



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 14.2.1
Halifax Regional Council
July 31, 2018

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Councillor Sam Austin, Chair, Community Planning and Economic Development
Standing Committee

DATE: July 5, 2018

SUBJECT: Proposed Amendments to Administrative Order 2014-002-ADM Respecting the
Heritage Incentives Program

ORIGIN

June 21, 2018 meeting of the Community Planning and Economic Development Standing Committee, Item No. 12.1.1.

LEGISLATIVE AUTHORITY

Administrative Order 1, *Respecting the Procedures of the Council*, Schedule 3, Community Planning & Economic Development Standing Committee Terms of Reference, section 5:

Oversight – Economics and Immigration

5. The Community Planning and Economic Development Standing Committee shall oversee the Municipality's Community building initiatives in the areas of arts, culture, recreation and heritage and related facilities strategies by:

- (a) promoting and enabling an inclusive range of arts, culture, recreation and heritage opportunities in the municipality;
- (b) promoting and enabling access to arts, cultural, recreation and heritage facilities that support the Municipality's Community Outcome areas; and
- (c) overseeing the progress on the Municipality's Community building and enhancing strategies and any related initiatives.

5A. "Heritage" for the purposes of community building initiatives relates to overseeing policy matters respecting heritage and, for greater certainty, excludes oversight of a specific application respecting a municipal heritage property, such as an application for a registration, deregistration, substantial alteration, demolition or heritage incentive.

Recommendation on page 2.

RECOMMENDATION

The Community Planning and Economic Development Standing Committee recommends that Halifax Regional Council:

1. Adopt the proposed amendments to Administrative Order 2014-002-ADM as outlined in Attachment 2 of the staff report dated May 8, 2018 so as to:
 - a) Change the intake period for applications under the Heritage Incentives Program from the current intake period of January 1st through March 31st to September 1st through December 1st of each year;
 - b) Change the deadline for staff to provide a recommendation to the Heritage Advisory Committee on eligible grant applications from June 30th to March 1st of each year in order to better align approval of funding with the start of the fiscal year.
 - c) Prioritize applicants in future years if they were previously approved for funding and were unable to commence their approved work during that year so long as they notify the municipality in writing by July 1st of the year they were initially approved for funding.
2. Retain the current approval process for the Amendments Respecting the Heritage Incentives Program which is referred to Regional Council for ultimate approval under Administrative Order 2014-002-ADM.

BACKGROUND

A staff report dated May 8, 2018 regarding proposed amendments to Administrative Order 2004-002-ADM Respecting the Heritage Incentives Program was before the Community Planning and Economic Development Standing Committee for consideration at its June 21, 2018 meeting.

For further information, please refer to the attached staff report dated May 8, 2018.

DISCUSSION

The Community Planning and Economic Development Standing Committee reviewed the May 8, 2018 staff report at its meeting held on June 21, 2018 and forwarded the recommendation to Regional Council as outlined in this report.

FINANCIAL IMPLICATIONS

As outlined in the attached staff report dated May 8, 2018.

RISK CONSIDERATION

As outlined in the attached staff report dated May 8, 2018.

COMMUNITY ENGAGEMENT

The Community Planning and Economic Development Standing Committee meetings are open to public attendance, a live webcast is provided of the meeting, and members of the public are invited to address the Committee for up to five minutes at the end of each meeting during the Public Participation portion of the meeting. The agenda, reports, video, and minutes of the Community Planning & Economic Development Standing Committee are posted on Halifax.ca.

ENVIRONMENTAL IMPLICATIONS

As outlined in the attached staff report dated May 8, 2018.

ALTERNATIVES

The Community Planning and Economic Development Standing Committee did not discuss alternative recommendations.

ATTACHMENTS

1. Staff report dated May 8, 2018.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Liam MacSween, Legislative Assistant, 902.490.6521



P.O. Box 1749
Halifax, Nova Scotia
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Attachment 1

Heritage Advisory Committee
May 23, 2018

Community Planning and Economic
Development Standing Committee
June 21st 2018

TO: Chair and Members of the Heritage Advisory Committee

Original Signed

SUBMITTED BY:

Kelly Denty, Acting Director, Planning and Development

Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: May 8, 2018

SUBJECT: Proposed Amendments to Administrative Order 2014-002-ADM Respecting the Heritage Incentives Program

ORIGIN

On January 12, 2016, the following motion of Regional Council was put and passed:

That Halifax Regional Council request a staff report that discusses:

