

# **Bylaw No. 9762**

## **The Home Energy Loan Program Bylaw, 2021**

**Codified to Bylaw No. 9890  
(April 26, 2023)**

## BYLAW NO. 9762

### The Home Energy Loan Program Bylaw, 2021

The Council of the City of Saskatoon enacts:

#### PART I Preliminary Matters

##### Short Title

1. This Bylaw may be cited as *The Home Energy Loan Program Bylaw, 2021*.

##### Definitions

2. In this Bylaw:
  - (a) **“amount due”** means the amount owed by a property owner to the City arising from the installation of eligible projects and includes:
    - (i) the applicable administrative fee;
    - (ii) interest; and
    - (iii) costs of energy efficiency home evaluations;
  - (b) **“deferred taxes”** means an amount due that has been added to the tax roll of a property pursuant to section 281.3 of *The Cities Act*, the collection of which has been deferred pursuant to the Program;
  - (c) **“eligible project”** means an environmental improvements project within the meaning of section 9, the costs of which are eligible to be added to the tax roll of a property;
  - (d) **“environmental improvements”** means any work or project that reduces harm to the environment, including upgrades to improve energy efficiency or reduce water consumption;
  - (e) **“household income”** means the total income of all persons who live or ordinarily reside in a dwelling unit;
  - (f) **“LICO”** means the low-income cut-offs that are periodically published by Statistics Canada;

- (g) **“low income property owner”** means a property owner with an annual household income that falls below an amount equal to 2.5 times the applicable LICO threshold;
- (h) **“Program”** means the Home Energy Loan Program established pursuant to section 5;
- (i) **“property owner”** or **“owner”** means the registered owner of a property;
- (j) **“residential property”** means land and improvements used or intended to be used for a residential purpose;
- (k) **“single-family residential property”** means a residential property intended to accommodate one family, including detached and semi-detached housing, but not including units in buildings with more than three units;
- (l) **“tax arrears”** does not include deferred taxes or any amounts the collection of which the City has deferred pursuant to any other program, policy or bylaw.

### **Purpose**

3. The purpose of this Bylaw is to establish the Home Energy Loan Program to encourage energy efficiency renovations, renewable energy installations, water conservation improvements, electric vehicle charging stations, battery storage technology and other environmental improvements for properties in the City.

### **Paramountcy**

4. In the event of an inconsistency between this Bylaw and *The Cities Act* or any regulations enacted pursuant to *The Cities Act*, the Act or the regulations prevail.

PART II  
**The Home Energy Loan Program**

**Program Established**

5. The Home Energy Loan Program is established.

**Purpose of Program**

6. The purpose of the Program is to allow eligible property owners to add the costs of eligible projects to the tax roll of their property so that payment of these costs may be made over multiple years.

**Application to Enroll in Program**

7. (1) To enroll in the Program, a property owner must, prior to installing environmental improvements, submit an application to the City in a form acceptable to the City.
- (2) Property owners who meet the City's eligibility criteria and the requirements of this Bylaw may, at the sole discretion of the City, be enrolled in the Program.

**Deadline to Enter into Agreement with City**

- 7.1 (1) A property owner must enter into a deferral agreement with the City:
- (a) within 6 months of the date the property owner is enrolled in the Program by the City; or
  - (b) if the property owner was enrolled in the Program by the City prior to April 26, 2023, by October 26, 2023.
- (2) A property owner who fails to enter into a deferral agreement within the time required by subsection (1) may be removed from the Program but may be eligible to subsequently reapply.

**Eligibility Criteria**

8. (1) To qualify for the Program:
- (a) the property at which the environmental improvements will be installed must:

- (i) not be in tax arrears;
  - (ii) be a single-family residential property; and
  - (iii) be located in the City;
- (b) an applicant must:
- (i) be an individual;
  - (ii) be the owner of the property at which the environmental improvements will be installed;
  - (iii) be in good standing in respect to their utilities and any other municipal charges and have a satisfactory payment history, as determined by the City; and
  - (iv) represent and warrant that all owners of the property consent to enrollment in the Program and agree to comply with all terms and conditions of the Program;
- (c) the environmental improvements must constitute eligible projects; and
- (d) the costs to complete the environmental improvements must be at least \$1,000.00, exclusive of interest, the administrative fee and the costs of energy efficiency home evaluations.

### **Eligible Projects**

9. (1) The list of environmental improvement projects that may be eligible for the Program are set out in Schedule "A".
- (2) Notwithstanding subsection (1), the City shall determine in all cases whether a particular project is an eligible project.

