

# DRAFT MUNICIPAL BY-LAW FOR ENABLING LIC HOME ENERGY RETROFIT PROGRAM

**A by-law to authorize the undertaking of energy efficiency and climate resilience works on private residential property as local improvements under the BetterHomes Dufferin Program.**

**Whereas** Part III of Ontario Regulation 586/06 authorizes Council to pass a by-law to undertake works on private residential property as local improvements for the purpose of raising all or part of the cost of the work by imposing special charges on lots upon which all or some part of the local improvement is or will be located; and

**Whereas** such a by-law may authorize the undertaking of works which satisfy the requirements of a Dufferin County program; and

**Whereas** at its meeting of [XXXX], the [INSERT NAME OF MUNICIPALITY] Council adopted the BetterHomes Dufferin program pursuant to authority of Ontario Regulation 586/06;

The Council of the [INSERT NAME OF MUNICIPALITY] enacts:

- 1.** Council authorizes the undertaking of energy efficiency and climate resilience works on private residential property as local improvements under the BetterHomes Dufferin Program, as set out in Appendix A to this By-law, for the purpose of raising all or part of the cost of the work by imposing special charges on lots upon which all or some part of the local improvement is or will be located.

**Enacted by the [INSERT NAME OF MUNICIPALITY] Council this XX day of XX, 20XX.**

\_\_\_\_\_  
[INSERT NAME OF MUNICIPALITY] Mayor

\_\_\_\_\_  
[INSERT NAME OF MUNICIPALITY] Clerk

Authorized by Item No. \_\_\_ of Report No. \_\_\_  
of the Committee \_\_\_\_\_

Adopted by the [INSERT NAME OF MUNICIPALITY] Council on \_\_\_\_\_  
[date]

## Appendix A - BetterHomes Dufferin Program Design

### 1.0. Overview

The BetterHomes Dufferin Program is designed to extend municipal funding to consenting homeowners for the installation of qualifying natural gas, electricity and climate resilience improvements and related energy assessments and then to secure payment by imposing a local improvement charge (LIC) on the private residential property, as authorized by the Regulation. This program is administered by a program delivery team that includes Dufferin County, Clean Air Partnership and Windfall Ecology Centre. The program delivery team will periodically review the BetterHomes Dufferin program to ensure effective implementation and, where deemed appropriate, the Dufferin County may make changes in its sole discretion.

### 1.1. Program Eligibility

Residential low-rise buildings located within the [INSERT NAME OF MUNICIPALITY] are eligible. The property must have a property tax account with the [INSERT NAME OF MUNICIPALITY]. Participation is voluntary, owner-initiated and subject to the following conditions:

- All registered owner(s) of the property must consent to participating in the Program;
- Property tax, utility bills and all other payment obligations to the [INSERT NAME OF MUNICIPALITY] for the past three years must be in good standing; and

### 1.2. Home Energy Assessments

Similar to the Canada Greener Homes Program designed by the Federal Government, the BetterHomes Dufferin will utilize the EnerGuide Rating System (the "ERS") that provides a standard measure of a home's energy performance. It provides a standardized tool and process to assess home energy efficiency and can model energy savings projects.

The property owner must hire a Certified Energy Advisor (the "CEA") - certified by Natural Resources Canada ("NR Can") - to perform pre- and post-retrofit assessments in accordance with ERS. CEAs are experts in the field of energy efficiency and well-versed in the 'whole home' approach to home energy systems, technologies and products.

Upon completion of the pre-retrofit home energy assessment, a report is provided to the homeowner with the NRCan EnerGuide rating for the home and recommendations for energy improvements that could potentially increase that rating. This report is to be provided to the program delivery team in order to access LIC funding.

After the retrofit is complete, a second and final home assessment is performed by the CEA to obtain a second EnerGuide rating and to verify the completion of work. Provided that the second assessment indicates that the EnerGuide rating has increased and the improvements have been completed, then Dufferin County can issue the final disbursement of funds.

