West Hants Regional Municipality
Combined Sewer Overflow (CSO) Residential Buyout Program
October 7th 2024 version with September Council Meeting Edits

RCOXX-###.00

TITLE

This policy shall be known, and cited, as the Combined Sewer Overflow (CSO) Residential Buyout Program (the "**Policy**").

SCOPE AND PURPOSE

1.1. This Policy is applicable to the Combined Sewer Overflow (CSO) Residential Buyout Program for West Hants Regional Municipality and all qualifying residential properties. This Policy shall only apply to those eligible properties identified between 364 and 430 Stannus Street, Windsor, NS that have been exposed to an over the curb or overland CSO event. The program may evolve in the future.

1.2. The purpose of this Policy is to define the operational parameters of the Combined Sewer Overflow (CSO) Residential Buyout Program. This includes specifying the program's eligibility criteria, methods of assessing applications, methods and parameters for determining the market value of eligible homes, relocation costs, and details regarding funding.

1.3. The purpose of the Combined Sewer Overflow (CSO) Residential Buyout Program is to provide a voluntary opportunity for the homeowners to individually apply for or accept a buyout plan if they so choose.

REFERENCES

1.4. Nova Scotia *Municipal Government Act,* Section 50 (1)

1.5. Nova Scotia *Municipal Government Act,* Section 65 A and B.

DEFINITIONS

1.6. "**Applicant**" means an individual or individuals who jointly are the registered owner (s) of the qualifying properties on Stannus Street, Windsor Nova Scotia.

1.7. "**CAO**" means the Chief Administrative Officer of the Municipality.

1.8. "**Funding Limit**" .. TBD

1.9. "**Municipality**" means West Hants Regional Municipality.

1.10. "**Program**" means the Combined Sewer Overflow (CSO) Residential Buyout Program.

1.11. "**Program Application**" means an application to the Combined Sewer Overflow (CSO) Residential Buyout Program.

1.12. **"The Property"** means all land and structures located at the applicant's address inclusive of the primary residence of the applicant (s) or a residential home.

1.13. **"Combined Sewer Overflow (CSO) Event"** means the property, and specifically the primary residence, has been exposed to an over the curb or overland water and CSO flooding event as a result of an extreme weather event.

1.14. **"Relocation Costs"** means the moving costs, realtor fees, legal costs associated with buyout program, compensation or offsetting associated with the difference between current annual property tax values and property tax values associated with future home purchased by the applicant within the Municipality.

1.15. "**Qualifying Property**" is existing properties between 364 and 430 Stannus Street, Windsor, NS that meets all the eligibility requirements set out in this Policy.

QUALIFICATION

1.16. To qualify for the Program, the following conditions must be met:

1.16.1. The property must be an existing property between 364 and 430 Stannus Street, Windsor, NS before the date of adoption by Council of this Policy;

1.16.2. The property must have been exposed to a CSO event;

1.16.3. The property must be privately owned by an individual or jointly by individuals and registered with the Land Registry of Nova Scotia, before the date of adoption by Council of this Policy. The property cannot be owned or rented by the Federal, Provincial or Municipal government or by a for-profit Corporation;

1.16.4. If the property is jointly owned, the program application must be signed by all registered owners in order to be eligible;

1.16.5. The owner (s) of the property must not be in arrears of any Municipal taxes, including penalties and interest; and

APPLICATION AND APPROVAL

1.17. Property owners must submit their application by December 31, 2025.

1.17.1. The program will not be reoccurring year after year. Eligible properties must submit their application between the date of approval of the policy and the submission deadline of December 31, 2025.

1.18. All Applicants must submit their Program Application by the submission deadline.

1.19. All properties must be appraised in order to determine market value for the purpose of the buyout.

1.19.1. All properties will require two independent appraisals by appraisers who are current and registered members of the Appraisal Institute of Canada (AIC).

6.3.1 (a) One appraisal will be conducted by an appraiser selected by the municipality at the cost of the municipality.

6.3.1 (b) The second appraisal will be conducted by an appraiser of the homeowner's choice with the cost to be reimbursed by the municipality. The applicant must provide documentation to the Chief Administrative Officer that the appraiser recognizes all components within section 6.3 of the policy as well as an accompanying quote for the appraisal before the appraisal is conducted. The Chief Administrative Officer must approve the appraisal reimbursement before the appraisal proceeds. No reasonable request for appraisal services from a vendor of the property owner's choice will be denied.