1. *Implications of potential amendments to Administrative Order 2014-002-ADM, the Heritage Incentives Program Administrative Order that would:*
 - a) *Change the intake period for applications from January 1st until March 1st for the following fiscal year to October 1st and December 31 for the upcoming fiscal year;*
 - b) *Change the requirement that eligible applications must be evaluated and prioritized by staff and a report and recommendations prepared for consideration by the Heritage Advisory Committee no later than June 30th to the requirement that the evaluation and recommendation report for a HAC recommendation be prepared and the HAC should consider the matter by March 31 so that it can be debated by Regional Council in April of each year once the budget has been passed; and*
 - c) *Change when projects must be completed from March 31st of the same fiscal year as the approval to October 31 of the year following approval which will enable work to be done over 2 summers, and include any financial concerns around the creation of a reserve if this change is made; and*
2. *Whether the grants need to be approved by Regional Council or whether Regional Council may delegate the approval and sign off of the grants to the CAO, or her/his delegate, with a*

requirement that an information report be provided to Regional Council at least once a year listing the grants that were awarded.

LEGISLATIVE AUTHORITY

- Section 22(1) of the *Heritage Property Act of Nova Scotia*
- Section 4(n) of By-Law H-200
- Administrative Order 2014-002-ADM

RECOMMENDATION

Heritage Advisory Committee

1. It is recommended that the Heritage Advisory Committee recommend that Halifax Regional Council adopt the proposed amendments to Administrative Order 2014-002-ADM as outlined in Attachment 2 of this report so as to:
 - a. Change the intake period for applications under the Heritage Incentives Program from the current intake period of January 1st through March 31st to September 1st through December 1st of each year;
 - b. Change the deadline for staff to provide a recommendation to the Heritage Advisory Committee on eligible grant applications from June 30th to March 1st of each year in order to better align approval of funding with the start of the fiscal year.
 - c. Prioritize applicants in future years if they were previously approved for funding and were unable to commence their approved work during that year so long as they notify the municipality in writing by July 1st of the year they were initially approved for funding.
2. It is recommended that the Heritage Advisory Committee recommend that Halifax Regional Council retain the current approval process for the Heritage Incentives Program which is referred to Regional Council for ultimate approval under Administrative Order 2014-002-ADM.

Community Planning and Economic Development Standing Committee

1. It is recommended that the Community Planning and Economic Development Standing Committee recommend that Halifax Regional Council adopt the proposed amendments to Administrative Order 2014-002-ADM as outlined in Attachment 2 of this report so as to:
 - a. Change the intake period for applications under the Heritage Incentives Program from the current intake period of January 1st through March 31st to September 1st through December 1st of each year;
 - b. Change the deadline for staff to provide a recommendation to the Heritage Advisory Committee on eligible grant applications from June 30th to March 1st of each year in order to better align approval of funding with the start of the fiscal year.
 - c. Prioritize applicants in future years if they were previously approved for funding and were unable to commence their approved work during that year so long as they notify the municipality in writing by July 1st of the year they were initially approved for funding.
2. It is recommended that the Community Planning and Economic Development Standing Committee recommend that Halifax Regional Council retain the current approval process for the

Heritage Incentives Program which is referred to Regional Council for ultimate approval under Administrative Order 2014-002-ADM.

BACKGROUND

Since its inception in 2002, the Heritage Incentives Program has offered a financial assistance program of matching grants to encourage the conservation of privately owned, municipally registered heritage properties in the Municipality. In 2006, Council adopted a revised set of 'Terms and Conditions' for the program which formalized all aspects of the program administration including:

- limiting the number of applications in a four year period;
- creating a clear set of project evaluations and priority criteria for evaluating applications;
- improving protection from demolition for properties with approved grants.

In 2014, these Terms and Conditions were formalized in *Administrative Order 2014-002-ADM* (Attachment 1), and further improvements to the Program were introduced which clarified that Regional Council would approve the annual grants.

The program enables privately-owned, municipally registered heritage properties in residential or commercial use to apply for a 50-50 cost shared grant of up to \$10,000 for eligible exterior conservation work. Since its inception, the program budget has remained at \$150,000, except for a reduction of \$50,000 for the years the "Barrington Street Heritage Incentives program" was being funded. The program has provided assistance through over 200 separate and individual grants ranging from \$1,000 to \$10,000. As a result, the program has triggered over \$1.4 million in private investment in heritage property restoration since 2002.

