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**Item No. 1**  
**Halifax Regional Council**  
**June 8, 2021**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed by   
Jacques Dubé, Chief Administrative Officer

**DATE:** May 6, 2021

**SUBJECT:** Legislative Update – 2021 Spring Sitting

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**INFORMATION REPORT**

**ORIGIN**

2021 spring sitting of the Provincial Legislature.

**LEGISLATIVE AUTHORITY**

The relevant statutes for each legislative request are outlined in the discussion section of this report or in the attached legislative request tracking sheet (Attachment A).

**BACKGROUND**

The 2021 spring sitting of the Provincial Legislature commenced on March 9, 2021 and adjourned on April 19, 2021. As the 2020 fall sitting was prorogued as a result of COVID-19, the 2021 spring sitting saw the first legislative activity from the Legislature since the outbreak of the pandemic.

During the 2021 spring sitting, seven pieces of legislation were passed which directly impact HRM:

1. Bill No. 47 – Amendments to *Municipal Government Act* and *Halifax Regional Municipality Charter* (Accessibility Incentives)
2. Bill No. 50 – Amendments to *Municipal Government Act* and *Halifax Regional Municipality Charter* (Codes of Conduct)
3. Bill No. 103 – Amendments to *Halifax Regional Municipality Charter* (Halifax Common Aquatic Redevelopment)
4. Bill No. 98 – Amendments to *Municipal Government Act* and *Halifax Regional Municipality Charter* (Virtual Meetings)
5. Bill No. 97 – Amendments to *Electricity Act*
6. Bill No. 1 - *Police Identity Management Act*
7. Bill No. 28 - *Land Titles Initiative Acceleration Act*

An overview of these legislative changes is provided below.

Prior to the 2021 spring sitting, HRM had sixteen active legislative requests submitted to the Province for consideration. Three of these requests were addressed either in whole or in part by legislation approved during the spring sitting. These include Bill 47 (Accessibility Incentives), Bill 50 (Municipal Codes of Conduct), and Bill 103 (Halifax Common Aquatic Redevelopment). An updated legislative request tracking sheet is included with this report (Attachment A).

## **DISCUSSION**

### **1. Bill No. 47 – Amendments to *Municipal Government Act* and *Halifax Regional Municipality Charter* (Accessibility Incentives)**

Bill 47 introduces amendments to the *Halifax Regional Municipality Charter* (HRM Charter) and the *Municipal Government Act* (MGA) which enable municipalities to provide direct financial assistance to businesses for the purpose of supporting and incentivizing accessibility initiatives. Prior to Bill 47, the HRM Charter and MGA prohibited municipalities from providing direct financial assistance to for-profit organizations. Bill 47 introduces a limited exception.

The introduction of Bill 47 was partially in response to Regional Council's 2019 legislative request relating to accessible taxi incentives. The request sought amendments to the HRM Charter to enable the Municipality to provide business grants for accessible vehicle purchases or conversions and subsidies to accessible taxi license holders as a means of incentivising more accessible transportation options within the municipality.

In Summer 2020, the Department of Municipal Affairs (DMA) undertook consultations with municipalities on a range of proposed legislative initiatives. One area of focus was on identifying barriers preventing municipalities from supporting accessibility initiatives under the *Accessibility Act*. Council's accessible taxi request was a focal point of this discussion and helped to inform the development of Bill 47.

Bill 47 addresses Council's outstanding request regarding accessible taxi incentives, allowing HRM to develop grant programming to incentivise accessible taxis. The amendments introduced in Bill 47 are much broader in scope, enabling municipalities to explore a range of accessibility initiatives which involve extending financial support to businesses. The amendments are enabling, providing municipalities with authority to develop accessibility grant and subsidy programming but does not require them to do so.

