

WEST HANTS REGIONAL MUNICIPALITY
Council Meeting Agenda **AMENDED**
October 25, 2022 - 5:00 p.m.
Virtual via Zoom (also FB Livestream)



1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous and Unsightly Premises
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2022-09-27 Council Meeting Minutes
 - b) 2022-09-27 Public Hearing Meeting Minutes, Community Way, PID 45055167, 45364775, 45421146, Development Agreement
7. Presentations
 - a) Windsor Water Utility Supply - CBCL
 - b) Windsor Stormwater Study Update - CBCL
8. Public Hearings
 - i. 65 Fort Edward Street, Windsor - Municipal Land, WMPS and WLUB Amendments., PID 45059797
 - ii. Property Assessed Clean Energy (PACE) By-law - Coordinator Ogilvie
 - ~~iii. Hantsport Land Use By-law Amendment: Small Options Housing – Director LeMay~~
 - ~~iv. West Hants Land Use By-law Amendment: Small Options Housing – Director LeMay~~
 - ~~v. Windsor Land Use By-law Amendment: Small Options Housing – Director LeMay~~
9. Second Readings
 - i. 65 Fort Edward Street, Windsor - Municipal Land, WMPS and WLUB Amendments, PID 45059797
 - ii. Property Assessed Clean Energy (PACE) By-law – Coordinator Ogilvie
 - ~~iii. Hantsport Land Use By-law Amendment: Small Options Housing – Director LeMay~~
 - ~~iv. West Hants Land Use By-law Amendment: Small Options Housing – Director LeMay~~
 - ~~v. Windsor Land Use By-law Amendment: Small Options Housing – Director LeMay~~

15. **New Business**
 - f) **Diverse and Inclusive Communities Committee Policy Amendment- Coordinator Craik**
 - g) **Diverse and Inclusive Communities Committee Resident Member Appointments – Coordinator Craik**

10. Unfinished Business/Postponed Motions (resulting from the 2022-10-11 Committee of the Whole Meeting)
 - a) 2022-09-14 In-Camera Meeting Minutes
 - b) In-Camera Matter, MGA 22(2)(a) Legal Matter
 - c) In-Camera Matter, MGA 22(2)(a) Personnel Matter
 - d) In-Camera Matter, MGA 22(2)(a) Legal Matter

11. Mayor’s Report

12. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (October 11, 2022)
 - i. Brooklyn Fire Dept – Battery Powered Extrication Tools Over-budget
 - ii. Brooklyn Fire Dept – Generator Over Budget
 - iii. Grants & Contributions Policy
 - iv. MCCAP Resident Committee Appointments
 - v. Outdoor Fires By-law RO-001
 - vi. PAC/HAC Resident Committee Appointments
 - vii. Police Advisory Board (PAB) Resident Committee Appointments
 - viii. Windsor Flood Risk Assessment – Formal Update Request

 - b) Planning and Heritage Recommendations (October 13, 2022)
 - i. 4245 Hwy 14: WHLUB Amendment, PID 45038361 - Planner Dunphy
 - ii. 697 Greenhill Road, Greenhill: WHLUB Amendment, 45026010 - Planner Dunphy
 - iii. Hantsport MPS and LUB Detached Secondary Suites - Planner Poirier
 - iv. West Hants MPS and LUB Detached Secondary Suites - Planner Poirier
 - v. Windsor MPS and LUB Detached Secondary Suites - Planner Poirier
 - vi. Wentworth Road PID 45190386 and Cole Drive PID 45366457, WHLUB Amendments - Planner Poirier
 - vii. 4701 Hwy 1, Three Mile Plains, Development Agreement - Planner Poirier
 - viii. WHLUB Housekeeping Amendments - Director LeMay