Recently, heritage property owners who have utilized the program have raised concerns regarding their ability to complete approved projects within the time frames outlined in the Administrative Order. Therefore, staff have been asked to examine ways to better streamline the existing time frames to allow more approved projects to be completed and paid out within the fiscal year.

DISCUSSION

The Heritage Incentives Program is funded through an annual budget approved by Regional Council. Many of the program's requirements are derived from limitations placed upon it through the approved budgeting procedures. Currently, grant applications must be submitted, approved by Council, work completed, and funds issued within the same fiscal year. However, the building season in Nova Scotia is relatively short and is often complicated by unpredictable weather conditions. In the past year, several owners have raised concerns that the limitations imposed by the fiscal year requirements had a negative effect on their ability to complete the work on time. Given that there is no ability to carry forward operating budget funds from one year to the next, if owners are unable to complete their projects before March 1st of the year following approval, they risk losing their grant funding.

The motion of Council requested staff to examine 4 possible changes to the Administrative Order as follows:

1. Change the Intake Period for Grant Applications

Currently, the Administrative Order states that the intake period for the acceptance of applications is January 1st to March 1st of each year. It has been suggested that moving the application intake period ahead of the start of the fiscal year will allow more time for owners to undertake the work before the deadline of March 1st of the following year. The intake period could be changed to between September 1st and December 1st. Staff advise this change could improve the program without creating any additional administrative burden. The deadline for submission of receipts for completed work would remain March 1st of the same fiscal year.

Staff recommend approving this amendment to the Administrative Order so that applicants have more time to complete eligible work. This proposed change should only take place in conjunction with recommendation 2.

2. Deadline for Staff Report to the Heritage Advisory Committee

The Heritage Incentives Program Terms and Conditions previously did not indicate a deadline for staff to provide their report to HAC, and in some years approvals weren't granted until late in the spring or summer. Therefore, when the Administrative Order was created, a timeline for the approval of grants was introduced by requiring that the report be prepared for consideration by the Heritage Advisory Committee no later than June 30th each year. It was anticipated that staff would evaluate all applications after the closing date of March 1st and have a staff report before the Heritage Advisory Committee in April or May, and allow Council to make decisions by June of each year.

If the application submission date is changed to the beginning of December then a staff report could be prepared for consideration by the Heritage Advisory Committee by the end of March, ahead of the fiscal year. The Heritage Advisory Committee recommendation would then be forwarded to Regional Council after budget deliberations. The combination of moving both the application and staff report deadlines will allow grant projects to be approved at the beginning of the fiscal year, thereby providing several more months for property owners to complete their projects.

Staff recommend amending the Administrative Order to require that the staff report be delivered to HAC no later than March 1st of each year. This will allow HAC to consider the report and forward their recommendation to Council at the start of the new fiscal year. As noted, this change should only take place in conjunction with recommendation 1.

3. Removing fiscal year limitations

By moving the application submission date and approval earlier in the year, most of the limitations of the annual funding cycle will be alleviated. With these date changes in place, further extending the work period for these small projects (up to \$10,000) into a subsequent year could, in fact, reduce the effectiveness of the program by discouraging property owners from doing work in a timely manner, i.e. in the summer and fall. Therefore, a 2-year funding approval (with a reserve) would not be a beneficial approach, as it would increase program administration and likely reduce program outcomes.

In unusual circumstances, where work cannot possibly proceed, the property owner is encouraged to notify the municipality so that another property owner (on the backup list) can be awarded a grant for their planned work. In these cases, the property owner giving up the grant could be given special consideration in the following year. This could be achieved by amending the Project Evaluation and Prioritization Criteria in the Administrative Order. In order to ensure enough time is left for those on the back-up list to complete their work, a deadline to forfeit an approved grant by July 1st should be added to the conditions.

Staff recommend amending the Administrative Order to prioritize applications from property owners who were unable to commence their eligible work under an approved grant in the previous year, and who notified the municipality in writing by July 1st that they were forfeiting their grant.

4. Delegation of authority to approve financial assistance

The provision of financial assistance to municipal heritage properties is governed by Section 22 of the *Heritage Property Act*, HRM By-Law H-200, the *Heritage Property By-law*, and Administrative Order 2014-002-ADM, the *Heritage Incentives Program Administrative Order*.

By-law H-200 outlines in Section 4 the powers of the Heritage Advisory Committee, including in Subsection 4(n):

“The Committee shall, within the time limits prescribed by Council or the Act, advise the Region respecting:

...
(n) financial incentives to heritage properties.”

