



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

Item No. 11.6.1
Halifax Regional Council
July 20, 2021

TO: Mayor Savage and Members of Halifax Regional Council

-Original Signed-

SUBMITTED BY: _____
Councillor Cathy Deagle Gammon, Chair, Grants Committee

DATE: July 13, 2021

SUBJECT: Retroactively Waiving Municipal Related Construction Fees for Registered Non-Profit and Charitable Housing Developments

ORIGIN

July 12, 2021 meeting of the Grants Committee, Item 9.1.1.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter 2008, S.N.S., c. 39.

- 79A (1)** Subject to subsections (2) to (4), the Municipality may only spend money for municipal purposes if
- (a) the expenditure is included in the Municipality's operating budget or capital budget or is otherwise authorized by the Municipality;
- (5)** In the event of ambiguity in whether or not the Municipality has the authority under this or any other Act to spend money or to take any other action, the ambiguity may be resolved so as to include, rather than exclude, powers the Municipality had on the day before this Section came into force.

The former section expressly authorized expenditures on grants. It stated:

- 79 (1)** The Council may expend money required by the Municipality for
- (av) a grant or contribution to
 - (v) any charitable, nursing, medical, athletic, educational, environmental, cultural, community, fraternal, recreational, religious, sporting or social organization within the Province,
 - (vii) a registered Canadian charitable organization

RECOMMENDATION ON PAGE 2

RECOMMENDATION

It is recommended that Halifax Regional Council approve grants in an amount equivalent to the municipal related construction fee as contained in Attachment A, providing:

- (a) the fees were collected by the Municipality from a registered non-profit or registered Canadian charitable organizations for residential developments for affordable housing;
- (b) the residential developments were in progress on November 14, 2020;
- (c) the eligibility criteria as outlined in the discussion section of this report are met; and
- (d) the cumulative total of all the grants does not exceed \$25,000.

BACKGROUND/DISCUSSION

The Grants Committee received a staff recommendation report dated March 19, 2021, at their July 12, 2021 meeting.

The Grants Committee reviewed the staff recommendation report and approved the recommendation as outlined in this report.

For further discussion on this item, refer to the attached staff report dated March 19, 2021 (Attachment 1).

FINANCIAL IMPLICATIONS

Financial implications are outlined in the attached staff report dated March 19, 2021 (Attachment 1).

RISK CONSIDERATION

Risk consideration is outlined in the attached staff report dated March 19, 2021 (Attachment 1).

COMMUNITY ENGAGEMENT

The agenda and reports of the Grants Committee are posted on Halifax.ca, and draft minutes of the meeting will be made available on Halifax.ca within three business days.

ENVIRONMENTAL IMPLICATIONS

Environmental implications are outlined in the attached staff report dated March 19, 2021 (Attachment 1).

ALTERNATIVES

The Grants Committee did not provide alternatives.

For further information on alternatives as it relates to this item, refer to the attached staff report dated March 19, 2021 (Attachment 1).

ATTACHMENTS

Attachment 1 – Report dated March 19, 2021 received by Grants Committee

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Jill McGillicuddy, Legislative Assistant 902.483.2810

TO: Chair and Members of the HRM Grants Committee

SUBMITTED BY:  (Original Signed)

Kelly Denty, Executive Director of Planning and Development

 (Original Signed)

Jerry Blackwood, Acting Chief Administrative Officer

DATE: March 19, 2021

SUBJECT: **Retroactively Waiving Municipal Related Construction Fees for Registered Non-Profit and Charitable Housing Developments**

ORIGIN

On November 10, 2020 Regional Council passed the following motion:

THAT Halifax Regional Council adopt:

- 1. The amendments to Administrative Order 15, the License, Permit and Processing Fees Administrative Order, as set out in Attachment A of the [staff report](#) dated August 26, 2020.*
- 2. By-law F-201, amending By-law F-200, the Fees By-law, as set out in Attachment B of the staff report dated August 26, 2020.*
- 3. By-law P-401, amending By-law P-400, the Plumbing By-law, as set out in Attachment C of the staff report dated August 26, 2020.*
- 4. By-law B-204, amending By-law Number B-201, the Building By-law, as set out in Attachment D of the staff report dated August 26, 2020.*
- 5. By-law C-601, amending By-law C-600, Capital Cost Charges By-law, as set out in Attachment E of the staff report dated August 26, 2020.*
- 6. By-law C-801, amending By-law C-800, Capital Cost Charges for Solid Waste Facilities By-law, as set out in Attachment F of the staff report dated August 26, 2020.*
- 7. Direct the CAO to prepare a supplementary report to consider retroactive development fees for projects currently underway.*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter 2008, S.N.S., c. 39.