### **Energy Efficiency Home Evaluations**

10. (1) Prior to entering into a deferral agreement:
- (a) a preliminary energy efficiency home evaluation must be performed at the property; and
  - (b) the results of the evaluation mentioned in clause (a) must be provided to the City.

- (2) The preliminary energy efficiency home evaluation mentioned in subsection (1):
  - (a) may be completed before or after applying for the Program but, where completed before, must have been completed not earlier than two years before the date of receipt by the City of the property owner's application to enroll in the Program; and
  - (b) shall provide recommendations on which upgrades would have the greatest impact on energy use, utility bills, greenhouse gases and comfort.
- (3) After the environmental improvements have been installed:
  - (a) a final energy efficiency home evaluation must be performed at the property; and
  - (b) the results of the final energy efficiency home evaluation must be provided to the City within 30 days of the date of the evaluation.
- (4) Energy efficiency home evaluations must be performed by a certified energy advisor using the EnerGuide Rating Service.
- (5) The costs of energy efficiency home evaluations performed after the date of receipt by the City of a property owner's application may, subject to funding availability, be eligible for grants or subsidization from the City.

### **Time to Complete Project**

11. (1) Subject to an extension being granted by the City, eligible projects must be completed and results of final energy efficiency home evaluations must be received by the City within 24 months of the effective date of a deferral agreement.
- (2) A property owner who fails to comply with subsection (1) may be removed from the Program and, if removed, any amount due:
  - (a) becomes immediately due and payable; and
  - (b) may be immediately added to the tax roll of the property.

### **Maximum Deferred Taxes**

12. (1) Subject to subsection (2), the maximum amount due that may be added to the tax roll of a property is \$40,000.00.

- (2) If a property owner can demonstrate, to the satisfaction of the City, that installation of eligible projects will result in at least a 50% decrease in energy consumption, the City may permit the addition of an amount due of up to \$60,000.00 to the tax roll of the property.

### **Work Performed by Contractors**

13. (1) A property owner that chooses to have eligible projects completed by a contractor is eligible to add both costs of labour and costs of parts to the tax roll of the property.
  - (2) The City shall, after the eligible projects and a final energy efficiency home evaluation have been completed, as verified by the City, pay directly to the contractor the amounts owing for costs of labour and costs of parts, up to the applicable maximum amount due that may be added to the tax roll.
  - (3) Notwithstanding subsection (2), the City may, at its sole discretion, make the following payments to a contractor in advance of the eligible projects and a final energy efficiency home evaluation being completed:
    - (a) a payment of up to 30% of the total estimated costs of the work as identified in the deferral agreement for the purpose of paying required deposits;
    - (b) a partial payment, if:
      - (i) the work, in the opinion of the City, involves multiple eligible projects or multiple distinct aspects and the contractor demonstrates that one or more projects or aspects of the work have been completed; and
      - (ii) the contractor satisfies any other requirements of the City.
  - (4) Payments to contractors are contingent on the owner:
    - (a) providing the City with proof of costs, such as invoices, that is satisfactory to the City; and
    - (b) except in the case of payments made pursuant to subsection (3)(a), obtaining and closing any necessary building permits.

### **Work Performed Without Contractors**

14. (1) A property owner that chooses to install eligible projects without using a contractor is:

- (a) eligible to add the costs of parts to the tax roll of the property; and
  - (b) ineligible to add the costs of labour to the tax roll of the property.
- (2) The City shall, after the eligible projects and a final energy efficiency home evaluation have been completed, as verified by the City, pay to the owner the amounts owing for costs of parts, up to the applicable maximum amount due that may be added to the tax roll.
- (3) Payments to owners are contingent on the owner:
- (a) providing the City with proof of costs, such as receipts, that is satisfactory to the City; and
  - (b) obtaining and closing any necessary building permits.

### **Deferral Agreement**

15. (1) An eligible property owner that intends to install eligible projects may, in accordance with the Program, enter into a deferral agreement with the City to pay the City the amount due over time through the payment of deferred taxes.
- (2) For further certainty, eligible projects that are completed prior to the date a deferral agreement is signed are not eligible for deferral.
- (3) The City may, at its sole discretion, allow a property owner to amend their planned project prior to construction beginning, or, in exceptional circumstances, after construction has begun, and any agreed upon changes shall be reflected through an amendment to the deferral agreement.