Therefore, the Heritage Advisory Committee must provide advice to the municipality on applications for financial assistance under the Heritage Incentives Program for municipal heritage properties.

Sub-clause 35(2)(d)(i) of the *Halifax Regional Municipality Charter* permits the CAO, subject to policies adopted by the Council, to:

“make or authorize expenditures... for anything required for the Municipality where the amount of the expenditure is budgeted or within the amount determined by the Council by policy, and may delegate this authority to employees of the Municipality.”

If the rationale for consideration of delegating authority for the approval of the annual heritage incentives grants is to expedite the final approvals, staff advise that this approval would not achieve that outcome. While Council may delegate its authority for approving the heritage incentives grants to the CAO through amendments to Administrative Order 2014-002-ADM, a staff report will still be required for the Heritage Advisory Committee to review and forward a recommendation. It is anticipated that moving the intake period and staff report deadline ahead of the fiscal year will allow for approvals to be given by the end of April. This will allow property owners the majority of the fiscal year to complete their projects and submit documentation required for staff to requisition the grant funds. The additional time for successful applicants to complete their eligible work should result in fewer last-minute submissions for payment by property owners, leading to improved program administration by both heritage and accounts payable staff..

Staff recommend retaining the current approval process for the Heritage Incentives Program as outlined in Administrative Order 2014-002-ADM, thus maintaining Regional Council as the approving authority.

FINANCIAL IMPLICATIONS

There are no financial implications of this report. Changes to the Administrative Order to revise application intake dates, the staff report deadline and prioritization criteria can be done with existing resources.

ALTERNATIVES

Heritage Advisory Committee

1. The Heritage Advisory Committee may choose to recommend that Regional Council adopt some of the amendments to Administrative Order 2014-002-ADM; or
2. The Heritage Advisory Committee may choose to recommend that Regional Council adopt none of the amendments to Administrative Order 2014-002-ADM.

Community Planning and Economic Development Standing Committee

1. The Community Planning and Economic Development Standing Committee may choose to recommend that Regional Council adopt some of the amendments to Administrative Order 2014-002-ADM; or
2. The Community Planning and Economic Development Standing Committee may choose to recommend that Regional Council adopt none of the amendments to Administrative Order 2014-002-ADM.

ATTACHMENTS

Attachment 1 - Proposed Amendments to Administrative Order Number 2014-002-ADM Respecting the Heritage Incentives Program

Attachment 2 - Amending Administrative Order

Attachment 3 - Administrative Order Number 2014-002-ADM Incorporating Changes

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Aaron Murnaghan, Principal Heritage Planner – 902.292-2470

Report Approved by: Kurt Pyle, Social & Economic Research Program Manager, 902.490.6011

Financial Approval by: Jerry Blackwood, Acting Director of Finance and Asset Management/CFO, 902.490.6308

**Attachment 1
(Showing Proposed Changes)**

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 2014-002-ADM
RESPECTING THE HERITAGE INCENTIVES PROGRAM

WHEREAS pursuant to *Heritage Property Act*, R.S.N.S. 1989, c. 199, the Council of the Halifax Regional Municipality may provide financial assistance in respect of municipal heritage property to any person to assist in the restoration or renovation of such property upon such terms and conditions as the Council deems fit;

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Administrative Order may be cited as Administrative Order Number 2014-002-ADM, the Heritage Incentives Program Administrative Order.

Purpose

2. To encourage the conservation of privately-owned, municipally registered heritage properties used for residential or commercial purposes. Within the limits of the annual approved budget, the Heritage Incentives Program provides matching grants of up to \$10,000 for eligible exterior conservation work.

Interpretation

3. For the purposes of this Administrative Order, “municipally registered heritage property” has the same meaning as “municipal heritage property” in the *Heritage Property Act*, R.S.N.S. 1989, c. 199.

Financial Assistance Available

4. The Heritage Incentives Program operates on the Municipality’s fiscal year, from April 1st to March 31st.
5. Twenty-five per cent (25%) of the annual heritage incentives budget is allocated to applications relating to commercial heritage properties. This is a proportionate allocation based on the fact that commercial buildings make up 25% of the HRM heritage registry. Any funds not used for commercial properties will be made available to residential applications.
6. Financial assistance is awarded on a 50% cost-sharing basis, exclusive of HST.
7. The maximum annual amount of financial assistance per property is \$10,000.00.
8. The minimum annual amount of financial assistance per property is \$500.00.
9. Each property is limited to one application for financial assistance per year, and two successful applications in any four year period.