13. Councillor Municipal Business/Activity Reports
 - ~~a) Councillor Ivey, District 11 Activity Report~~

14. Correspondence
 - a) Information
 1. Avon Causeway Activity Log as of October 20, 2022- No new correspondence

2. Correspondence Received Activity Log as of October 20, 2022
 - i. 2022-10-17 Opportunity for Aspiring Entrepreneurs in West Hants – Mashup Lab Program Communication Coordinator Chrystal Remme
 - ii. 2022-10-19 Response from Minister Masland re Potential Mi'kmaq Burial site

3. Fort Edward Activity Log as of October 20, 2022
 - i. 2022-10-18 Sandra Barrs, President, Heritage Trust of Nova Scotia re Proposal to rezone 65 Fort Edward Street

4. Storm Wastewater Activity Log as of October 20, 2022 - No new correspondence

- b) Requests – None

- c) Outgoing Correspondence Log as of October 20, 2022
 - i. 2022-10-19 Correspondence to Minister Murray re Pumpkin Regatta sent October 20, 2022

15. New Business
 - a) Deputy Mayor Nomination and Appointment (November 1, 2022-October 31, 2024)
 - b) Council Advisory Committee Nominations and Appointments (November 1, 2022-October 31, 2024)
 - c) Committee of the Whole Meetings - Mayor Zebian
 - d) Debt Servicing Recommendation Report - Mayor Zebian
 - e) Accessibility Advisory Resident Committee Member Appointments – Clerk Snair
 - ~~f) Diverse and Inclusive Communities Committee Policy Amendment – Coordinator Craik~~
 - ~~g) Diverse and Inclusive Communities Committee Resident Member Appointments – Coordinator Craik~~
 - h) Watershed Advisory Resident Committee Member Appointments - Clerk Snair
 - i) Windsor Coach House Roof Repairs – Director Kehoe

16. In-Camera
 - a) 2022-09-27 In-Camera Council Meeting Minutes
 - b) MGA 22(2)(a) Land Matter
 - c) MGA 22(2)(a) Land Matter

17. Next Meeting Date / Adjournment

WEST HANTS REGIONAL MUNICIPALITY
Public Hearing Minutes – 2022-10-25 PH Meeting,
Property Assessed Clean Energy By-Law (PACE)

Tuesday, October 25, 2022 – 6:14 pm

In-person Sanford Council Chambers and virtually via ZOOM

(also Facebook Livestreamed)



West Hants
something inspiring awaits

1. Call to Order

The Public Hearing was called to order at 6:14 pm.

2. Council:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Mark McLean, Councillor, District 3

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, Dist. 5

Paul Morton, Deputy Mayor, District 8

Bob Morton, Councillor District 6

Ed Sherman, Councillor, District 7

John A. Smith, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Staff and Guests:

Mark Phillips, CAO

Deanna Snair Municipal Clerk

Diana Gibson, Acting Dir. Financial Services

Madelyn LeMay, Dir. Planning & Development

Andrew Gates, CBCL via ZOOM

Aaron Baille, CBCL via ZOOM

Todd Richard, Dir. Public Works

Sara Poirier, Senior Planner

Alex Dunphy, Planner

John Ogilvie, MCCAP Coordinator

Bekah Craik, Active Living Coordinator

Fifteen (15) residents in the Gallery

Regrets:

Shelleena Thornton, Mun. Ops Supervisor

Kathy Kehoe, Director Community Development

3. Public Hearings – All public hearings and presentations are available on the Municipal website.

Property Assessed Clean Energy By-Law (PACE)

Coordinator Ogilvie reviewed the report highlighting the recommended PACE By-Law and provided background information for the public and Council.

This By-law allows Council to create a PACE Program, it does not compel Council to initiate a PACE Program immediately.

A PACE program enables WHRM to provide loans to local homeowners for environmentally sustainable upgrades. These loans are connected to property values, making it more accessible to low-income owners who may not pass standard credit checks. PACE loans are first liens on properties, if an owner falls into arrears they follow the same process as unpaid taxes.

A PACE Program is used to help reduce greenhouse gas emissions (goal of 45% reduction in annual emissions by 2030).

Helps homeowners in WHRM achieve cost savings in energy consumption and stimulates the economy by creating work for local contractors in the transition to a greener economy.