79A (1) Subject to subsections (2) to (4), the Municipality may only spend money for municipal purposes if

- (a) the expenditure is included in the Municipality's operating budget or capital budget or is otherwise authorized by the Municipality;
- (5) In the event of ambiguity in whether or not the Municipality has the authority under this or any other Act to spend money or to take any other action, the ambiguity may be resolved so as to include, rather than exclude, powers the Municipality had on the day before this Section came into force.

The former section expressly authorized expenditures on grants. It stated:

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- (av) a grant or contribution to
 - (v) any charitable, nursing, medical, athletic, educational, environmental, cultural, community, fraternal, recreational, religious, sporting or social organization within the Province,
 - (vii) a registered Canadian charitable organization

RECOMMENDATION

It is recommended that HRM Grants Committee recommend that Halifax Regional Council approve grants in an amount equivalent to the municipal related construction fee as contained in Attachment A, providing:

- (a) the fees were collected by the Municipality from a registered non-profit or registered Canadian charitable organizations for residential developments for affordable housing;
- (b) the residential developments were in progress on November 14, 2020;
- (c) the eligibility criteria as outlined in the discussion section of this report are met; and
- (d) the cumulative total of all the grants does not exceed \$25,000.

BACKGROUND

On November 10, 2020 Regional Council approved amendments¹ to Administrative Order 15, the License, Permit and Processing Fees Administrative Order and several By-laws to waive municipal related fees for residential developments by registered non-profits or charitable organizations that provide affordable housing. The approved amendments waive the majority of municipal fees related to applications for construction permits, subdivision approval, discretionary approval, variances and site plan approval.

During discussion at Council it was noted that there were some developments by non-profit or charitable organizations that were currently under development that would have missed the opportunity to have their fees waived. As such Council requested staff consider waiving municipal related fees retroactively for such developments.

DISCUSSION

While the *Halifax Regional Municipality Charter* does not allow the retroactive waiver of municipal fees, Council can approve, by resolution, grants to eligible non-profit or charitable housing organizations in an amount that would match the value of municipal related construction fees that were previously paid to the

¹ See staff report online at <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/201110rc1111.pdf>

Municipality. Eligible fees would be limited to those contained in Attachment A, to provide consistency with the fees waived by Council on November 10, 2020.

Eligibility Criteria

Staff reviewed applications that were considered in progress on November 14, 2020, which is the date amendments to waive municipal related construction fees for registered non-profit or charitable housing developments came into effect. "In progress" means a permit had been applied for, and in some cases issued, but not closed due to required inspections or required follow up. Staff reviewed applications that were made after January 1, 2019 on properties known to be owned by non-profit or charitable housing organizations and found a total of 36 construction permits, 1 subdivision application and 1 discretionary approval application.

Further, to be eligible the non-profit or registered charity must comply with same criteria as required in the November 2020 amendments including:

- upon the date of application, the applicant must be a registered not-for-profit or registered charity for at least 1 year;
- the provision of affordable housing must be included in the mandate or programs and activities of the registered non-profit or charity;
- a minimum of 60% of the development must be for housing;
- the property that is the subject of the application is solely owned by one or a combination of the following: the applicant, the Municipality, the Provincial Government, the Federal Government, or an agent of the Provincial or Federal Government; and
- upon the date of application, the applicant must have fully paid all taxes owing, or all installments or all interim payments due to the Municipality.

Process to Refund Municipal Related Construction Fees

Should Council approve the proposed grant program, staff will contact applicable organizations to arrange for the grant. While staff have identified the vast majority of non-profit and charitable organizations that would be eligible, there may be projects that were not captured in our review. As such, any registered non-profit or charitable housing organization would be welcome to contact staff to inquire if past municipal related construction fees would be eligible for the grant program.

