**CITY OF ST. ALBERT**

Consolidated Version of

# The CLEAN ENERGY IMPROVEMENT TAX BYLAW

(being Bylaw No. 26/2021 of the City of St. Albert, as amended by Bylaw No 8/2024 consolidated and printed under the authority of the Chief Administrative Officer of the City of St. Albert)

This is certified to be a true copy of consolidated Bylaw No. 26/2021 of the City of St. Albert.

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**Marta Caufield**
Director of Legal, Legislative, and Records Services
Chief Legislative Officer

## CLEAN ENERGY IMPROVEMENT TAX BYLAW

| | NUMBER | 1ST READING | 2ND READING | 3RD READING |
|---|---|---|---|---|
| **ORIGINAL BYLAW**<br><br>**26/2021** | | April 19, 2021 | May 17, 2021 | May 17, 2021 |
| 1 | 8/2024 | March 19, 2024 | March 19, 2024 | March 19, 2024 |

**CITY OF ST. ALBERT**

BYLAW 26/2021

# CLEAN ENERGY IMPROVEMENT TAX BYLAW

A Bylaw to establish the Clean Energy Improvement Program

WHEREAS, pursuant to the *Municipal Government Act,* R.S.A, 2000, c.M-26, and amendments thereto, a municipality may pass a clean energy improvement tax bylaw to establish a clean energy improvement program;

AND WHEREAS a clean energy improvement program is a financing program that facilitates the construction and installation of qualified clean energy improvements to eligible properties;

AND WHEREAS a clean energy improvement tax bylaw authorizes a municipality to make a borrowing for the purpose of financing clean energy improvements and authorizes Council to impose, in respect of each qualified clean energy improvement, a clean energy improvement tax to raise revenue to pay the amount required to recover the costs of those improvements;

AND WHEREAS the Minister of Municipal Affairs has designated a Program Administrator to support municipalities' efforts to establish clean energy improvement programs;

AND WHEREAS, the City of St. Albert wishes to enable clean energy improvements to be made to eligible properties;

NOW THEREFORE, the Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

## TITLE

1. This Bylaw may be referred to as the "Clean Energy Improvement Tax Bylaw".

## DEFINITIONS

2. In this Bylaw:

    a. "Act" means the *Municipal Government Act,* R.S.A., 2000, c.M-26 and amendments thereto;

b. “Agreement” means a Clean Energy Improvement Agreement executed between the City and the Owner of an Eligible Property whereby the Owner agrees to pay an amount required to cover the costs of financing each Eligible Clean Energy Improvement approved by the Program Administrator, as drafted in accordance with section 390.4 of the Act;

c. “City” means the municipal corporation of the City of St. Albert, or where the context so requires, the area contained within the boundaries of the City of St. Albert;

d. “Chief Administrative Officer” or “CAO” means the individual appointed by Council to the position of Chief Administrative Officer under section 205 of the Act;

e.

f. “Clean Energy Improvement Tax” means a tax levied against an Eligible Property pursuant to an Agreement;

g. “Council” means the municipal Council of the City of St. Albert;

h. “Eligible Clean Energy Improvement” is a renovation, adaptation, or installation on Eligible Property:

    i. that will increase energy efficiency or the use of renewable energy on that property;
    ii. for which an Agreement may be made; and
    iii. which is published on a list by the Program Administrator in accordance with the Regulation;

i. “Eligible Property” means a property, situated within the City, that qualifies as eligible under section 390.2 of the Act and is:

    i. classified as a low-rise residential property, such as a detached or semi-detached home, row housing or town house, or multi-unit residential building having four stories or fewer; and
    ii. lawfully occupied as a residence at the time of Program application, and through the review and approval process;

j. “Owner” means, collectively, the registered owners of a property;

k. “Program” means a clean energy improvement program as described in the Act and Regulation;

l. “Program Administrator” means the Alberta Municipal Services Corporation, or its successors or assigns as designated by order in accordance with the Regulation; and

m. “Regulation” means the *Clean Energy Improvements Regulation*, A.R. 212/2018 and amendments thereto.

## PROGRAM APPLICATION

3. Pursuant to the Program, an Owner of an Eligible Property may apply to the Program Administrator for an Eligible Clean Energy Improvement. The Program Administrator may charge a fee in relation to any such application, pursuant to the Regulation.

4. An Owner may submit one Program application per year. A property’s tax-exempt status shall have no effect on eligibility to participate in the Program or any obligation under an Agreement to make required principal and interest payments through tax recovery or otherwise.

## CLEAN ENERGY IMPROVEMENT AGREEMENT

5. The City may enter into an Agreement with an Owner on a discretionary basis but subject at all times to the requirements, conditions and limitations set out in sections 10(1) of the Regulation including, but not limited to, the Program Administrator’s approval of the application referenced in section 3.

6. Where the City has entered into an Agreement with an Owner, and at any time following the signing of that Agreement, a Clean Energy Improvement Tax will be imposed on the applicable property pursuant to that Agreement.

## CLEAN ENERGY IMPROVEMENT TAX

7. For the purposes of imposing a Clean Energy Improvement Tax, the period over which the cost of each Eligible Clean Energy Improvement will be spread may vary, but in no case will such period exceed the probable lifetime of the applicable improvement. In the case of multiple improvements to a single Eligible Property, a weighted average of the probable lifetimes of each upgrade will be utilized.

8. Over the course of a four year period, and in the form of a line of credit or other loan instrument, the City may borrow funds totaling up to $5,000,000 from a financial institution or other lending organization in order to finance approved Eligible Clean Energy Improvements.

9. The borrowed amount will have a maximum rate of interest of 6%, a maximum term of 25 years, and repayment terms including principal and interest, plus other fees or charges applicable to the borrowing.

10. The principal and interest owing under the borrowing will be paid using the proceeds from the Clean Energy Improvement Tax and other payments that may

be made by the Owners with respect to the applicable Eligible Clean Energy Improvements.

11. The maximum amount of funding to be allocated to the Program for the entire four year period is $5,000,000, which funding can be utilized in any given year of the Program. **(BL8/2024)**

12. If an Owner wishes to make early, full repayment of an amount financed by a Clean Energy Improvement Tax, the amount owing will be calculated at the time of the request, based on the principal and interest remaining and the terms of the financing.

13. Any projects that have been approved under the Program must be completed within the time limit as set out under the Agreement.

## SEVERABILITY

14. Should any provision of this bylaw be invalid, then the invalid provision shall be severed, and the remainder of this bylaw shall be maintained.