The By-law is applicable to all property owners within West Hants who choose to engage in the PACE Program. Applicants sign a participation agreement to become [part of the program. If the property is sold, the new owner can take over the loan.

Program funding, applicable upgrades, loans details are being explored by staff and will be presented to the MCCAP Committee and Council for approval. These details will be found within the PACE Program policy once established.

The process was reviewed, noting that if approved at this meeting notice of approval would be placed in the local paper.

Clerk Snair read two email correspondences received from Mr. Greg Miller on October 6, 2022 and October 22, 2022.

On October 6, 2022 Mr. Miller inquired:

- Where are the funds coming from?
- What interest rate would the PACE participant pay?
- Why was the Municipality getting into the lending business?

On October 22, 2022 Mr. Miller followed up with the following questions:

- How will Council know if West Hants has reduced its emissions by 45%?
- Recognizing that Mr. Miller was in support of switching to greener alternatives, the preference was that lower income homeowners be the primary focus recognizing that money is not the only thing that holds people back, it can be a lack of knowledge, fear or the unknown, worries that the payout payback won't be enough to cover the loan.

Responses provided to Mr. Miller were similar to the information provided to Council.

Discussion Points:

- Funding opportunities, interest rates and other details for the PACE Program are still being explored.
- The targeted goal is 45% annual reduction in Greenhouse gas emissions by 2030. Progress on emissions reduction is tracked through individual projects undertaken by the program and then compared to the baseline inventory that was completed in 2018 and 2019 emissions throughout the region.
- PACE Atlantic also offers an energy concierge service for an addition administrative fee that would be applied to the PACE loan. The services assists applicants through the retrofit process and assists with obtaining qualified/approved contractors who assist with the logistics of what upgrades would be most beneficial to both the homeowner (for cost savings) as well as help reduce emissions.

4. Adjournment

Mayor Zebian declared the Public Hearing closed at 7:08 p.m.

Abraham Zebian, Mayor

Deanna Snair, Executive Assistant/Clerk



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councilor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
John Ogilvie, Climate Action Coordinator

Date: October 25, 2022

Subject: Property Assessed Clean Energy (PACE) By-law Second Reading

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 81A

RECOMMENDATION

That after receiving feedback during the Public Hearing, Council approves the following motion, if deemed appropriate:

... Council gives Second Reading and adopts the Property Assessed Clean Energy (PACE) By-law in a manner substantively the same as the draft in Attachment A of the report “Property Assessed Clean Energy (PACE) By-law” to Council, dated September 27, 2022.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input checked="" type="checkbox"/>	Social <input type="checkbox"/>	Economic <input checked="" type="checkbox"/>	Councilor Activity <input type="checkbox"/>
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On September 14, 2022, I presented the Municipal Climate Change Action Plan (MCCAP) Committee with a draft PACE by-law for the Committee’s consideration. The report “Property Assessed Clean Energy (PACE) Program Update, Details, and By-law” to the MCCAP Committee is Attachment B to this report. The MCCAP Committee recommended that Council give First Reading and hold a Public Hearing on the draft PACE By-law.

Following a meeting of staff on September 16, 2022, to discuss the PACE program and the draft PACE By-law, staff determined some minor changes to the draft By-law may be required. These changes were approved by Council with First Reading of the draft By-law on September 27, 2022. The changes are detailed in the report to Council titled “Property Assessed Clean Energy (PACE) By-law” as Attachment A to this report.

DISCUSSION

The draft PACE By-law is attached to the report in Attachment A for review and approval by Council. Following public input and feedback through a Public Hearing, Council may then hold Second Reading. If the PACE By-law is approved as drafted after Second Reading, a notice in the paper would signify its approval. Once the PACE By-law is effective, staff will determine funding opportunities for discussion with Council and develop a PACE Program Policy for approval by Council. The PACE Program Policy will further outline the eligibility requirements for applicants, the format of Participation Agreements, and the eligible upgrades for homeowners.