### **Contingency for Unforeseen Repairs or Minor Additions to Work**

- 15.1 The City may, in its sole discretion, approve an increase of up to 5% of the total estimated costs of the work as identified in the deferral agreement, subject to the maximum amounts set out in section 12, to enable property owners to address unforeseen repairs or complete minor additional work.

### **Deferral Term**

16. A property owner may select a deferral term of 5, 10 or 20 years.



### **Addition of Amount Due to Tax Roll**

17. (1) If the eligible projects are completed on or before September 30, the amount due, if unpaid, may be added to the tax roll of the property and form part of the taxes on January 1 of the next calendar year.
- (2) If the eligible projects are completed after September 30, the amount due, if unpaid, may be added to the tax roll of the property and form part of the taxes on January 1 of the year following the next calendar year.
- (3) Prior to adding the amount due to the tax roll of the property, the City may record the amount due as a pending liability.

### **Registration of Lien**

18. (1) In order to ensure repayment of the amount due, the City may register a lien against the property.
- (2) The lien shall remain on the title of the property for as long as there is an unpaid amount due with respect to the property.
- (3) The lien shall be removed by the City upon full repayment of the amount due.

### **Administrative Fee**

19. (1) Subject to subsection (2), a property owner shall pay an administrative fee of \$500.00 to participate in the Program.
- (2) Low income property owners are not required to pay an administrative fee.

### **Interest**

20. (1) Property owners shall pay interest in the manner and at the rate identified in the deferral agreement.
- (2) Interest shall begin to accrue on the date payments are made by the City to the property owner or contractor.

### **Payment of Deferred Taxes**

21. (1) Subject to subsection (2), payment of deferred taxes shall be as follows:

- (a) for a 5-year deferral, one fifth of the deferred taxes becomes due and payable on June 30 of the calendar year in which the amount due is added to the tax roll of the property, with one of the remaining fifths becoming due and payable on June 30 of each of the subsequent four calendar years;
  - (b) for a 10-year deferral, one tenth of the deferred taxes becomes due and payable on June 30 of the calendar year in which the amount due is added to the tax roll of the property, with one of the remaining tenths becoming due and payable on June 30 of each of the subsequent nine calendar years;
  - (c) for a 20-year deferral, one twentieth of the deferred taxes becomes due and payable on June 30 of the calendar year in which the amount due is added to the tax roll of the property, with one of the remaining twentieths becoming due and payable on June 30 of each of the subsequent nineteen calendar years.
- (2) Interest shall be added to the tax roll of the property annually and becomes due and payable on June 30 of the calendar year in which the interest is added to the tax roll.

### **Early Repayment of Deferred Taxes**

22. (1) A property owner may, at any time prior to the deferred taxes becoming due and payable pursuant to section 21, repay the full balance of deferred taxes or a portion of the deferred taxes without penalty.
- (2) In the event the City receives funding to which a property owner is entitled, the City may apply the funding directly to the tax roll of the property owner to offset deferred taxes.
- (3) In the event a property owner receives any government funding, rebate, grant or other money to offset the costs of the eligible projects, the property owner shall make a payment equal to the amount received to their property taxes to reduce the amount owing to the City.

### **Mandatory Early Repayment of Deferred Taxes**

23. Notwithstanding section 21, the total outstanding amount of the deferred taxes shall be repaid to the City upon:
- (a) failure to pay the deferred taxes as required by section 21;
  - (b) the property falling into tax arrears;

- (c) the death of the property owner, in cases where the property is owned by one person;
- (d) subject to a deferral agreement being entered into pursuant to section 26, sale of the property; or
- (e) conviction of an offence under this Bylaw.

### **Duty to Notify City of Sale or Death**

24. (1) A property owner who sells a property that is subject to a deferral agreement under the Program shall, within 60 days of the sale:
- (a) notify the City that the property has been sold; and
  - (b) provide the City with the property owner's new address and contact information.
- (2) If a property owner dies and is not survived by a joint owner, a representative of the property owner's estate shall, within 60 days of the property owner's death, notify the City that the property owner is deceased.