Impact

Of the 38 applications received over the two-year period, a total of \$18,482.62 was collected in fees. The value is consistent with the average annual impact noted in the staff report presented to Council on November 10, 2020. The majority of fees, \$18,234.33 was collected by Planning and Development, however \$248.29 was collected by Transportation and Public Works, through the Solid Waste Capital Cost Charge.

Staff recommend the proposed grant program be capped at \$25,000 to encompass any project that may have not been included in staff's review. This value is not considered to have a significant impact on the budgets of Planning and Development and Transportation and Public Works.

Conclusion

The waiver of municipal related construction fees was considered an important action of Council in showing HRM's support for affordable housing. The creation of a grant program would refund the fees paid by registered non-profit or charitable housing organizations and will provide aid to housing developments that are still in their early stages where costs savings can be integral to the success and longevity of a project and will further exhibit HRM's role in supporting the development of affordable housing.

FINANCIAL IMPLICATIONS

The grant program to reimburse the value of municipal related construction fees collected by the Municipality for eligible non-profit or charitable housing developments is recommended to be capped at \$25,000 and can be absorbed through the 2021/22 operating budget for Planning and Development and

Transportation and Public Works. The \$25,000 would cover off the identified fees collected of \$18,483 and allow for additional projects that may not have been captured in staff's review.

RISK CONSIDERATION

There are no significant risks associated with the recommendation contained within this report. As noted earlier, there are financial implications associated with the recommendation to create a grant program to match the value of municipal related construction fees collected by the Municipality for eligible non-profit or charitable housing developments, however the overall financial impact is considered minor compared to fees collected through other forms of development.

COMMUNITY ENGAGEMENT

No further community engagement was completed in preparing this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

Regional Council may choose to refuse the proposed recommendation contained in this report.

ATTACHMENTS

Attachment A: HRM Construction Related Fees Considered for Retroactive Waiver

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: Jillian MacLellan, Planner III, Regional Planning, Planning and Development
902.717.3167

Attachment A - HRM Construction Related Fees Considered for Retroactive Waiver

Fee By-law	Section	Fee Description	Fee Type	Fee
F-200		For new residential construction of four dwelling units or less including excavations, foundations and additions, the following permit application fees shall apply:	Construction Permit	
F-200	1	- Construction Projects not Exceeding \$5000	Construction Permit	\$25.00
F-200	1	- All floors, wherein any portion of the floor plane is at or above the mean finished grade surrounding the dwelling.	Construction Permit	\$0.30/sq ft
F-200	1	- All floors extending below but not beyond 5.5 ft. of the mean finished grade surrounding the building	Construction Permit	\$0.25/sq ft
F-200	1	- Finished/Unfinished Basements	Construction Permit	\$0.10/sq ft
F-200	1	- Attached/Detached Garages	Construction Permit	\$0.10/sq ft
F-200	2	For renovation type construction including structural alterations and repairs, and for all other types of construction	Construction Permit	\$5.50 / \$1000 of construction value
F-200	4	Renew or reissue Building Permit	Construction Permit	\$25.00
F-200	5	Where a building permit is required to facilitate a change in use or occupancy and where the said change	Construction Permit Construction Permit	\$50.00

		does not involve renovations or structural alterations in excess of \$5000.00		
F-200	6	Where a building exceeds one year in age and where the Municipality is requested to issue an Occupancy Permit	Construction Permit	\$100
F-200	7	Demolition Permit	Construction Permit	\$50.00
F-200	8	Where a permit is required for the construction or erection of barricades, hoardings or temporary structures	Construction Permit	\$25.00
P-400	1.4.7	Plumbing permit for New Residential Construction to contain four units or less	Construction Permit	\$50.00 / unit
P-400	1.4.7	Plumbing permit for Other multiple unit residential buildings	Construction Permit	\$25.00 / unit
P-400	1.4.7	Plumbing permit for Additions or renovations to residential buildings (no new units)	Construction Permit	\$25.00
P-400	1.4.7	Plumbing permit for Non-residential buildings 5 or less fixtures	Construction Permit	\$25.00
P-400	1.4.7	Plumbing permit for Non-residential buildings 6 or more fixtures	Construction Permit	\$50.00
A0-15	6A	Residential Development Permit Fee (includes: New Residential-up to 2 units, enclosed additions, Residential or Multi-use, Industrial, Commercial or Institutional (MICI) renovations, and lease hold improvements)	Construction Permit	\$200
A0-15	6A	Commercial Development Permit Fee	Construction Permit	\$500

