and otherwise required by West Hants Regional Municipality, the Province of Nova Scotia, or the Government of Canada.
- 2.4. This By-law shall apply only to upgrades installed using the West Hants Regional Municipality PACE Program.

3. DEFINITIONS

- 3.1. “Act” means the *Nova Scotia Municipal Government Act*.
- 3.2. “Building” means any structure placed on, over, or under the land and every part of the same and any external chimney, staircase, porch, or other structure used in connection with such building.
- 3.3. “Certificate of Completion” means a form issued by the Program Administrator on behalf of the Municipality, completed and signed by the Contractor, and countersigned by the property owner, stating that the Upgrade(s) and associated equipment have been installed on the property.
- 3.4. “Charge” means the charge for financing the Upgrade(s), which includes any interest levied.
- 3.5. “Chief Administrative Officer” or “CAO” means the administrative leader of West Hants Regional Municipality, appointed by Council
- 3.6. “Contractor” means the individual or corporation engaged by the property owner, and approved by West Hants Regional Municipality, to carry out the Upgrade(s),



including but not limited to suitability assessments and evaluations, equipment installation, and specialized work.

- 3.7. "Council" means the Mayor and other members of the Council of West Hants Regional Municipality.
- 3.8. "Installation" or "Upgrade" means any equipment that is permanently installed on a property which will result in:
- (a) improved energy and/or water efficiency;
 - (b) increased renewable energy production;
 - (c) reduced greenhouse gas emissions; and/or
 - (d) enhanced resiliency to the negative effects of climate change.
- 3.9. "Municipality" means West Hants Regional Municipality.
- 3.10. "Owner" means a registered owner of property in accordance with records on file with the Province of Nova Scotia's Land Registry Office.
- 3.11. "Property Assessed Clean Energy Program" or "PACE Program" means the program established in this By-law under which Owners of Qualifying Properties may apply for and obtain financing for energy and water efficiency, renewable energy, greenhouse gas emission reduction, and climate change adaptation upgrades.
- 3.12. "PACE Program Policy" means the policy established by the Municipality to further delineate the detailed structure and operation of the PACE Program.
- 3.13. "Participation Agreement" means the written and signed PACE Program Participation Agreement between the Owner of a Qualifying Property and the Municipality for financing Upgrades.
- 3.14. "Program Administrator" means the person or third party designated by the Municipality to operate the PACE Program.
- 3.15. "Qualifying Property" means a property located with the Municipality that meets the requirements of this By-law, the PACE Program Policy, and the Participation Agreement.

4. APPLICATION AND APPROVAL

- 4.1. An Owner of a Qualifying Property may apply for Municipal financing of the cost of an Installation on the property, to the maximum limit provided in the PACE Program Policy.
- 4.2. Financing shall be subject to obtaining written approval of the CAO or their designate on behalf of the Municipality.
- 4.2.1. The following conditions must be met for the CAO or designate to grant approval of an application:
- (a) The Owner is not in arrears of any Municipal taxes, rates, or charges;



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- (b) The Owner must execute the PACE Participation Agreement with the Municipality; and
 - (c) Any additional conditions specified in the PACE Program Policy must be met.

5. PAYMENT OF CHARGE

- 5.1. The charge shall become payable upon submission of the Certificate of Completion by the Contractor to the Program Administrator, who will in turn submit it to the CAO or their designate.
- 5.2. The charge may consist of the following:
 - (a) The cost of the Installation, including all labour and equipment costs;
 - (b) Permitting fees and applicable taxes;
 - (c) Applicable PACE Program fees;
 - (d) Interest accrued on the Charge including any additional interest arising due to any default of payment; and
 - (e) Less any applicable federal, provincial, or other funding received for the installation.
- 5.3. The Owner of a Qualified Property may elect to pay the Charge by equal installments over the period specified in the Participation Agreement.
- 5.4. The Charge period shall not exceed 20 years.
- 5.5. Interest will be levied on Charges as specified in the PACE Program Policy and the Participation Agreement and is payable annually on the entire amount outstanding and unpaid, regardless of if the Owner has elected to pay by installments.
- 5.6. In the event of default of any payment under the PACE Participation Agreement, the outstanding balance shall be immediately due and payable. Interest shall accrue on the amount then due and payable at the same rate applied by the Municipality for unpaid taxes.
- 5.7. The Director of Finance shall maintain a separate account of all monies due for PACE Program Charges, identifying the following for the subject property:
 - (a) The name(s) of the Owner(s), the property assessment value, the Property Identification Number (PID), and the civic address;
 - (b) The amount of the Charge levied on the Qualifying Property;
 - (c) The annual interest rate and amount of interest charges included within the Charge;
 - (d) The amount paid on the Charge; and
 - (e) The balance due on the Charge.



6. LIEN

- 6.1. The Charge, and lien, shall become effective when the Certificate of Completion has been issued by the Program Administrator.
- 6.2. A PACE Program Charge constitutes a first lien on the Qualifying Property and may be collected in the same manner as taxes under the Nova Scotia *Municipal Government Act*.
- 6.3. The lien, or notice thereof, shall be registered on the title of the Qualifying Property, at the Owner's expense.
- 6.4. The lien shall remain in effect until the total Charge, including any interest, has been paid in full.

7. MUNICIPAL LIABILITY

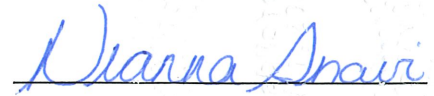
- 7.1. The Municipality is not responsible for the quality of the Installation carried out by the Contractor or the equipment involved and is not responsible for guaranteeing any energy or water savings, renewable energy production or greenhouse gas emission reduction. As a result, the Municipality shall not be liable for any loss, liability, injury, or damage, direct or consequential, caused by the supply of equipment, its installation or use by the Owner.



WEST HANTS REGIONAL MUNICIPALITY
PROPERTY ASSESSED CLEAN ENERGY (PACE) BY-LAW

RP-001

I, Deanna Snair, Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the 25th day of October 2022.



Deanna Snair, Municipal Clerk

By-law Adoption	
First Reading	September 27, 2022
Notice Published	October 4, 2022
Second Reading & Approval	October 25, 2022
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Description: Initial approval of the Regional Property Assessed Clean Energy (PACE) By-Law RP-001	