

GREEN Hamilton Study Grant Program



A. PROGRAM

DESCRIPTION

The GREEN Hamilton Study Grant Program (the Program) is intended to support the undertaking of an energy modelling report in support of a retrofit of a building for an existing use or an adaptive reuse of an underutilized building, where the Site is exempt from site plan control and not otherwise subject to the requirements of the City's Green Building Standards and which is a commercial, industrial or multiple dwelling. Incentivizing these studies will encourage developers and property owners to explore opportunities for sustainable development options leading to an understanding of potential environmental and long-term financial benefits to further support the City's environmental, climate, and economic goals and objectives.

This Program will apply city-wide as defined through the Growing a Resilient and Environmentally Sustainable Hamilton Community Improvement Project Area (GREEN Hamilton CIPA) By-law.

Grants under this Program are subject to approval at the absolute discretion of the General Manager of the Planning and Economic Development Department (GM) or their delegate and subject to the availability of funding.

Grants under this Program shall be provided to the Applicant who is the registered owner of the Site, or those provided with written consent of the registered owner to apply to this Program, and who incur the cost of the Eligible Study, but shall not include the consultant hired to undertake the Eligible Study.

The City retains the right to assess the reasonableness of costs via audit as well as the determination of cost eligibility under the terms of this Program.

For the purpose of this Program:

- A 'Site' shall mean all properties on which the building is the subject of the retrofit or adaptive reuse is located;
- A 'Qualified Professional' shall mean those with energy modelling

experience, such as a certified or registered professional engineer, architect, engineering technologist or certified energy manager, who can conduct a building energy and emissions modelling analysis. The determination of an acceptable Qualified Professional under this Program shall be at the sole discretion of the City; and

- 'Non-profit Housing Development' means the development of a building or structure intended for use as a residential premises containing one or more dwelling units, as defined in section 3 of the City of Hamilton Zoning By-law No. 05-200, and developed by,
 - (a) a corporation to which the Not-for-Profit Corporations Act, 2010, S.O. 2010, c. 15 applies, that is in good standing under that Act and whose primary object is to provide housing,
 - (b) a corporation without share capital to which the Canada Not-for-profit Corporations Act, S.C. 2009, c. 23 applies, that is in good standing under that Act and whose primary object is to provide housing, or
 - (c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, R.S.O. 1990, c. C.35,
- An 'Eligible Study' shall include:
 - An 'Energy Modelling Report', which is defined as a computer energy simulation acceptable to the GM or their delegate in their sole discretion and which is produced using widely accepted software, for example Energy Plus and eQUEST (version 3.64 or higher), that meets the requirements as set out in ASHRAE 90.1-2013, G2.2.

The Economic Development Division will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

B. PROGRAM ELIGIBILITY AND GRANT CRITERIA

1. Applications to this Program must meet the goals of the Growing a Resilient and Environmentally Sustainable Hamilton Community Improvement Plan (GREEN Hamilton CIP).

2. This Program will apply city-wide as defined through the GREEN Hamilton CIPA By-law.
3. The maximum Grant under this Program per Site shall be 50% of the lowest quote submitted for the Eligible Study (excluding HST) up to a maximum of \$10,000.
4. Notwithstanding paragraph 3, for Sites that include a Non-Profit Housing Development, the maximum Grant provided under this Program per Site shall be 100% of the lowest quote for the Eligible Study (excluding HST) up to a maximum of \$20,000.
5. A maximum of one (1) Eligible Study Grant is permitted per Site.
6. Eligible Program Applicants include the registered owner or those provided with written consent of the registered owner to apply to this Program but shall not include the consultant hired to undertake the Eligible Study, with grants only payable to the successful Program Applicant. The payment of the Grant cannot be assigned or directed to any other payee unless otherwise provided for in the Program Administration section herein.
7. Two (2) separate quotes for the Eligible Study shall be required. The maximum grant will be the lower of the two quotes up to a maximum of \$10,000 or \$20,000 for Non-profit Housing Development. A single quote may be accepted in extenuating circumstances at the discretion of the GM or their delegate.
8. Prior to any application approval and/or Grant being provided, and subject to waiver by the GM in their sole, absolute, and unfettered discretion:
 - a. Any outstanding Building Code, Fire Code or property standards orders or any other order applicable to the Site by any judicial, governmental or regulatory authority shall be rectified; and
 - b. Any tax arrears on the Site shall be paid.
9. Approval and the receiving of financial assistance under this Program shall not preclude eligibility, approval and the receiving of financial assistance under any other available municipal program.

A Grant may be reduced or cancelled if the Eligible Study is not completed, not completed as approved, not completed within two (2) years of the City's application approval. A one (1) year extension may be granted due to extenuating circumstances outlined in a formal request submitted by the Applicant to the City prior to the lapsing of the above time period and considered at the discretion of the Manager of Commercial Districts and Small Business.

The Grant will only be paid after the consultant conducting the Eligible Study is paid in full by the Applicant.