Link to Bill No. 47: [https://nslegislature.ca/legc/bills/63rd\\_3rd/3rd\\_read/b047.htm](https://nslegislature.ca/legc/bills/63rd_3rd/3rd_read/b047.htm)

### **2. Bill No. 50 – Amendments to *Municipal Government Act* and *Halifax Regional Municipality Charter* (Codes of Conduct)**

Bill 50 introduces several amendments to the HRM Charter and MGA relating to codes of conduct for elected municipal officials. The amendments introduced in Bill 50 include:

- allowing Regional Council or any committee appointed by Council to meet in closed session to discuss alleged breaches of the code of conduct;
- requiring that the public record of a closed-session meeting to include the recommendations of any reports respecting investigations of alleged code of conduct breaches;
- making the adoption of a code of conduct mandatory for all municipalities, as well as requiring that codes be consistent with minimum code content requirements prescribed by regulations;
- requiring that municipalities appoint an independent third-party (person or entity) to receive complaints and undertake investigations regarding alleged code of conduct breaches;

- allowing the independent third party to dismiss a complaint that is frivolous;
- setting out reporting requirements respecting investigations conducted by a third-party;
- providing Regional Council with the authority to impose sanctions relating to a breach of the code of conduct if the sanction is listed in the regulations;
- expanding the regulation-making authority of the Minister of Municipal Affairs as it relates to prescribing available sanctions for code breaches, as well as prescribing minimum requirements for code content.

Municipal codes of conduct were another item of discussion during the DMA's consultations with municipalities in Summer 2020. In advance of these consultations, Regional Council [endorsed a model for a new code of conduct](#), which was subsequently brought forward during the consultations. The model for a new code of conduct incorporated Council's 2016 legislative request seeking the authority to impose monetary sanctions for code of conduct breaches, as well as advocating for an independent third-party to handle investigations of reported code breaches.

The amendments introduced in Bill 50 are consistent with the proposals put forward in the model code of conduct endorsed by Council. Council's legislative request relating to monetary sanctioning powers was not directly addressed in the amendments. However, the expanded regulation-making authority set out in Bill 50 suggests that the issue of sanctions can be addressed in future regulations.

Relatively minor amendments to Administrative Order 52, the Code of Conduct for Elected Officials (AO 52) will be necessary to align with these new statutory requirements, which are yet to be proclaimed. It is unlikely that the amendments will be proclaimed until the accompanying regulations are developed, which may contain additional code content requirements.

Link to Bill No. 50: [https://nslegislature.ca/legc/bills/63rd\\_3rd/3rd\\_read/b050.htm](https://nslegislature.ca/legc/bills/63rd_3rd/3rd_read/b050.htm)

3. Bill No. 103 – Amendments to *Halifax Regional Municipality Charter* (Halifax Common Aquatic Redevelopment)

Bill 103 introduces amendments to the HRM Charter which enable the Municipality to erect one permanent building and associated fencing on the Halifax Central Common to support the redevelopment of the aquatic area. The Bill was brought forward at the request of HRM, as the new Halifax Common Open Space Master Plan identifies the replacement of the outdoor aquatic facilities as an immediate priority. As the redevelopment involves building on Halifax common land, HRM is required to obtain legislative authority prior to proceeding.

The approval of Bill 103 will enable HRM to proceed with the aquatic redevelopment and fulfills an outstanding legislative request from Council.

Link to Bill No. 103: [https://nslegislature.ca/legc/bills/63rd\\_3rd/3rd\\_read/b103.htm](https://nslegislature.ca/legc/bills/63rd_3rd/3rd_read/b103.htm)

4. Bill No. 98 – Amendments to *Municipal Government Act* and *Halifax Regional Municipality Charter* (Virtual Meetings)

Bill 98 introduces amendments to the HRM Charter and MGA which enable municipal units to hold virtual meetings of council, which include meetings of community councils and committees of council. The HRM Charter and MGA are silent on virtual council meetings. Municipalities have been permitted to hold virtual meetings during the pandemic pursuant to provincial orders issued under the ongoing state of emergency. The introduction of these amendments would formalize the emergency measures currently in place and will enable Council to hold virtual meetings once the state of emergency is lifted.

The amendments approved in Bill 98 require that public notice of the meeting's format be provided at least two days in advance of the meeting date. Virtual meetings must enable the public as well as the participants of the meeting to see and hear each other as the meeting occurs. The Clerk's Office is working to develop updated meeting procedures to comply with the new provisions, which will eventually include amendments to Administrative Order 1 Respecting the Procedures of the Council.