### **1.3. Qualifying Energy Efficiency & Climate Resilience Measures**

The home energy assessment must demonstrate the potential to achieve cost-effective energy reductions in order to qualify for LIC funding from BetterHomes Dufferin. The non-exhaustive list of the categories of measures eligible under the BetterHomes Dufferin , subject to any permitting and regulations, includes:

- i. Envelope upgrades: attic, walls, foundation, and basement insulation; air barriers; window, skylights and exterior door replacements; air-sealing and weather stripping.
- ii. Mechanical systems (space heating, cooling and ventilation): thermostats and controllers, energy or heat recovery ventilators, air source heat pumps, heat distribution systems, duct sealing, fans, associated electrical equipment as required.
- iii. Mechanical systems (water heating): high-efficiency water heaters, drain water heat recovery systems, solar hot water systems.
- iv. Renewable energy, energy storage and EV chargers: solar photovoltaic systems, electric vehicle charging stations (Level 2), battery storage devices, associated electrical and load management equipment.
- v. Associated measures: including electrical wiring and panel upgrades that are required undertakings to permit energy improvements.
- vi. Climate adaptation improvements: such as back-flow prevention valves, sump pumps and basement waterproofing.  
Other: Permanently affixed lighting, lighting controls, new energy efficient (certified) products will be considered as additional eligible technologies.

Ineligible measures include equipment or products not permanently affixed to the property, previously installed in another home and are deemed general maintenance. By recommending categories of retrofit improvements and associated measures, the **[INSERT NAME OF MUNICIPALITY]** and Dufferin County make no guarantees of the materials, performance, cost-effectiveness or any warranty of the measures supported by the Program.

### **1.4. Completing the Retrofit through Contractor Engagement**

Dufferin County will provide financing to homeowners for eligible measures covered by the Program that have been:

- recommended by the CEA
- verified by Windfall Ecology Centre energy coach
- installed by contractors hired by the property owner

The **[INSERT NAME OF MUNICIPALITY]**, Dufferin County, Clean Air Partnership, and Windfall Ecology Centre will not pre-qualify contractors or procure contractors to perform energy assessments or install retrofit improvements on behalf of homeowners in connection with this

Program. The homeowner will use the funds disbursed by Dufferin County to pay contractors directly.

The [INSERT NAME OF MUNICIPALITY], Dufferin County, Clean Air Partnership, and Windfall Ecology Centre are not responsible for the work quality of any contractors hired in connection with this Program and assumes no liability for the works undertaken. All retrofit improvements and renovations must adhere to local codes and by-laws. The homeowner is responsible for ensuring that hired contractors are licensed, bonded, and insured. Any issues that may arise relating to the quality of workmanship or post-installation performance of energy measures, for example, should be dealt with by the property owner and contractor.

### **1.5. Application Process**

The steps below outline the process and requirements homeowners need to follow as part of the Program.

#### **Step 1: Pre-qualification**

Homeowners submit an on-line application form that includes, but is not limited to, the following information:

- Property address to confirm location is within eligible municipality;
- Property assessment roll number to confirm no outstanding payments owed to the [INSERT NAME OF MUNICIPALITY] in the last three years;

Once the property owner has been prequalified, the program delivery team will provide Notice to Proceed to the homeowner.

#### **Step 2: Energy Assessment and Funding Request Form**

The homeowner completes the pre-retrofit home energy assessment in accordance with Section 1.2 Home Energy Assessments.

Along with the Energy Assessment Report, the homeowner also will need to submit a Funding Request Form that:

- identifies the improvements that the property owner intends to install based on the Energy Assessment Report;
- identifies the cost for each improvement (including equipment, materials and labour costs); and

#### **Step 3: Property Owner Agreement**

After the program delivery team, has confirmed the acceptability of the Energy Assessment Report and the Funding Request Form, they will prepare a property owner agreement ("POA"), for the homeowner(s) and Dufferin County to review and sign.