NEXT STEPS

1. Approval of a Municipal PACE By-law per the MGA Section 81(A)
2. Determine funding opportunities
3. WHRM PACE Policy Development
4. Spring 2023 – Tentative WHRM PACE Program launch

FINANCIAL IMPLICATIONS

There are no financial implications anticipated with the filing of this report and the adoption of a PACE Program By-law. Funding is being investigated from various external and internal sources for Council’s consideration.

ALTERNATIVES

Council may:

- a. authorize a Public Hearing and hold Second Reading to approve the By-law as drafted, or as specifically revised by Council.
- b. provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

- Attachment A Council Report – September 27, 2022 “Property Assessed Clean Energy (PACE) By-law”
- Attachment B MCCAP Committee Report – September 14, 2022 “Property Assessed Clean Energy (PACE) Program Update, Details, and By-law”

CHIEF ADMINISTRATIVE OFFICER REVIEW

The by-law as noted will provide Council with the ability to create the program. Details of the program continue to be reviewed by MCCAP.

I support the recommendation.

Report Prepared by: _____
John Ogilvie, Climate Action Coordinator

Report Reviewed by: _____
Sara Poirier, Senior Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councilor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
John Ogilvie, Climate Action Coordinator

Date: September 27, 2022

Subject: Property Assessed Clean Energy (PACE) By-law

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 81A

RECOMMENDATION

...that Council give First Reading and hold a Public Hearing to consider adopting a Property Assessed Clean Energy (PACE) By-law in a manner substantively the same as the draft in Attachment A of the report “Property Assessed Clean Energy (PACE) By-law” to Council, dated September 27, 2022.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input checked="" type="checkbox"/>	Social <input type="checkbox"/>	Economic <input checked="" type="checkbox"/>	Councilor Activity <input type="checkbox"/>
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On February 22, 2022, Council approved the allocation of \$10,000 in the 2022/23 operating budget to support the joint costs to apply to the Federation of Canadian Municipalities (FCM) Community Efficiency Financing (CEF) Program, for funding to develop and carry out a Property Assessed Clean Energy (PACE) Program.

On July 26, 2022, Council approved a recommendation to submit a joint application with the Town of Kentville to the FCM’s CEF Program to assist with funding a PACE program. PACE Atlantic has prepared and submitted the application on behalf of West Hants Regional

Municipality (WHRM) and the Town of Kentville for a detailed program study. PACE Atlantic anticipates a response to the application in October.

On September 13, 2022, I presented Committee of the Whole (COTW) with an information report informing the Committee of initiation of the process to draft and create a PACE by-law for WHRM and made COTW aware a draft by-law would be presented by staff to the Municipal Climate Change Action Plan (MCCAP) Committee the following day.

On September 14, 2022, I presented the MCCAP Committee with a draft PACE by-law for the Committee's consideration (Attachment B). The MCCAP Committee voted to recommend that Council give First Reading and hold a Public Hearing on the draft PACE By-law.

DISCUSSION

Following a meeting of staff on September 16, 2022, to discuss the PACE program and the draft PACE By-law, staff determined some minor changes to the draft By-law may be required. These changes are included in the draft By-law in Attachment A of this report. The word "first" was added to Section 6.2. of the draft By-law to read as follows:

"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*."

Additionally, staff determined the individual funding allotments for applicants may be better suited to be outlined in the future PACE Program Policy, rather than in the PACE By-law. This would give Council more flexibility in determining funding allotments based on MCCAP Committee priorities and available funding for the program. The original Section 4.1. of the draft By-law is below, followed by the revised Section 4.1.:

Original: "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 of \$30,000 or 25% of the applicant's home value, whichever is less."

Revised to: "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."

The updated draft PACE By-law is attached to this report as Attachment A for review and approval by Council. Following the ratification of the PACE By-law, staff will develop a PACE Program Policy for approval by Council, which will further outline the eligibility requirements for applicants, the format of Participation Agreements, and the eligible upgrades for homeowners.