Application Requirements

10. There is one intake period per fiscal year. Applications will be accepted between ~~January 1st and March 1st~~ **September 1st and December 1st** for the following fiscal year.
11. All applications must be received by mail or in person. E-mailed or faxed applications will not be accepted. The address for submission of applications will be posted on www.halifax.ca prior to ~~January 1st~~ **September 1st** of each year.
12. Applications must include:
 - (a) a completed application form;
 - (b) recent photographs of all sides of the building, with close-ups of the areas of work for which the grant is applied;
 - (c) two contractor estimates for the proposed work; and
 - (d) where the applicant is a condominium corporation, a copy of the board of director minutes approving the submission of the grant application.
13. Late or incomplete applications will not be reviewed or considered.

Eligible Property

14. Only eligible property will be considered for financial assistance.
15. An eligible property must be:
 - (a) a privately-owned, registered municipal heritage property within HRM; and
 - (b) in use for residential or commercial purposes.
16. A property is not eligible for financial assistance if the property is currently under investigation or prosecution for land-use, Building Code, Fire Code, or Heritage Property Act violations, or is subject to an order to comply under any Act or By-law, or has any liens or property taxes outstanding.

Work & Materials Eligible for Financial Assistance

17. Projects which restore exterior architectural elements significant to the heritage value of the registered heritage property, including any of the following, are eligible for financial assistance:
 - (a) **Preservation** of existing exterior architectural elements. This includes, for example, repair of deteriorated windows and doors, cladding, roofing, foundation, cornices, moldings, architectural trim, and other significant features.
 - (b) **Replacement** of existing exterior architectural elements that still exist but which are beyond preservation or repair. This includes replacement in kind of deteriorated doors and windows, cladding, roofing, cornices, moldings, architectural trim, and other significant features, using accurate reconstruction and materials, sizes, and configurations that match the original.

- (c) **Restoration** of exterior architectural elements which have been lost but for which the appearance can be clearly determined from physical evidence or documentary sources such as historic drawings or photographs.
 - (d) **Painting** in colours appropriate to the period of the heritage property. Generally, colours from the heritage palette of the major paint manufacturers are preferred.
 - (e) **Preservation/restoration of historic outbuildings or landscape features**, such as fences, walls or gates which form part of the original, documented heritage value of the property.
18. To be eligible, projects must use traditional materials (wood, stone, brick, etc.) and traditional designs.

Work & Materials Ineligible for Financial Assistance

19. The following work and materials are ineligible for financial assistance:
- (a) work that has been commenced or completed prior to submission of the application;
 - (b) modern materials such as vinyl or aluminum clad windows, steel doors, vinyl siding, or Exterior Insulation Finishing System cladding;
 - (c) short-term, routine maintenance including minor repairs;
 - (d) poor or defective work; or
 - (e) labour undertaken by the owner.

Project Evaluation and Prioritization

20. Projects will be evaluated using HRM *Heritage Building Conservation Standards* as adopted by By-law H-200, or any other guidelines for the conservation of heritage properties that may be adopted by By-law H-200 from time to time.
21. The following criteria will be used to prioritize applications:
- (a) Preference given to first-time applications.
 - (b) Higher priority will be given to preservation and restoration of historic structural and weatherproofing elements than to cosmetic improvements, e.g., restoration of cladding, windows, doors, or roof has greater priority than painting.
 - (c) Preference will be given to restoration of publicly visible features, e.g., an application for restoration of a front porch would have higher priority than a back porch restoration.
 - (d) Balance will be sought between applications from different parts of HRM, e.g., Halifax South End, Halifax North End, Dartmouth, Bedford, South-Western shore, Eastern Shore, etc.
 - (e) Preference will be given to applications supported by a Building Conservation Plan prepared by an architect, building inspector, engineer, or other qualified restoration

professional. The Building Conservation Plan shall be a drawing or report which reasonably illustrates all work required for the building.

- (f) Preference will be given to an applicant who:
- (i) was approved for the same scope of work the previous year;
 - (ii) did not commence the approved work; and
 - (ii) notified the heritage planner of the intent to forfeit the grant prior to July 1 in the year it was approved.