1.19.2. Separate and independent consent forms for each appraisal must be completed by the applicant before the appraisals are conducted.

1.19.3. Special instructions will be provided to the appraiser that fair market value of the property is to be valued without consideration of the recent flooding events impacting the property.

1.19.4. Confidentiality of the two appraisals will be strictly maintained between the municipality and the homeowner and will not be presented or discussed by the municipality in public.

1.20. Following the Program Application submission deadline, Staff will review all Program Applications.

1.21. Staff will evaluate all Program Applications based on eligibility set out in Sections 5 and 6 of this Policy. Staff will then recommend approval to Council. Program Applications are subject to written approval by Council or its designate.

1.22. The total value of the buyout and offer to the applicant associated with the application including the property value and all eligible relocation costs is at the sole discretion of Council for their determination.

1.22.1. The home value for the purpose of the buyout will be guided by the average value calculated by the two separate appraisal values plus 10%

Example: Appraisal #1 plus Appraisal #2 divided by 2 = x plus 10%

1.23. Applicants are not eligible to apply for grants or contributions under any other grant program established by Council after submitting their application to the program. Should the applicant withdraw their application, or it be denied by Council, only then can the applicant apply for the established grants and contributions established by Council as per the set terms of the grants or programs.

1.24. Applicants should submit with their Program Application, all applicable supporting documentation to attest to the severity and frequency of flooding. This may include, but is not limited to, photos with a timestamp and/or documents that supported past insurance claims.

1.24.1. The Municipality reserves the right to inspect the home and/or property to verify applications.

1.24.2. The public records of the municipality noting flooding and CSO events are to be used to supplement and support an application.

1.25. The Municipality retains discretion to allocate grant funds as Council deems appropriate, subject to the approved annual Program budget.

PARTICIPATION AGREEMENT

1.26. Successful Applicants must enter into a participation agreement with the Municipality's CAO or their designate.

ELIGIBLE RELOCATION COSTS

(Direction From Council Required)

September 2024 Council meeting discussions indicate a desire to consolidate all relocation related items as a lump sum or group. Potential values or assigned percentages need to be reviewed by Council. Estimated values should be reviewed in-camera.

1. *Moving Expenses – as drafted*
2. *Realtor Fees – as drafted*
3. *Legal Fees – as drafted*
4. *Future Municipal Property Tax Off-Setting – formula required*

The following is a list of relocation costs that are eligible for funding under the Program for applicants who relocate within the West Hants Regional Municipality. All relocation costs estimates must be included in the application and supported by three written quotes when possible.

1.27. Moving expenses are an eligible expense claim associated with the relocation of the applicant within the West Hants Regional Municipality. All contents within the home and associated with the property are eligible to be included in the moving costs. Applicants are required to submit three written quotes within their program application for proof of anticipated costs. Moving costs will be reimbursed with proof of receipts.

1.28. Realtor fees associated with the relocation and are an eligible expense claim associated with the relocation of the applicant within the West Hants Regional Municipality. Applicants are required to submit three written quotes within their program application for proof of anticipated costs. Realtor fees will be reimbursed with proof of receipts.

1.29. Legal fees associated with the relocation are an eligible expense claim associated with the relocation of the applicant within the West Hants Regional Municipality. Applicants are required to submit three written quotes within their program application for proof of anticipated costs. Legal fees will be reimbursed with proof of receipts.

1.30. Municipal property tax off-setting is aimed to ease the financial burden of the applicant after moving to a new property within the West Hants Regional Municipality, in the event the annual property taxation is greater at the new property purchased by the applicant vs the property taxation value of the Stannus Street property.

8.4.1 Stannus Street property tax values will be recorded for the purpose of the application in the year the application is submitted.

8.4.2 The property taxation values of the new property will be calculated based on the property buyout value approved with the program by Council or assessed value assigned to the new property as provide by PVSC in the first taxation billing cycle after relocating.

8.4.3 The property tax off-setting value will be granted in a lump sum as part of the buy-out value equivalent to (?) year (s) of property taxation payments.

I, Deanna Snair, Municipal Clerk of the West Hants Regional Municipality, in the Province of Nova Scotia, do hereby certify that this is a true copy of the Combined Sewer Overflow (CSO) Residential Buyout Program as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the____day of (month),______(year).

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Deanna Snair

Adoption	
Notice to Council	Date
Approval	Date
Description	