NEXT STEPS

1. Approval of a Municipal PACE By-law per the MGA Section 81(A)
2. WHRM PACE Policy Development
3. Spring 2023 – Tentative WHRM PACE Program launch

FINANCIAL IMPLICATIONS

There are no financial implications anticipated with the filing of this report and the adoption of a PACE Program By-law. Funding is being sought from the FCM’s CEF program, to enable WHRM to launch a PACE program.

ALTERNATIVES

Council may:

- a. hold First Reading and authorize a Public Hearing to approve the By-law as drafted, or as specifically revised by Council.
- b. provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

- Attachment A Draft Property Assessed Clean Energy (PACE) By-law
- Attachment B MCCAP Committee Report – September 14, 2022 “Property Assessed Clean Energy (PACE) Program Update, Details, and By-law”

CHIEF ADMINISTRATIVE OFFICER REVIEW

(For use if report is from a Councillor. CAO to provide additional comments on background, department/staff responsible and workload, budget, options, preferred strategy. State “Not Applicable” if report is from staff which already incorporates CAO review.)

Report Prepared by: _____
John Ogilvie, Climate Action Coordinator

Report Reviewed by: _____
Sara Poirier, Senior Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Report Approved by: _____
Mark Phillips, Chief Administrative Officer



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 counter-signed 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



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- 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, (Municipal Clerk Name), 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 ____ day of ____ (month), ____ (year).

(Signature of Municipal Clerk)
(Typed name of Municipal Clerk)

By-law Adoption	
First Reading	<i>date</i>
Notice Published	<i>date</i>
Second Reading & Approval	<i>date</i>
Final Publication	<i>date</i>
Notice to Municipal Affairs	<i>date</i>
Description:	



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councilor Activity <input type="checkbox"/>
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To: Municipal Climate Change Action Plan (MCCAP) Committee

Submitted by: _____
John Ogilvie, Climate Action Coordinator

Date: September 14, 2022

Subject: Property Assessed Clean Energy (PACE) Program Update, Details, and By-law

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 81A

RECOMMENDATION or DECISION REQUEST

...that the Municipal Climate Change Action Plan (MCCAP) Committee recommends that Council give First Reading and hold a Public Hearing to consider adopting a Property Assessed Clean Energy (PACE) By-law in a manner substantively the same as the draft in Attachment A of the report “Property Assessed Clean Energy (PACE) Program Update, Details, and By-law” to the MCCAP Committee dated September 14, 2022.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input checked="" type="checkbox"/>	Social <input type="checkbox"/>	Economic <input checked="" type="checkbox"/>	Councilor Activity <input type="checkbox"/>
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On February 22, 2022, Council approved the allocation of \$10,000 in the 2022/23 operating budget to support the joint costs to apply to the Federation of Canadian Municipalities (FCM) Community Efficiency Financing (CEF) Program, for funding to develop and carry out a Property Assessed Clean Energy (PACE) Program.

On July 26, 2022, Council approved a recommendation to submit a joint application with the Town of Kentville to the FCM’s CEF Program to assist with funding a PACE program. PACE

Atlantic has prepared and submitted the application on behalf of West Hants Regional Municipality (WHRM) and the Town of Kentville for a detailed program study. PACE Atlantic anticipates a response to the application around the middle of September.

The PACE program design and administration for WHRM are to be directed by the MCCAP Committee. This includes choosing eligible projects, determining the size of household funding allotments, and the creation of a by-law for program implementation.

DISCUSSION

Potential Projects and Costs

The MCCAP Committee needs to decide what type of residential projects will be included in the scope of the WHRM PACE program. Below is a list of projects that may have the most impact in energy savings (greenhouse gas emission reductions), water usage reductions, cost-efficiency, and building comfort. The list is not exhaustive; however, it represents what most existing PACE programs provide and what the FCM funding rules allow for. A key component of PACE funding is that upgrades are tied to the home, not the resident, so upgrades must be permanent.