10. Completed studies will be reviewed and approved by the GM or their delegate for consistency with the quote and work plan submitted in support of the application and for compliance under the Program terms contained herein. If the Eligible Study is found to be insufficient by the Manager of Commercial Districts and Small Business, in their sole, absolute and unfettered discretion, the Grant may be reduced or cancelled unless it is resubmitted in a form and content satisfactory to the Manager of Commercial Districts and Small Business, in their sole, absolute and unfettered discretion.
11. The Applicant shall be required to submit, to the satisfaction of the City, one digital copy of the completed Eligible Study, invoices for the Eligible Study and proof that the Eligible Study consultants have been paid in full.
12. The City reserves the right to audit the cost of the Eligible Study prior to advancing the Grant.
13. The City reserves the right to share studies received under this Program within the City of Hamilton as required.
14. Grants shall only be payable to the approved Program Applicant.
15. Grants under this Program are subject to approval at the absolute discretion of the Manager of Commercial Districts and Small Business and subject to the availability of funding.
16. Without limiting the discretion as set out in paragraph 15 herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of City Council, or its delegate, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and, if a corporation, any person or entity with an interest in the corporation or any officer or director of the corporation as determined by the City in its sole, absolute and unfettered discretion.
17. Without limiting the discretion as set out in paragraph 15 herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies municipal property tax arrears owed on the Site, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, Building Code or Fire Code orders in respect of the Site or any other judicial, regulatory or governmental order in respect of the Site.

18. Without limiting the discretion as set out in paragraph 15, herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Grant under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 20, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph shall apply jointly and severally to each of them.

C. ELIGIBLE/INELIGIBLE STUDIES

An Eligible Study under this Program means an 'Energy Modelling Report', which is defined as a computer energy simulation acceptable to the GM in their sole discretion and which is produced using widely accepted software, for example Energy Plus and eQUEST (version 3.64 or higher), that meets the requirements as set out in ASHRAE 90.1-2013, G2.2. Ineligible studies shall be any study not identified in this Section or any study that has been initiated prior to the date an application was submitted under this Program and accepted by the City. An Applicant shall assume the risk, and bear the sole responsibility, for any cost incurred after an application has been submitted but prior to approval under this Program being received should the application not be approved for any reason.

The City reserves the right to reject any application under this Program that is deemed by the GM or its delegate, in their sole and unfettered discretion, to not meet the requirements of the Program.

D. PROGRAM APPLICATION CRITERIA

A complete Program application shall be submitted to the Economic Development Division prior to commencing the Eligible Study (retroactive applications are not permitted). Required documents and information forming a complete application shall be identified within the Program's application form. The application date for the purposes of the Program will be the date on which City staff have deemed the application complete in their sole discretion.

An application fee is payable upon submission of application. The fee will be authorized through a user-fee by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council and will be identified on the Program's application form. Application fees are non-refundable including in the event an application is not approved.

E. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility and completeness in accordance with the GREEN Hamilton CIPA, GREEN Hamilton CIP, the Program terms contained herein and in collaboration with other City departments as required. Acceptance of the application by the Economic Development Division in no way implies Grant approval.

The Site and Applicant will be the subject of due diligence undertaken by the City prior to any approval being provided or payment of a Grant under this Program. This will include, but may not be limited to, confirmation of the following: all municipal property taxes are paid and current on the Site, the Site is in compliance with Zoning By-law regulations, that there are no outstanding property standards violations or orders, Building Code violations or orders or Fire Code violation or orders, any violations of law or any orders by any other judicial, governmental or regulatory authority, regarding the Site or the development on the Site and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being approved or, if the application is approved, non-payment of a Grant under this Program.

Grants under this Program are subject to approval at the absolute discretion of the Manager of Commercial Districts and Small Business and subject to the availability of funding.

If an application is approved, the Applicant will be provided an approval letter that outlines the terms and conditions of the Grant.

Upon Eligible Study completion, and in order to receive payment of the Grant the Applicant must provide the City with paid invoices for the Eligible Study and a digital copy of the completed Eligible Study. The Grant payment will be based on the City's review, satisfaction and acceptance of the Eligible Study and the aforesaid invoices and all supporting reports and documentation submitted outlining the full scope and cost of the work completed. Any and all of these costs may be subject to audit, at the expense of the Applicant, at the City's discretion.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the GREEN Hamilton CIP are met.

Once the terms of the Program have been satisfied, a cheque will be requisitioned and issued, in the approved Program Applicant's name, in an amount determine in accordance with Section B herein. Grant calculation and payment exclude HST.

The City is not responsible for any costs incurred by the Applicant in any way relating to the Program, including without limitation, costs incurred in anticipation of an application approval or Grant being provided.

Applications to this Program not yet approved shall be subject to any changes to the terms of this Program that are approved by City Council prior to the application being approved.

City Council may discontinue this Program at any time. However, Applicants with approved applications will continue to receive the Grant subject to meeting the Program terms contained herein.

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