Application Review Process

22. All applications will be screened by staff for basic eligibility as they are received. Applicants will be notified promptly if their application is ineligible.
23. Eligible applications will be evaluated and prioritized by staff and a report and recommendations will be prepared for consideration by the Heritage Advisory Committee, no later than ~~June 30th~~ **March 1st** each fiscal year.
24. The staff report will be reviewed by the Heritage Advisory Committee for recommendation to Regional Council.
25. Final approval of all applications for financial assistance, and their amount, is a decision of Regional Council in its sole discretion. Regional Council may:
 - (a) approve the application;
 - (b) approve the application to be placed on a waiting list to be administered by staff in accordance with funds available in the program budget; or
 - (c) refuse the application.
26. Notification of the decision of Regional Council will be mailed to applicants after it is made.
27. Approval of financial assistance is conditional on Regional Council's approval of the annual program budget.
28. Due to limited funds, not all eligible applications may receive financial assistance.

Conditions of Approval & Payment of Financial Assistance

29. Projects must be completed within the fiscal year for which they are approved.
30. Financial assistance is conditional on satisfactory completion of approved work, photographic documentation of completed work, and submission of well-organized receipts and paid invoices.
31. Deadline for submission of receipts and paid invoices is March 1st each fiscal year. This is necessary to enable payments to be processed by end of fiscal year.
32. Financial assistance for projects not completed by the end of the fiscal year will be forfeited.
33. Financial Assistance is tied to specific approved work. Additional work beyond what is budgeted for and approved will not be funded.
34. The applicant shall notify HRM of any changes to the approved work prior to it being

undertaken and shall not proceed with the work without supplementary approval. The authority to give such approval is hereby delegated to the Heritage Property Planner. Approval may be sought at any time in the fiscal year for which the financial assistance was approved, but must be sought prior to the submission of receipts and paid invoices. Work that deviates from the approved work without a supplementary approval may not be eligible for funding and, at the discretion of HRM, such funding may be withheld and re-allocated to another heritage property.

35. For projects which result in cumulative financial assistance of \$10,000.00 or more, no funds shall be paid until the applicant has signed an *Agreement to Waive Section 18 of the Heritage Property Act* and filed the agreement, at their cost, at the Registry of Deeds. Under the agreement, which runs with the property, the applicant agrees not to demolish or alter the exterior appearance of the property in any manner without the written consent of HRM and expressly waives its rights under section 18 of the Heritage Property Act for ten (10) years from the date of the agreement. Waivers must be filed at the Registry of Deeds within 6 months after the end of the fiscal year in which the financial assistance has been approved: failure to do so will result in forfeiture of funds.

Scope

36. Nothing in this Administrative Order shall be interpreted to limit or otherwise prescribe Council's general discretion to provide financial assistance under the *Heritage Property Act* or otherwise.

Effective Date

37. This Administrative Order comes into force beginning with applications for the 2015-16 fiscal year.

Done and passed in Council this 1st day of April, A.D. 2014.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on April 1, 2014.

Cathy Mellett, Municipal Clerk

Notice of Motion:
Approved:

March 18, 2014
April 1, 2014

**Attachment 2
(Amending Administrative Order)**

**ADMINISTRATIVE ORDER 2014-002-ADM
ADMINISTRATIVE ORDER RESPECTING THE HERITAGE INCENTIVES PROGRAM**

BE IT ENACTED by the Council of the Halifax Regional Municipality, pursuant to *Heritage Property Act*, R.S.N.S. 1989, c. 199, that Administrative Order 2014-002-ADM, *Respecting the Heritage Incentives program* is amended, as follows:

1. Section 10 is amended by:

(a) striking the words and numbers “January 1st and March 1st” before the words “for the” and after the word “between”; and

(b) adding the words and numbers “September 1st and December 1st” before the words “for the” and after the word “between”.

2. Section 11 is amended by:

(a) striking out the word and number “January 1st” before the words “of each year” and after the words “prior to”; and

(b) adding the word and number “September 1st” before the words “of each year” and after the words “prior to”.

3. Clause (f) is added to section 21 immediately following clause (e) and before the heading “Application Review Process” as follows:

- (f) Preference will be given to an applicant who:
 - (i) was approved for the same scope of work the previous year;
 - (ii) did not commence the approved work; and
 - (ii) notified the heritage planner of the intent to forfeit the grant prior to July 1 in the year it was approved.

4. Section 23 is amended by:

(a) striking out the word and number “June 30th” before the words “each fiscal year” and after the words “no later than”; and

(b) adding the word and number “March 1st” before the words “each fiscal year” and after the words “no later than”.