Some items are listed as potentially free through Efficiency NS, as they currently have programs that complete those actions for free. Homeowners can contact Efficiency NS themselves for these upgrades, however they can also be suggestions made when homes are audited for PACE program applications. A major benefit of the design of the PACE program is that the loans it provides can be used in combination with federal and provincial funding sources. This means an audit for the PACE program will suggest the most cost-effective ways for homeowners to get upgrades to their homes and will assist homeowners in getting all applicable rebates/grants.

Building envelope upgrades:

- Insulation
- Replacement of windows and doors
- Weather/air sealing

Efficiency:

- LED lighting – potentially free through Efficiency NS
- Water heater replacement or blankets – \$600-\$3000 for new tank and professional installation, blanket potentially free through Efficiency NS
- Hot water pipe insulation – potentially free through Efficiency NS
- Drain water heat recovery – \$100 or more with installation
- Low flush toilets, low-flow showerheads, etc. – potentially free through Efficiency NS
- Smart thermostat systems – approximately \$100-\$200 for professional installation

Fuel switching:

- Pellet/woodstoves – around \$5000 depending on size
- Heat pumps (air or geothermal) – \$4000-\$8000 for ducted air-source heat pump, \$1500-\$3500 per zone for ductless air-source mini-splits, \$15 000-\$35 000 for geothermal systems
- Electric
- Heat pump/solar pool heaters
- EV charging stations

Green energy:

- Solar photovoltaic (PV) panels – average \$0.10 per kWh, or \$2 per watt
- Thermal solar panels

Climate Adaptation:

- Back-flow prevention valves
- Sump pumps
- Basement waterproofing

The MCCAP Committee can also choose to allow PACE funding for health and safety measures required for any home energy improvements. This may include wiring upgrades, service upgrades, or environmental remediation. The Town of Wolfville allows this in their PACE program.

Individual Allotments

PACE Atlantic anticipates that WHRM could receive up to \$4 million to implement the PACE program if the funding application is successful. PACE Atlantic has suggested to achieve 200-250 building retrofits per year, the average project would cost ~\$16,000. The MCCAP Committee can choose to set a project limit lower or higher than this, but to achieve maximal impact, staff recommend setting it higher than \$16,000. Individual households may require multiple actions, which will cost more up front. This is due to the effectiveness of certain actions being compounded by others, such as proper building insulation and the installation of a heat pump. Without properly insulating a home, a heat pump will not be cost-effective or efficient. Larger allotments would also assist in achieving deeper greenhouse gas (GHG) emission cuts and increasing efficiency. The residential sector accounts for 31% of the entire GHG inventory in West Hants, producing 90,502 tonnes of CO₂ equivalent (tCO₂e) of the total 290,010 tCO₂e. To achieve the current goal of a 45% reduction in annual emissions by 2030, this program needs to achieve sizeable emission cuts in the residential sector.

Based on information from nearby jurisdictions, staff recommend a maximum loan of \$30,000 or 25% of the applicant's home value, whichever is less. This would mean a home worth \$120,000 or more would receive the maximum loan size. Homeowners can always opt to apply for a smaller loan, if they do not require the full allotment. Colchester County has the same loan limit and is a county with a similar rural/urban mixture to WHRM.

Loan periods in other PACE programs range from 10-20 years. The MCCAP Committee can decide the timelines being offered in the WHRM PACE Program, based on the minimum 1:1 savings-to-loan ratio. Staff recommend offering a maximum loan term of 20 years, with the ability for homeowners to sign an agreement with a loan term shorter than 20 years. Offering a long loan period will help ensure adequate resident uptake and make the Program accessible to low-income applicants. A core tenet of PACE Programs is that savings from energy efficiency help applicants pay for the capital cost of upgrades, so the loan terms need to be long enough to allow that to occur.

