

# Bill 16: *Housing Statutes Amendment Act*



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# Roadmap for Presentation

- **Part I: Overview of Bill 16**
- **Part II: Inclusionary Zoning & Density Bonusing Schemes**
- Key Topics:
  - What is Bill 16?
  - Summary of key changes made by Bill 16 to local government powers.
  - New tools to drive affordability in communities.

# PART I: Overview of Bill 16

## Bill 16 (*Housing Supply Amendment Act*)

- Amends *Community Charter, Local Government Act, Vancouver Charter, Island Trust Act*
- Five “realms” of change:
  - i. Site-level works and services
  - ii. Transport demand management
  - iii. Tenant protection bylaws
  - iv. Density bonusing scheme
  - v. Inclusionary zoning (affordable and special needs housing)
- No regulations are yet in force

# PART I: Overview of Bill 16

## Relevant Definitions

- *“affordable and special needs housing zoning bylaw” (“A/SNH Bylaw”)*
- *“capital costs”*
- *“conditional density rule”*
- *“density benefits zoning bylaw” (“density bylaw”)*
- *“servicing officer”*
- *“transport demand management” (“TDM”)*
- *“transportation demand management measures”*

# PART I: Overview of Bill 16

## Site-Level Works and Services

- Before, local govts could require works & services as condition of subdivision
- Now, local govts may also require W&S as condition of development of land:
  - Highways (dimensions, locations, alignment, gradient)
  - Systems (water distribution, fire hydrant, sewage, drainage)
  - Amenities (benches, bike parking, directional signing, transit shelters)
  - Transport infrastructure (traffic calming, sustainable design, emission reductions walkways, boulevards, street lighting, underground wiring, etc)
- Owner must provide W&S as condition of subdivision approval or BP
- But, must not be used to limit density of development

# PART I: Overview of Bill 16

## Transport Demand Management (1/2)

- Before, AO could require landowner to, without compensation, dedicate lands as highway as condition of subdivision
- Now, as condition of subdivision approval, Approving Officer can also require lands (up to 5m in depth), for:
  - transportation infrastructure for walking, bicycling, public transit
  - “constructing and designing sustainable design features”

Also, as building permit condition, a Servicing Officer can require the same

“**Servicing officer**” is a (not yet defined) “prescribed class of persons”

# PART I: Overview of Bill 16

## Transport Demand Management (2/2)

- New tools to advance “transport demand management” (TDM) goals
  - Defined as “improving the movement of people and goods, reducing motor vehicle dependence, and increasing sustainable transportation through measures including electric vehicle chargers, end-of-trip facilities, scooter, bicycle parking”
- Local govt can consider and require TDM measures including:
  - EV charging stations, secured bicycle and scooter parking facilities
  - Any other measure to advance TDM management as prescribed by regulation
- Developers may pay funds in lieu of compliance with TDM Bylaw requirements
- By June 30 of each year, local govt must prepare reserve fund report
- TDM policies may be included in the OCP

# PART I: Overview of Bill 16

## Tenant Protection Bylaws

- Authority of a council is expanded by new section 63(g):
  - **63** The authority of a council... may be exercised in relation to the following:
    - **(g)** ...the protection of tenants as described in section 63.2.
- By bylaw, municipalities can require landlords are redeveloping land to:
  - Give tenants notice of redevelopment or proposed redevelopment
  - Financial compensation for termination of tenancy agreements
  - Financial or other assistance to find and relocate to comparable replacement units
  - Opportunity to exercise right to enter new tenancy for other unit owned by landlord
- Amounts owing under tenancy legislation are deducted from amounts under bylaw



# PART I: Overview of Bill 16

## Density Bonusing

- Before, *LGA* enabled local govts to establish density rules in zoning bylaws
- Now, *LGA* provides additional rules for density bonuses
  - New definition: “*conditional density rule*”
  - New definition: “*density benefits zoning bylaw*”
- Density bonuses may be exchanged for A/SNH or for certain amenities
- Density bonus for A/SNH must be greater than the zoning bylaw
- Remainder of density bonusing scheme to be discussed in reference to inclusionary zoning