### **Notice to Repay Taxes**

25. (1) Upon the City becoming aware of the existence of one or more of the circumstances mentioned in section 23, the City shall notify the property owner, the property owner's estate or, in the case of a property sale, the new owner of the property of the amount of the deferred taxes that remains outstanding.
- (2) Subject to a deferral agreement being entered into pursuant to section 26, the deferred taxes shall be due and payable to the City 30 days after the date of the notification mentioned in subsection (1).
- (3) If the deferred taxes remain unpaid after the expiration of the period mentioned in subsection (2), the City may impose penalties on the taxes outstanding at the rates established by Bylaw No. 6673, *A bylaw of the City of Saskatoon to provide for the payment of taxes and the application of discounts and penalties thereto*.

### **Agreements with Subsequent Owners**

26. (1) In the case of a property that is sold, the new owner of a property may, prior to the expiration of the time period mentioned in subsection 25(2):

- (a) pay the deferred taxes in full; or
  - (b) subject to subsection (2), enter into a deferral agreement with the City to pay the deferred taxes over time.
- (2) To be eligible to enter into a deferral agreement pursuant to clause (1)(b), the new owner of a property must satisfy the eligibility criteria set out in subclauses 8(1)(b)(i), (iii) and (iv).

### **Suspension or Cancellation of Program**

27. The City may, at any time, stop enrolling applicants in the Program on either a temporary or permanent basis.

## **PART III Offences and Penalties**

### **Offences and Penalties**

28. (1) No person shall:
- (a) furnish the City with false or misleading information relating to the Program;
  - (b) fail to notify the City of the death of a property owner;
  - (c) fail to notify the City of the sale of a property or fail to provide the City with the property owner's new address and contact information;
  - (d) fail to make any payment that is required to be made pursuant to this Bylaw or a deferral agreement; or
  - (e) contravene any other provision of this Bylaw.
- (2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:
- (a) in the case of a first offence, to a fine of not less than \$100.00 and not more than \$500.00; and
  - (b) in the case of a second or subsequent offence, to a fine of not less than \$200.00 and not more than \$1,000.00.

**Administration and Enforcement of Bylaw**

- 29. (1) The administration and enforcement of this Bylaw is delegated to the Chief Financial Officer or their designate.
- (2) The Chief Financial Officer or their designate is authorized to further delegate the administration and enforcement of this Bylaw, in whole or in part, to other employees of the City.

**Coming into Force**

30. This Bylaw comes into force on the day of its final passing.

Read a first time this 31<sup>st</sup> day of May, 2021.

Read a second time this 31<sup>st</sup> day of May, 2021.

Read a third time and passed this 31<sup>st</sup> day of May, 2021.

\_\_\_\_\_  
"Charlie Clark"  
Mayor

\_\_\_\_\_  
"Adam Tittlemore" "SEAL"  
City Clerk

## **Schedule “A”**

### **Eligible Projects**

#### **Energy Efficiency Projects**

1. (1) The following energy efficiency projects may be eligible for the Program:
  - (a) high-efficiency furnaces, boilers and central air conditioners;
  - (b) window and exterior door replacements;
  - (c) basement, attic or exterior wall insulation;
  - (d) air sealing (such as weather stripping or caulking);
  - (e) gas or tankless water heaters, gas storage water heaters or electric heat pump storage water heaters;
  - (f) drain-water heat recovery systems;
  - (g) heat recovery ventilation systems;
  - (h) smart thermostats.
- (2) The projects identified in clauses (1)(a), (b), (e) and (g) must be certified ENERGY STAR for the local climate region to be eligible projects.

#### **Renewable Energy Projects**

2. (1) The following renewable energy projects may be eligible for the Program:
  - (a) air-source heat pumps;
  - (b) geothermal heat pumps;
  - (c) solar water heater;
  - (d) solar PV panels;
  - (e) solar inverter.

- (2) The projects identified in clauses (1)(a), (b) and (c) must be certified ENERGY STAR for the local climate region to be eligible projects.

### **Water Conservation Projects**

3. The following water conservation projects may be eligible for the Program:
  - (a) low-flow toilet replacements;
  - (b) low-flow fixture and faucet replacements;
  - (c) irrigation control systems;
  - (d) permanently affixed rainwater catchment sized to hold 50 gallons of water or more.

### **Other Projects**

4. The following other types of projects may be eligible for the Program:
  - (a) level 2 electric vehicle (EV) charging station system, including installation costs;
  - (b) battery storage system paired with renewable generation;
  - (c) window glazing and embedded markers for birds;
  - (d) health and safety work such as asbestos removal and mold remediation;
  - (e) any work that must be completed in conjunction with any other eligible project, such as for safety, health, structural or electrical purposes (for example, drywalling, new electrical panels for solar systems or exterior siding).