Another major consideration for the Municipality is the limited disposable income of some households, and energy poverty, within the Region. According to a study by the Canadian Urban Sustainability Practitioners, Nova Scotia has the fifth highest number of energy-poor families in the country, totalling 147,085. Generally, energy poverty occurs when a household spends six percent or more of its net income on energy bills. Breaking the cycle of energy poverty requires investments to reduce energy consumption, which means the PACE program may need to cover a large portion – or the entirety – of upfront project costs. These households are also most vulnerable to the direct and indirect effects of climate change, such as heat waves and market volatility. Reducing energy consumption and improving building comfort will help to adapt to the changing climate and enhance resiliency in WHRM.

Examples in Other Towns and Municipalities

Switch Wolfville began in 2021 with a \$14.1 million investment from FCM, with approximately \$4 million to provide grants, and the rest for loans. Data regarding the number of projects completed does not seem to be readily accessible at this time.

- 0% interest rate
- 15-year terms
- Financing up to \$40,000 or 15% of property value (whichever is less)
- Early, partial, full payments accepted
- 5% admin fee
- Minimum project of \$3000 (including HST)
- Applicants can use personal financing in combination with the program or break projects up into phases. Once the borrowed amount is paid back in sufficient quantities, additional program financing can be accessed
- Applicants can pick their own contractors if they meet program requirements
- Projects must be fixed at the property (no electric vehicles (EV) or appliances, but EV chargers allowed)
- If property is sold, payments can be transferred to new owners or remaining balances can be paid off
- Required health and safety upgrades are allowed, subject to a cap of 30% of the total financing provided

Cozy and Solar Colchester began in October 2021 with an approximately \$8.3 million dollar investment from FCM; around \$5.6 million is in the form of a loan, and the rest as a grant. To-date, over 500 participants have enrolled, and the program has provided financing for 223 home efficiency projects. The program is currently paused and is expected to restart in late 2022 or early 2023. It is generally a similar program to Wolfville’s, with similar financing rules and project eligibility, but with different loan amounts. Staff recommend the WHRM PACE Program include provisions for a low-income admin fee exemption, like the Program in Colchester County. This can be outlined in the WHRM PACE Program Policy, to be developed by staff following ratification of a By-law.

- 0% interest rate
- Up to 15-year terms
- Financing up to \$30 000 or 25% of property value (whichever is less)
- 5% admin fee
- No minimum project size
- Low-income admin fee exemption

Family Size	Household Income
Single	<\$26,485
2	<\$34,982
3 or more	<\$41,978

Clean Energy Financing is financed through the Clean Foundation. It has been initiated in multiple municipal units throughout Nova Scotia including the Towns of Bridgewater (2016), Amherst (2019) and New Glasgow and the Municipalities of Digby (2016), Lunenburg (2016), Barrington (2017), Yarmouth (2018), Cumberland (2019), Victoria (2021) and East Hants (2022).

- 10-20 – year financing
- 1-4% interest rates
- Between \$10 000-\$40 000 in financing

By-Law Creation

WHRM must create a by-law to initiate this PACE Program, and to provide transparent details about Program administration and structure. The By-law explains the relevant authorities regarding Program administration, the application qualifications, and the way fees can be collected. It will enable Program financing of upgrades for qualified residential homes within the Region to enhance energy and water efficiency, GHG emission reductions, and renewable energy installations. Council has this authority specifically from the Nova Scotia Municipal Government Act in Section 81A (1):

“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...”.

A draft by-law is attached to this report as Attachment A for review and recommendation by the MCCAP Committee. The draft by-law outlines the approval process for applicants, the record-keeping requirements, how loans will be repaid, and the payment term. Following the ratification of a PACE By-law, staff will develop a PACE Program Policy for approval by Council, which will further outline the eligibility requirements for applicants, the format of Participation Agreements, and the eligible upgrades for homeowners.

Future Community Engagement

There will need to be an extensive marketing campaign to engage the community on this program. To achieve targeted program engagement, information will need to be widely available and easily accessible. PACE Atlantic will provide WHRM with website and marketing information, with an eye on mail-out brochures at the start of the program as well as a social media campaign.

