

Municipality of the District of Lunenburg

By-law

Title: Clean Energy Financing By-law	
By-law No. 031	Legislative authority: Municipal Government Act, clauses 81A(1)(a)-(b)
Effective date: September 2, 2015	Amended date: May 4, 2022

Title

- 1 This By-law is titled the Clean Energy Financing By-law, and may be cited as the CEF By-law.

Definitions

- 2 In this by-law

- (a) "CAO" means the Chief Administrative Officer for the Municipality, or his or her designate;
- (b) "Director of Finance" means the Director of Finance for the Municipality, or his or her designate;
- (c) "Clean Energy Upgrade" means an installation that is affixed to the qualifying property and which
 - (i) will result in substantially improved energy efficiency, the generation of renewable energy, or reduced greenhouse gas emissions;
 - (ii) involves building envelope upgrades such as caulking and weather stripping, duct / air sealing, insulating, or energy efficient windows and doors; building heating, ventilation, and air conditioning system upgrades such as heat pumps, wood or pellet stoves, or furnaces or boilers; renewable energy upgrades such as solar thermal panels, solar photovoltaic panels, or wind turbines; or such other clean energy upgrades as are approved and agreed in writing by the Municipality; and
 - (iii) is identified as an eligible upgrade in Policy 067 and meets or exceeds applicable energy efficiency standards as defined in that Policy.

- (d) "Municipality" means the Municipality of the District of Lunenburg;
- (e) "CEF Customer Agreement" means the written, signed Clean Energy Financing Program Customer Agreement between the owner of a qualifying property and the Municipality for financing of a Clean Energy Upgrade;
- (f) "CEF charge" means the Clean Energy Financing improvement tax levied on the property pursuant to s.81A of the Nova Scotia Municipal Government Act;
- (g) "CEF Program" means a program established by the Municipality under which owners of Qualifying Properties may obtain financing for Clean Energy Upgrades; and
- (h) "Qualifying Property" means a residential property located within the Municipality subject to any building type restrictions contained in the specific CEF Program in respect of which the financing is sought.

Application and Approval

- 3** An owner of a Qualifying Property within the Municipality may apply for Municipal financing of Clean Energy Upgrade to the property.
- 4** Financing shall be subject to the approval and agreement in writing of the CAO, or designate, on behalf of the Municipality, and the execution of a CEF Customer Agreement by the owner of the Qualifying Property. The conditions that must be met for approval include that:
 - (a) the owner of the Qualifying Property is not in default of any municipal taxes, rates, or charges;
 - (b) the Clean Energy Upgrade achieves an overall savings to debt ratio for the homeowner equal to or greater than the ratio specified in the CEF Customer Agreement, as estimated by a qualified energy assessment generated through the CEF Program;
 - (c) any additional conditions specified in the CEF Customer Agreement are met; and
 - (d) the owner of the Qualifying Property does not have any other outstanding Municipal financing levied against the subject property.

Payment of Charge

- 5** The CEF charge shall become payable on completion of installation of the Clean Energy Upgrade in accordance with the CEF Customer Agreement.

- 6** The CEF charge may consist of:
- (a) the cost of the Clean Energy Upgrade, including all labour costs, permitting fees, and applicable taxes;
 - (b) applicable CEF Program service fees; and
 - (c) Administrative charges on the CEF charge including any interest arising due to any default of payment.
- 7** The owner of a Qualified Property may elect to pay the CEF charge by equal installments over a period of not more than 15 years, on which an administrative charge shall be payable as set out in sections 16 and 17, and in the CEF Customer Agreement.
- 8** In the event of default of any payment under the CEF Customer Agreement, the 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 Municipality for unpaid taxes and charges in default.
- 9** The Director of Finance shall maintain a separate account of all monies due for CEF charges, identifying, for the subject property:
- (a) the names of the property owners, assessment, PID, and civic address;
 - (b) the amount of the CEF charge levied; and
 - (c) the amount paid on the CEF charge.

Lien

- 10** On completion of a Clean Energy Upgrade pursuant to a CEF Customer Agreement, the CEF charge shall be levied against the property.
- 11** Where the owner of a Qualifying Property opts for installment payments:
- (a) the portion of the CEF charge payable annually shall be equal to the total CEF charge outstanding divided by the number of years remaining; and
 - (b) the amount outstanding on the CEF charge shall become due and payable in the event of default of payment.
- 12** A CEF charge imposed pursuant to this by-law constitutes a first lien on the property and has the same effect as rates and taxes under the Assessment Act.

- 13 A CEF charge pursuant to this by-law is collectable in the same manner as rates and taxes under the Municipal Government Act and is collectable at the same time and by the same proceedings as taxes.
- 14 The lien provided for in this by-law shall become effective on the date on which the CAO files with the Director of Finance a certificate that the agreed improvement has been completed.
- 15 The lien provided for in this by-law shall remain in effect until the total charge, including any accrued interest, and administrative charges have been paid in full.

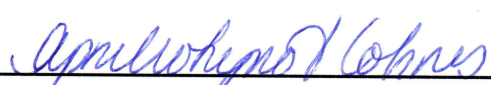
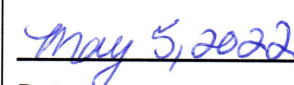
Administrative Charge

- 16 Where the owner of a Qualifying Property opts for installment payments, administrative charges will be payable on any balance owing on the CEF charge at the rate set out in the Policy 068.

Interest

- 17 Interest shall accrue on any CEF charge or portion thereof, including administrative charges, which remain outstanding from the date of billing.
- 18 Interest is payable on all amounts deemed outstanding pursuant to Policy 068.

Annotation for Official By-law Book

Date of first reading	March 22, 2022
Date of advertisement of notice of intent to consider	March 30, 2022
Date of second reading	April 26, 2022
Date of advertisement of passage of by-law	May 4, 2022
Date of mailing a certified copy of by-law to Minister	May 6, 2022
I certify that this " Clean Energy Financing By-law " was adopted by Municipal Council and published as indicated above.	
 <hr/> Municipal Clerk	 <hr/> Date