Link to Bill No. 98: [https://nslegislature.ca/legc/bills/63rd\\_3rd/3rd\\_read/b098.htm](https://nslegislature.ca/legc/bills/63rd_3rd/3rd_read/b098.htm)

#### 5. Bill No. 97 – Amendments to *Electricity Act*

Bill 97 introduces several amendments to the *Electricity Act* which seek to create new pathways to access affordable renewable energy and support the development of community solar programs. The amendments will enable the creation of a "Shared Solar Program", under which a utility may permit customers, a group of customers, or a third-party to generate renewable electricity for their use. Excess electricity can then be sold back to the public utility at a rate prescribed by regulations.

These changes will enable any customer or group of customers to create solar programs. They will also allow renters to adopt solar energy through a shared ownership or subscription model. Further details of the Shared Solar Program will be set out in future regulations, with stakeholder consultations planned. The program will be subject to approval by the Nova Scotia Utility and Review Board. The amendments will come into effect on proclamation.

Link to Bill No. 97: [https://nslegislature.ca/legc/bills/63rd\\_3rd/3rd\\_read/b097.htm](https://nslegislature.ca/legc/bills/63rd_3rd/3rd_read/b097.htm)

#### 6. Bill No. 1 - *Police Identity Management Act*

Bill 1, the *Police Identity Management Act*, introduces new measures which seek to make it more difficult to impersonate a police officer by restricting access to police-issued equipment and other items. Bill 1 is intended to supplement existing legislation such as the *Police Act* and the *Criminal Code*, and covers the use, management, possession, sale and reproduction of police-issued items.

The *Police Identity Management Act* will require that police agencies, such as Halifax Regional Police (HRP), have asset management and disposal policies in place for uniforms, badges, police vehicles, decals and vehicle equipment. The Act additionally prescribes minimum content requirements for police asset management and disposal policies, which must include:

- a process for tracking items;
- a requirement for police issued items retained by former or retired officers to be made unserviceable; and
- a process for individual citizens to forfeit, or have permanently altered, any currently used police issued items they own.

HRP has an asset management and disposal policy in place which predates the new legislation. HRP were engaged by the province during the development of this new legislation, and staff are reviewing the policy to ensure that it is up to date and in compliance with the Act. The Act will come into force on proclamation.

Link to Bill No 1: [https://nslegislature.ca/legc/bills/63rd\\_3rd/3rd\\_read/b001.htm](https://nslegislature.ca/legc/bills/63rd_3rd/3rd_read/b001.htm)

#### 7. Bill No. 28 - *Land Titles Initiative Acceleration Act*

Bill 28 introduces amendments to the *Land Titles Clarification Act*, as well as the HRM Charter and MGA, which seek to address land ownership inequities and speed up the settling of land claims in five historic African Nova Scotian communities under the Land Titles Initiative.

With regards to the HRM Charter, Bill 28 introduces an amendment which will exempt certificates of title issued under the *Land Titles Clarification Act* from the requirement to receive subdivision approval from the Municipality. The purpose of this amendment is to shorten the legal process to resolve land title claims as subdivision approvals have been identified as a barrier under the Land Titles Initiative.

Link to Bill No. 28: [https://nslegislature.ca/legc/bills/63rd\\_3rd/3rd\\_read/b028.htm](https://nslegislature.ca/legc/bills/63rd_3rd/3rd_read/b028.htm)

### **Traffic Safety Act Consultations**

A number of Council's outstanding legislative requests relate to the *Motor Vehicle Act* (MVA) and the *Traffic Safety Act* (TSA). The TSA was passed by the Legislature in 2018 and will replace the MVA once it comes into effect. Most of the details under the new legislative scheme will be set out in the TSA regulations. As a result, the TSA will not be proclaimed until the accompanying regulations are prepared. Due to the complexity of the new rules, the province has estimated that the process to develop the TSA regulations would take several years, which has been delayed due to the COVID-19 pandemic.

Since 2018, the Department of Transportation and Active Transit (DTAT) has been undertaking consultations with municipalities and other stakeholders to inform the development of the TSA regulations. Staff have actively participated in all stages of the TSA consultations to date and have brought forwards Council's relevant legislative requests during this process.