PACE Atlantic is also requesting the Municipality host a community and industry engagement session(s) in the Fall of 2022 to gather input on the proposed PACE Program.

NEXT STEPS

1. MCCAP Committee recommendation to Council for First Reading and Public Hearing of the proposed By-law
2. Approval of a Municipal By-law per the MGA Section 81(A)
3. WHRM PACE Policy Development
4. Spring 2023 – WHRM PACE Program launch

FINANCIAL IMPLICATIONS

There are no financial implications anticipated with the filing of this report and the adoption of a PACE Program By-law. Funding is being sought from the FCM’s CEF program, to enable WHRM to launch a PACE program.

ALTERNATIVES

The MCCAP Committee may recommend that Council:

- a. hold First Reading and authorize a Public Hearing to approve the By-law as drafted, or as specifically revised by direction of the MCCAP Committee;
- b. provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A Draft Property Assessed Clean Energy (PACE) By-law

Report Prepared by: _____
John Ogilvie, Climate Action Coordinator

Report Reviewed by: _____
Sara Poirier, Senior Planner

Report Approved by: _____
Madelyn LeMay, Director of Planning and Development



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 counter-signed 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



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- 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 of \$30,000 or 25% of the applicant’s home value, whichever is less.
- 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 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, (Municipal Clerk Name), 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 ____ day of ____ (month), ____ (year).

(Signature of Municipal Clerk)
(Typed name of Municipal Clerk)

By-law Adoption	
First Reading	<i>date</i>
Notice Published	<i>date</i>
Second Reading & Approval	<i>date</i>
Final Publication	<i>date</i>
Notice to Municipal Affairs	<i>date</i>
Description:	



West Hants
something inspiring awaits

Property Assessed Clean Energy (PACE) By-law

Public Hearing
October 25, 2022

something inspiring awaits



Background

- Allows Council to create a PACE Program, enabling WHRM to provide loans to local homeowners for environmental sustainability upgrades
- Loans are connected to property values
 - Makes the program more accessible to low-income owners who may not pass standard credit checks
 - PACE loans are first liens on properties; when owners are in arrears, they follow the same process as unpaid property taxes
- Ratification of a By-law does not compel Council to initiate a PACE Program right away



Discussion

- PACE Programming is a powerful tool to:
 - Reduce greenhouse gas emissions (goal of 45% reduction in annual emissions by 2030)
 - Help home-owners within WHRM achieve cost savings in energy consumption
 - Stimulate the economy by creating work for local contractors in the transition to a greener economy



Discussion Cont.

- Would be applicable to all property owners within boundaries of WHRM who engage with the PACE Program
 - Applicants sign a Participation Agreement to be part of the program
- If the owner sells their property, the new owner could take over the loan
- Program funding, applicable upgrades and loan details are being investigated by staff for discussion with the MCCAP Committee and approval by Council within a PACE Program Policy



Process

Staff review

COTW Notification – September 13

Committee Review and Recommendation – September 14

First Reading – September 27

Public Hearing and Second Reading – October 25

Notice of Approval in Local Paper



Public Hearing Comments/Questions

- The Public Hearing was advertised:
 - Valley Journal Advertiser October 4 and
 - On the WHRM website and Facebook page
- 2 emails were received from one resident, Greg Miller; Clerk Snair will read the emails to Council

Public Hearing Comments/Questions Cont.

- Funding opportunities and associated details are still being investigated
- PACE programming has been selected to aid WHRM in achieving GHG emission reduction goals, while helping to reduce individuals' energy consumption and expenses
- Progress in emissions reduction is tracked through individual projects, and comparison to a baseline inventory of 2018/2019
- PACE Atlantic operates an energy concierge service for an admin fee, to walk applicants through the retrofit process



Recommendation

... Council gives Second Reading and adopts the Property Assessed Clean Energy (PACE) By-law in a manner substantively the same as the draft in Attachment A of the report “Property Assessed Clean Energy (PACE) By-law” to Council, dated September 27, 2022.



West Hants
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