		(includes: Multi-use, Industrial, Commercial or Institutional (MICI))		
A0-15	6A	Basic Development Permit Fee (includes: Home Occupation, Occupancy Only and Accessory Structures such as Decks, Pools, Sheds, and Fence)	Construction Permit	\$50
A0-15	6A	Engineering Review Fee for Non-Engineering Specific Permits (ie: Building & Development Permits)	Construction Permit	\$200
A0-15	6A	Lot Grading	Construction Permit	\$200
A0-15	6A	Grade Alteration	Construction Permit	\$200
A0-15	6A	Top Soil Removal	Construction Permit	\$200
A0-15	6A	For blasting less than 50 cubic metres of rock	Construction Permit	\$100
A0-15	6A	All other blasting applications	Construction Permit	\$600
A0-15	6C	Encroachment up to 1.5 square metres	Construction Permit	\$ 60.00
A0-15	6C	Encroachment from 1.5 to 2.5 square metres	Construction Permit	\$ 95.00
A0-15	6C	Encroachment over 2.5 square metres	Construction Permit	\$125.00
A0-15	6C	Encroachment other than those described in paragraph 4(a)(iv) of Bylaw E-200 shall be subject to an annual rental fee	Construction Permit	\$1.00 per 0.1 square metres of such encroachment, with a minimum fee of \$10.00.
A0-15	6C	Temporary Encroachments shall be subject to a daily rental fee for the temporary use of the street or a part thereof during	Construction Permit	(a) \$0.30 per square metre for the travelled way; (b) \$0.25 per square metre for the

		construction at the following rate:		<p>sidewalk between the curb and 2 metres back from the curb face; and</p> <p>(c) \$0.15 per square metre for the balance of the sidewalk and to the street line or property line which shall be payable monthly in advance, with the first month=s payment due at the time the license is issued and subsequent payments being due one month from the time of the previous due date.</p> <p>(d) where the encroachment occupies any part of a metered parking space, it shall be deemed to occupy the total metered parking space and the daily</p>
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				rental fee shall apply to 16.7 square metres of travelled way.
AO-15	16A	A Permanent Sign includes but is not limited to Projection, Roof, Ground, Billboard, Facia	Construction Permit	\$ 200 per sign
AO-15	19	Lateral Connection – Main	Construction Permit	\$200.00
AO-15	19	Renew Lateral Connection – Main	Construction Permit	\$200.00
AO-15	19	Sewer Cap Off	Construction Permit	\$200.00
AO-15	19	Water Lateral Cap	Construction Permit	\$200.00
AO-15	19	Water Lateral Main to Prop	Construction Permit	\$200.00
AO-15	19	Extension to Sewer Main	Construction Permit	\$700.00
AO-15	19	Sewer Main Repair	Construction Permit	\$700.00
AO-15	19	New Watermain	Construction Permit	\$700.00
AO-15	19	Watermain Relining	Construction Permit	\$700.00
AO-15	19	Watermain Renewal	Construction Permit	\$700.00
AO-15	19	Culvert	Construction Permit	\$200.00
AO-15	19	Curb/Sidewalk Cut	Construction Permit	\$200.00
AO-15	19	Utility Pole Support Anchor(s)	Construction Permit	\$125.00
AO-15	19	Utility Pole Installation	Construction Permit	\$125.00
AO-15	19	Replace Utility Pole	Construction Permit	\$125.00
AO-15	19	Oversize Move	Construction Permit	\$125.00
AO-15	19	Temporary Closure – Crane	Construction Permit	\$200.00