In 2020, DTAT began a new phase of TSA consultations, releasing the draft TSA regulations in stages for public review and comment. Although in draft and subject to change, two of Council's outstanding requests appear to be addressed in the draft regulations released to date:

- Dooring (2017) – Requested amendment to prohibit people from opening vehicle doors until reasonably safe to do so.
- Bicycle Traffic Signals and Crossrides (2017) – Requested amendment to enable the use of traffic signals for bicycles and crossrides (crosswalks for bikes in bike lanes).

The consultations on the draft TSA regulations are ongoing at the time of writing.

Staff meet regularly with the DMA, DTAT and other provincial departments to review and discuss Council's outstanding legislative requests, as well as engage in consultations to advance requests where possible.

### **FINANCIAL IMPLICATIONS**

There are no financial implications as a direct result of the material in this report. Any financial implications resulting from the implementation of new legislation or regulations will be assessed when considered.

### **COMMUNITY ENGAGEMENT**

No community engagement was required.

### **ATTACHMENTS**

Attachment A – Halifax Regional Council Legislative Tracking Sheet, April 2021

A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: David Perusse, Intergovernmental Affairs Advisor, GREA 902.430.3143

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**Halifax Regional Council Legislative Requests  
April 2021**

**Active Requests**

| Particulars of Request |   |
|------------------------|---|
| 1.                     | <p><b><u>Crosswalk Penalties - Motor Vehicle Act/Traffic Safety Act</u></b><br/>Request for Province to consider increasing non-monetary penalties for crosswalk violations.</p> <p>Date of Request: <a href="#">March 10, 2015</a> – Item 11.5.3</p>   |
| 2.                     | <p><b><u>Barrington South Heritage District Potential Development Suspension – Heritage Property Act</u></b><br/>Request that the Province amend the <i>Heritage Property Act</i> and Heritage Conservation Districts regulations, where appropriate, to authorize the Council to adopt a by-law that would suspend specific types of development, for a period not exceeding one (1) year, within the boundaries of an area that council has identified as part of a background study to establish a Heritage Conservation District.</p> <p>Date of Request: <a href="#">February 24, 2016</a> – Item 11.5.3</p> |
| 3.                     | <p><b><u>Sanctions for Code of Conduct Breaches – Halifax Regional Municipality Charter</u></b><br/><b>*May be enabled via new regulation-making powers approved during the 2021 Spring Sitting</b><br/>Request to initiate legislative changes to the <i>Halifax Regional Municipality Charter</i> allowing for the ability to censure Members of Council by remitting remuneration for violations to AO 52, Code of Conduct for Municipal Officials.</p> <p>Date of Request: <a href="#">September 20, 2016</a> – Item 14.4.1</p>   |
| 4.                     | <p><b><u>Inclusionary Zoning – Halifax Regional Municipality Charter</u></b><br/>Request that the Province amend the <i>Halifax Regional Municipality Charter</i> to enable Council to implement inclusionary housing for all or part of the Municipality</p> <p>Date of Request: <a href="#">December 13, 2016</a> – Item 9.2.1</p>  |