Done and passed this day of , 2018.

Mayor

Municipal Clerk

Attachment 3

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 2014-002-ADM
RESPECTING THE HERITAGE INCENTIVES PROGRAM

WHEREAS pursuant to *Heritage Property Act*, R.S.N.S. 1989, c. 199, the Council of the Halifax Regional Municipality may provide financial assistance in respect of municipal heritage property to any person to assist in the restoration or renovation of such property upon such terms and conditions as the Council deems fit;

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Administrative Order may be cited as Administrative Order Number 2014-002-ADM, the Heritage Incentives Program Administrative Order.

Purpose

2. To encourage the conservation of privately-owned, municipally registered heritage properties used for residential or commercial purposes. Within the limits of the annual approved budget, the Heritage Incentives Program provides matching grants of up to \$10,000 for eligible exterior conservation work.

Interpretation

3. For the purposes of this Administrative Order, “municipally registered heritage property” has the same meaning as “municipal heritage property” in the *Heritage Property Act*, R.S.N.S. 1989, c. 199.

Financial Assistance Available

4. The Heritage Incentives Program operates on the Municipality’s fiscal year, from April 1st to March 31st.
5. Twenty-five per cent (25%) of the annual heritage incentives budget is allocated to applications relating to commercial heritage properties. This is a proportionate allocation based on the fact that commercial buildings make up 25% of the HRM heritage registry. Any funds not used for commercial properties will be made available to residential applications.
6. Financial assistance is awarded on a 50% cost-sharing basis, exclusive of HST.
7. The maximum annual amount of financial assistance per property is \$10,000.00.
8. The minimum annual amount of financial assistance per property is \$500.00.
9. Each property is limited to one application for financial assistance per year, and two successful applications in any four year period.

Application Requirements

10. There is one intake period per fiscal year. Applications will be accepted between September 1st and December 1st for the following fiscal year.
11. All applications must be received by mail or in person. E-mailed or faxed applications will not be accepted. The address for submission of applications will be posted on www.halifax.ca prior to September 1st of each year.
12. Applications must include:
 - (a) a completed application form;
 - (b) recent photographs of all sides of the building, with close-ups of the areas of work for which the grant is applied;
 - (c) two contractor estimates for the proposed work; and
 - (d) where the applicant is a condominium corporation, a copy of the board of director minutes approving the submission of the grant application.
13. Late or incomplete applications will not be reviewed or considered.

Eligible Property

14. Only eligible property will be considered for financial assistance.
15. An eligible property must be:
 - (a) a privately-owned, registered municipal heritage property within HRM; and
 - (b) in use for residential or commercial purposes.
16. A property is not eligible for financial assistance if the property is currently under investigation or prosecution for land-use, Building Code, Fire Code, or Heritage Property Act violations, or is subject to an order to comply under any Act or By-law, or has any liens or property taxes outstanding.

Work & Materials Eligible for Financial Assistance

17. Projects which restore exterior architectural elements significant to the heritage value of the registered heritage property, including any of the following, are eligible for financial assistance:
 - (a) **Preservation** of existing exterior architectural elements. This includes, for example, repair of deteriorated windows and doors, cladding, roofing, foundation, cornices, moldings, architectural trim, and other significant features.
 - (b) **Replacement** of existing exterior architectural elements that still exist but which are beyond preservation or repair. This includes replacement in kind of deteriorated doors and windows, cladding, roofing, cornices, moldings, architectural trim, and other significant features, using accurate reconstruction and materials, sizes, and configurations that match the original.

- (c) **Restoration** of exterior architectural elements which have been lost but for which the appearance can be clearly determined from physical evidence or documentary sources such as historic drawings or photographs.
 - (d) **Painting** in colours appropriate to the period of the heritage property. Generally, colours from the heritage palette of the major paint manufacturers are preferred.
 - (e) **Preservation/restoration of historic outbuildings or landscape features**, such as fences, walls or gates which form part of the original, documented heritage value of the property.
18. To be eligible, projects must use traditional materials (wood, stone, brick, etc.) and traditional designs.

Work & Materials Ineligible for Financial Assistance

19. The following work and materials are ineligible for financial assistance:
- (a) work that has been commenced or completed prior to submission of the application;
 - (b) modern materials such as vinyl or aluminum clad windows, steel doors, vinyl siding, or Exterior Insulation Finishing System cladding;
 - (c) short-term, routine maintenance including minor repairs;
 - (d) poor or defective work; or
 - (e) labour undertaken by the owner.