# PART I: Overview of Bill 16

## Inclusionary Zoning

- Inclusionary zoning = requiring affordable or special needs housing units (“A/SNH Units”) in new developments
- Local gov’t may promote A/SNH Units in new developments by either or both of:
  - i. providing density bonus based on number of A/SNH Units in development
  - ii. requiring A/SNH Units as a condition to any new development that is “in whole or in part” a residential development.

Before issuing building permit, the local govt must enter into s. 483 housing agreement with owner of land

# PART II: Inclusionary Zoning & Density Benefits

## Local Government Obligations

- Must exercise this power by bylaw
- If adopted, then the A/SNH Bylaw must establish requirements for the following:
  - Forms of tenure of the A/SNH Units
  - Affordability of the units (including sales price or rental rates)
  - Time duration that A/SNH units are subject to affordability requirements
  - Formula for estimating capital costs that a developer would incur to provide the A/SNH Unit
- A/SNH Bylaw must express portion of development that will be A/SNH Units as:
  - Proportion of all housing units in a development, and/or
  - % of gross floor area of the residential component of development

# PART II: Inclusionary Zoning & Density Benefits

## Overview of Inclusionary Zoning Requirements

- A/SNH objectives to be met in one of three ways:
  - (1) as comprising part of the new proposed residential development;
  - (2) as a separate development on other lands owned by developer;
  - (3) as cash-in-lieu of providing the A/SNH Units, paid into reserve fund
- Local govt must prepare and consider annual report discussing A/SNH Units and reserve funds

# PART II: Inclusionary Zoning & Density Benefits

## Providing A/SNH Units “Elsewhere”

- Local govt and owner may agree for A/SNH to be provided on another parcel
- Must do so by bylaw and by entering into an agreement
- Proposal must meet or exceed requirements under the A/SNH Bylaw
- Agreement must include the following information:
  - Where the A/SNH Units will be located
  - Who is to provide the A/SNH Units on each parcel of land
  - When the A/SNH Units will be provided
  - How the A/SNH Units will meet or exceed the A/SNH Bylaw requirements
  - Any other prescribed information

# PART II: Inclusionary Zoning & Density Benefits

## Reserve Funds

- A/SNH Bylaw must include formula for calculating capital costs

**482.91(1)** In this section, “**capital costs**” includes

- (a) planning, engineering and legal costs, and
- (b) interest costs

directly related to providing, constructing, altering or expanding affordable and special needs housing units

- Owner can pay estimated “capital costs” instead of providing A/SNH Units
- Cash-in-lieu is due when BP is issued for the development
- All funds must be placed in A/SNH Reserve Fund (“Reserve Fund”)
- Reserve fund must only be used for prescribed A/SNH purposes

## **PART II: Inclusionary Zoning & Density Benefits**

### Requirements Before Adopting Bylaw

- Prior to adopting density bonus bylaw, local govt must:
  - must consult with affected persons prior to adoption of bylaw
  - conduct feasibility analysis before adoption available to public:
  - must be greater than minimum density for TOAs or A/SNH Bylaw
  - must specify % of development that must be for A/SNH purposes
  - must specify the forms of tenure, affordability of the A/SNH Units (both sales price & rent), and duration of affordable requirements

# PART II: Inclusionary Zoning & Density Benefits

## Exemptions from A/SNH Bylaw

*Certain entities are exempt from A/SNH Bylaw requirements*

- municipal corporation for affordable housing purpose
- a society (not including a member-funded society)
- not-for-profit housing cooperative
- board within the meaning of the Health Authorities Act
- government of Canada or an agent of the government
- registered charity under section 248 of the Income Tax Act
- prescribed bodies

*Exempt precursor applications (in-stream applications) exempt*





Questions?

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