**Halifax Regional Council Legislative Requests  
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| <b>5.</b> | <p><b><u>Parking Fines - Summary Offence Ticket Regulations</u></b></p> <p>Request the Province amend the Summary Offence Ticket Regulations to increase parking fines for “other” parking types only; not inclusive parking meter violations, as outlined in Option 1, Attachment D (Appendix A) of the <a href="#">staff report dated February 10, 2017</a>, with the following amendment:</p> <p style="padding-left: 40px;">The requested increase to the fine amounts be amended so:</p> <ul style="list-style-type: none"> <li>(a) all Category A (parking) offences are increased from \$25.00 to \$50.00 (rather than \$45.00 as recommended by Committee of the Whole);</li> <li>(b) all Category B (parking) offences are increased from \$50.00 to \$100.00; and</li> <li>(c) all Category C (parking) offences are increased from \$100.00 to \$200.00 rather than \$150.00.</li> </ul> |
|           | <p><b>Date of Request:</b> <a href="#">February 15, 2017</a> – Item 5 &amp; <a href="#">January 15, 2019</a> – Item 14.1.6</p>  |
| <b>6.</b> | <p><b><u>Dooring – Motor Vehicle Act/Traffic Safety Act</u></b><br/> <b>*May be addressed under new TSA Regulations</b></p> <p>Request to amend the <i>Motor Vehicle Act</i> to prohibit people from opening their vehicle doors until it is reasonably safe to do so.</p>  |
|           | <p><b>Date of Request:</b> <a href="#">August 15, 2017</a> – Item 14.2.3</p>  |
| <b>7.</b> | <p><b><u>Bicycle Traffic Signals and Crossrides - Motor Vehicle Act/Traffic Safety Act</u></b><br/> <b>*May be addressed under new TSA Regulations</b></p> <p>Request that the use of bicycle traffic signals and cross-rides be enabled in the next revision of the <i>Motor Vehicle Act</i>; and; that the Minister of Transportation and Infrastructure Renewal introduce a Regulation under Section 307 of the <i>Motor Vehicle Act</i> to permit Halifax Regional Municipality to conduct a project of not greater than five years to test and evaluate bicycle traffic signals and cross-rides at various locations in the municipality.</p>  |
|           | <p><b>Date of Request:</b> <a href="#">October 3, 2017</a> – Item 14.1.2</p>  |
| <b>8.</b> | <p><b><u>Green Network Plan – Halifax Regional Municipality Charter</u></b></p> <p>Request that the Province amend the <i>Halifax Regional Municipality Charter</i>, as set out in Actions 18 and 61 of the Halifax</p>   |



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|   | <p>Green Network Plan, to:</p> <p>(a) enable the Municipality to acquire sensitive environmental lands (e.g. riparian areas, wetlands, steep slopes, etc.) as an environmental reserve through the land development and subdivision process, in addition to existing parkland dedication provisions; and</p> <p>(b) enable a greater range of legislative abilities, such as the ability to enact parkland dedication requirements based on density to address development that does not include the subdivision of land.</p> |
|   | <p><b>Date of Request:</b> <a href="#">August 14, 2018</a> - Item 14.3.1</p>  |
| <p style="text-align: center;"><b>9.</b></p>  | <p><b><u>Lobbyist Registry – Halifax Regional Municipality Charter/Lobbyist Registration Act</u></b></p> <p>Request staff engage with the Province regarding the possibility of an amendment to the <i>Halifax Regional Municipality Charter</i> to expand the provincial <i>Lobbyist Registration Act</i> to include regulation of lobbying conducted at the local government level.</p>   |
|   | <p><b>Date of Request:</b> <a href="#">October 2, 2018</a> – Item 14.3.2</p>  |
| <p style="text-align: center;"><b>10.</b></p> | <p><b><u>Transportation Network Company Fees - Motor Vehicle Act/Traffic Safety Act</u></b></p> <p>Request that the Province amend the <i>Motor Vehicle Act</i> to enable the Municipality to charge Transportation Network Companies (TNCs) per-trip fees. This will enable the Municipality to generate additional revenues as part of the forthcoming regulation of TNCs like Uber and Lyft.</p>   |
|   | <p><b>Date of Request:</b> <a href="#">January 14, 2020</a> – Item 15.3.1</p>   |
| <p style="text-align: center;"><b>11.</b></p> | <p><b><u>Construction Mitigation Fund – Halifax Regional Municipality Charter</u></b></p> <p>Request that the Province amend the <i>Halifax Regional Municipality Charter</i> to enable HRM to establish a construction mitigation fund to assist with marketing and promotions for business impacted by lengthy construction projects, as well as to provide direct compensation to private sector businesses in those cases where reasonable parking and access cannot be maintained.</p>                                   |