## **Step 4: Completing Improvements**

### *1. Initial Funding Disbursement*

Following execution of the POA, Dufferin County will provide the homeowner with the initial disbursement agreed upon in the POA that can be used by the homeowner to pay contractors or suppliers (i.e. security deposit).

The property owner will be contractually obligated to repay this initial disbursement to Dufferin County if the property owner does not complete the improvements.

The property owner can then proceed with hiring contractor(s) and performing the approved energy improvements to the property.

### *2. Final Funding Disbursement*

As will be detailed in the POA, Dufferin County will provide the final disbursement only after the homeowner provides a copy of the post-retrofit assessment report from the CEA that:

- includes a Certificate of Completion that attests the approved retrofit measures having been installed and provides an EnerGuide rating of the home after the retrofit measures have been completed which is greater than the original EnerGuide rating noted on the pre-retrofit assessment report from the CEA; and
- indicates the actual costs for all the works.

## **Step 5: LIC Repayment**

The [INSERT NAME OF MUNICIPALITY] Treasurer must periodically certify the local improvement roll. This occurs after the improvements on a given set of properties are complete and the final amounts of funding are confirmed by the program delivery team.

The [INSERT NAME OF MUNICIPALITY]'s Solicitor will submit a corresponding bill for Council to adopt a by-law pursuant to Section 36.14 of O.Reg 586/06 to impose the special charges on the participating properties. The program delivery team will provide the draft by-law that includes each property's tax roll number, loan amount and repayment schedule. For each property included in the by-law, the Treasurer will then add to the [INSERT NAME OF MUNICIPALITY]'s tax roll for that property each year that portion of the imposed special charge that is due in that year. These collective steps will provide priority lien status for the annual amount that the Treasurer [and CFO] adds to the tax roll and will ensure that any subsequent property owner who was not a party to the POA is bound to pay that amount. Failure to make payments is treated with the same remedy as uncollected property taxes which may include penalties and interest charges.

The [INSERT NAME OF MUNICIPALITY] will remit to Dufferin County the LIC payments made by the homeowner.

## **1.6. LIC Disclosure**

As indicated above, the subsequent owner of a property on which the [INSERT NAME OF MUNICIPALITY] has imposed a special charge is required to pay the [INSERT NAME OF MUNICIPALITY] the annual LIC amount even though that subsequent owner was not a party to the original POA. In addition to notice that the [INSERT NAME OF MUNICIPALITY] will be providing in accordance with the provisions of O. Reg. 586/06, the [INSERT NAME OF MUNICIPALITY] also will take the following steps to ensure even greater transparency of the LIC to interested parties by:

- i) posting on the [INSERT NAME OF MUNICIPALITY]'s website notice of the special charge by-law to impose the charge on the property in advance of its introduction and after its adoption; and
- ii) updating the Tax Certificate to include the full LIC amount, amount payable in the current year, outstanding amounts owing and a note to reference the by-law pursuant to which the special charge was imposed.

## **1.7. Access to Other Rebates & Incentives**

The [INSERT NAME OF MUNICIPALITY] and Dufferin County encourages applicants to review the energy savings programs of the federal government, provincial government and utilities. Energy efficiency measures that are eligible under this residential retrofit program may also be eligible for rebates from other programs.

## **1.8. Quality Control**

As a means of additional oversight to confirm that the funded improvements were completed, the POA will indicate that Dufferin County reserves the right to have a Dufferin County official or third-party contractor arrange with the property owner for an inspection. The property owner(s) is also responsible for keeping original copies of contractor invoices and photos of installed measures, especially for harder to verify measures like insulation, and be prepared to disclose this information to Dufferin County upon request.

## **1.9. Measurement and Verification**

Pursuant to the POA, the property owner(s) must consent to providing Dufferin County with access to the property's utility usage data in order to monitor results and evaluate the Program's effectiveness for a period of five years after completion of the retrofit. Also, the property owner(s) agrees to participate in surveys and other follow-up activities to help Dufferin County and Clean Air Partnership evaluate the Program.