Project Evaluation and Prioritization

20. Projects will be evaluated using HRM *Heritage Building Conservation Standards* as adopted by By-law H-200, or any other guidelines for the conservation of heritage properties that may be adopted by By-law H-200 from time to time.
21. The following criteria will be used to prioritize applications:
- (a) Preference given to first-time applications.
 - (b) Higher priority will be given to preservation and restoration of historic structural and weatherproofing elements than to cosmetic improvements, e.g., restoration of cladding, windows, doors, or roof has greater priority than painting.
 - (c) Preference will be given to restoration of publicly visible features, e.g., an application for restoration of a front porch would have higher priority than a back porch restoration.
 - (d) Balance will be sought between applications from different parts of HRM, e.g., Halifax South End, Halifax North End, Dartmouth, Bedford, South-Western shore, Eastern Shore, etc.
 - (e) Preference will be given to applications supported by a Building Conservation Plan prepared by an architect, building inspector, engineer, or other qualified restoration

professional. The Building Conservation Plan shall be a drawing or report which reasonably illustrates all work required for the building.

- (f) Preference will be given to an applicant who:
- (i) was approved for the same scope of work the previous year;
 - (ii) did not commence the approved work; and
 - (iii) notified the heritage planner of the intent to forfeit the grant prior to July 1 in the year it was approved.

Application Review Process

22. All applications will be screened by staff for basic eligibility as they are received. Applicants will be notified promptly if their application is ineligible.
23. Eligible applications will be evaluated and prioritized by staff and a report and recommendations will be prepared for consideration by the Heritage Advisory Committee, no later than March 1st each fiscal year.
24. The staff report will be reviewed by the Heritage Advisory Committee for recommendation to Regional Council.
25. Final approval of all applications for financial assistance, and their amount, is a decision of Regional Council in its sole discretion. Regional Council may:
- (a) approve the application;
 - (b) approve the application to be placed on a waiting list to be administered by staff in accordance with funds available in the program budget; or
 - (c) refuse the application.
26. Notification of the decision of Regional Council will be mailed to applicants after it is made.
27. Approval of financial assistance is conditional on Regional Council's approval of the annual program budget.
28. Due to limited funds, not all eligible applications may receive financial assistance.

Conditions of Approval & Payment of Financial Assistance

29. Projects must be completed within the fiscal year for which they are approved.
30. Financial assistance is conditional on satisfactory completion of approved work, photographic documentation of completed work, and submission of well-organized receipts and paid invoices.
31. Deadline for submission of receipts and paid invoices is March 1st each fiscal year. This is necessary to enable payments to be processed by end of fiscal year.
32. Financial assistance for projects not completed by the end of the fiscal year will be forfeited.
33. Financial Assistance is tied to specific approved work. Additional work beyond what is budgeted for and approved will not be funded.
34. The applicant shall notify HRM of any changes to the approved work prior to it being undertaken and shall not proceed with the work without supplementary approval. The authority to

give such approval is hereby delegated to the Heritage Property Planner. Approval may be sought at any time in the fiscal year for which the financial assistance was approved, but must be sought prior to the submission of receipts and paid invoices. Work that deviates from the approved work without a supplementary approval may not be eligible for funding and, at the discretion of HRM, such funding may be withheld and re-allocated to another heritage property.

35. For projects which result in cumulative financial assistance of \$10,000.00 or more, no funds shall be paid until the applicant has signed an *Agreement to Waive Section 18 of the Heritage Property Act* and filed the agreement, at their cost, at the Registry of Deeds. Under the agreement, which runs with the property, the applicant agrees not to demolish or alter the exterior appearance of the property in any manner without the written consent of HRM and expressly waives its rights under section 18 of the Heritage Property Act for ten (10) years from the date of the agreement. Waivers must be filed at the Registry of Deeds within 6 months after the end of the fiscal year in which the financial assistance has been approved: failure to do so will result in forfeiture of funds.

Scope

36. Nothing in this Administrative Order shall be interpreted to limit or otherwise prescribe Council’s general discretion to provide financial assistance under the *Heritage Property Act* or otherwise.

Effective Date

37. This Administrative Order comes into force beginning with applications for the 2015-16 fiscal year.

Done and passed in Council this 1st day of April, A.D. 2014.

Mayor

Municipal Clerk

Notice of Motion:
Approved:

March 18, 2014
April 1, 2014