**Halifax Regional Council Legislative Requests  
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|            | <b>Date of Request:</b> <a href="#">February 25, 2020</a> – Item 15.1.7   |
| <b>12.</b> | <p><b><u>Short-Term Rental Market Levy – Halifax Regional Municipality Marketing Levy Act</u></b></p> <p>Request that the Province amend the <i>Halifax Regional Municipality Marketing Levy Act</i> to enable the Municipality to apply the marketing levy to operations consisting of less than 20 rooms or rental units.</p> <p>Request a staff report for the Mayor to also ask the Province to amend the <i>Marketing Levy Act</i> to allow for a possible increase to the maximum marketing levy as described in the letter received from Discover Halifax on September 28, 2020.</p> |
|            | <b>Date of Request:</b> <a href="#">September 22, 2020</a> – Item 11.1.20   |
| <b>13.</b> | <p><b><u>Halifax Water Fees for Non-profit Affordable Housing – Public Utilities Act</u></b></p> <p>Request that the Province amend the <i>Public Utilities Act</i> to allow Nova Scotia Utility and Review Board to give Halifax Water the ability to waive their fees for non-profit affordable housing.</p>  |
|            | <b>Date of Request:</b> <a href="#">November 10, 2020</a> – Item 11.1.1   |
| <b>14.</b> | <p><b><u>Removal of Market Levy Cap – Halifax Regional Municipality Marketing Levy Act</u></b></p> <p>Request that the Province amend the <i>Halifax Regional Municipality Marketing Levy Act</i> to remove the cap on the marketing levy.</p>  |
|            | <b>Date of Request:</b> <a href="#">February 23, 2021</a> – Item 11.2.1   |

**Halifax Regional Council Legislative Requests  
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**Other/Inactive Requests**

| <b>Particulars of Request</b> |   |
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| <b>1.</b>                     | <p><b><u>Heritage Registration Sunset Clause - Heritage Property Act</u></b><br/>           Requesting sunset clause of 90 days for impact clerical errors have on heritage registration.</p> <p><b>Date of Request:</b> <a href="#">April 22, 2008</a> – Item 12.3</p>   |
| <b>2.</b>                     | <p><b><u>Permanent Resident Municipal Voting Rights – Municipal Elections Act</u></b><br/>           Include permanent residents as qualified electors to vote in municipal and school board elections in the <i>Halifax Regional Municipality Charter</i> and the <i>Municipal Elections Act</i>.</p> <p><b>Date of Request:</b> <a href="#">December 2, 2014</a> – Item 11.1.4</p>  |
| <b>3.</b>                     | <p><b><u>Commercial Tax Options – Halifax Regional Municipality Charter</u></b></p> <ol style="list-style-type: none"> <li>1) Request that the Province make changes to legislation governing the assessment process so that (a) the annual valuation is averaged over a three-year period, or (b) the full assessment roll is updated every 3-4 years as is the current policy in Saskatchewan and Ontario.</li> <li>2) Request amendments to the <i>Halifax Regional Municipality Charter</i> that would provide Council with greater legislative authority in setting taxes and charges respecting the general tax rate and area rates for both residential and commercial properties.</li> <li>3) Request to work with Service Nova Scotia and the Property Valuation Services Corporation (PVSC) to change the commercial tax assessment so it is based on 3 past years of assessment rather than one year. This would increase predictability in annual commercial tax bills by evening out increases.</li> </ol> <p><b>Date of Request:</b> <a href="#">November 10, 2015</a> – Item 4</p> |
| <b>4.</b>                     | <p><b><u>Traffic Control Persons for Special Events – Motor Vehicle Act/Traffic Safety Act</u></b><br/>           Request that the Government of Nova Scotia:</p> <ul style="list-style-type: none"> <li>• Amend the Nova Scotia <i>Motor Vehicle Act</i> to permit Traffic Control Persons to direct the movement of traffic for</li> </ul>  |

**Halifax Regional Council Legislative Requests  
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|           | <p>special events;</p> <ul style="list-style-type: none"> <li>• Modify the Province’s training and accreditation processes to reflect special events-related roles for Traffic Control Persons and Temporary Workplace Signers; and ‘</li> <li>• Revise the Province’s TC Manual to include standards, principles and guidelines applicable to special events-related traffic control scenarios.</li> </ul> |
|           | <p><b>Date of Request:</b> <a href="#">April 25, 2017</a> – Item 14.3.1</p>   |
| <b>5.</b> | <p><b><u>Speed Limits in Residential Areas – Motor Vehicle Act/Traffic Safety Act</u></b></p> <p>Request that the Province of Nova Scotia reduce the speed limit in residential districts identified in section 101(2) of the <i>Motor Vehicle Act</i> to forty kilometres per hour (40 km/h).</p>  |
|           | <p><b>Date of Request:</b> <a href="#">April 11, 2017</a> – Item 14.4.1</p>   |