AO-15	19	Partial Closure – Crane	Construction Permit	\$200.00
AO-15	19	Partial Closure - General	Construction Permit	\$200.00
AO-15	19	Temporary Closure – General	Construction Permit	\$200.00
AO-15	19	Overhead Power Lines	Construction Permit	\$125.00
AO-15	19	Overhead Telecom Lines	Construction Permit	\$125.00
AO-15	19	Monitor Well/Borehole	Construction Permit	\$125.00
AO-15	19	Lateral Connection- Pro Line	Construction Permit	\$200.00
AO-15	19	Renew Lateral Connection – Prop	Construction Permit	\$200.00
AO-15	19	Water Lateral Renewal	Construction Permit	\$200.00
AO-15	19	Buried Electrical Lateral	Construction Permit	\$200.00
AO-15	19	Buried Electrical Main	Construction Permit	\$200.00
AO-15	19	Buried Telecom Lateral	Construction Permit	\$200.00
AO-15	19	Buried Telecom Main	Construction Permit	\$200.00
AO-15	19	Capital Project	Construction Permit	\$125.00
AO-15	19	Repairs to Street Surface	Construction Permit	\$125.00
AO-15	19	Repairs to sidewalk	Construction Permit	\$125.00
AO-15	19	Road Construction	Construction Permit	\$125.00
AO-15	19	Temp Workplace Adjacent to ROW	Construction Permit	\$125.00
AO-15	19	Temporary Workplace on ROW	Construction Permit	\$125.00
AO-15	19	Natural Gas Lateral	Construction Permit	\$200.00
AO-15	19	Natural Gas Main (<20m)	Construction Permit	\$200.00

AO-15	19	Natural Gas Main (21m < 500m)	Construction Permit	\$700.00
AO-15	19	Natural Gas Main (>500m)	Construction Permit	Staff Time
AO-15	20	Solar Collector Permit	Construction Permit	\$150.00
AO-15	25	Charges for Water Supply Improvement Application Fee	Construction Permit	\$150.00
AO-15	6A	Deregistration & Demolition of a Heritage Property	Construction Permit	\$4,000
C-600	3	Capital Cost Charge for Wastewater Treatment Facilities	Construction Permit	<p>(1) A charge in the amount of \$880.00 shall be paid to HRM prior to the issuance of a building permit for all new single detached residential buildings that will be connected to municipal wastewater facilities.</p> <p>(2) A charge in the amount of \$590.00 per dwelling unit shall be paid to HRM prior to the issuance of a building permit for all new multiple unit residential buildings that will be connected to municipal wastewater facilities.</p> <p>(3) A charge at a rate of \$0.27 per square foot of floor space shall be paid to HRM prior to the issuance of a building permit for all other new buildings and building additions in serviced areas.</p> <p>(4) When an un-serviced lot of land, occupied by a building, existed prior to the coming into force of this by-law, the charge</p>

				<p>shall be payable to HRM when the building is connected to municipal wastewater facilities.</p> <p>(5) Buildings accessory to a residential use that contain facilities which can discharge effluent to the municipal wastewater facilities shall pay a charge at a rate of \$0.27 per square foot of floor space, pay</p>
C-800	3	Capital Cost Charge for Solid Waste	Construction Permit	<p>3. (1) A charge in the amount of \$230.00 shall be paid to HRM prior to the issuance of a building permit for all new single detached residential buildings.</p> <p>(2) A charge in the amount of \$230.00 per dwelling unit shall be paid to HRM prior to the issuance of a building permit for all new multiple unit residential buildings.</p> <p>(3) A charge at a rate of \$0.17 per square foot of floor space shall be paid to HRM prior to the issuance of a building permit for all other new buildings and building additions except those identified in Sections 8 and 9.</p> <p>(4) A charge in the amount of \$230.00 per dwelling unit and a charge at a rate of \$0.17 per square foot</p>

				of floor space used for non-residential purposes, shall be paid to HRM prior to the issuance of a building permit for new mixed-use buildings.
C-800	5	Capital Cost Charge for Solid Waste	Construction Permit	5. Notwithstanding sections 3 and 4, when a building is rebuilt, replaced, or repaired in a manner that creates additional dwelling units, a charge in the amount of \$230.00 per each additional dwelling unit shall be paid to HRM prior to the issuance of a building permit.
A0-15	6A	Subdivision Concept Plan	Subdivision	\$600
A0-15	6A	Subdivision Tentative Plan	Subdivision	\$400
A0-15	6A	Subdivision Final Without Infrastructure	Subdivision	\$500
A0-15	6A	Subdivision Final Plan New Infrastructure	Subdivision	\$2,000
A0-15	6A	Repeal of a Final Plan of Subdivision	Subdivision	\$400
A0-15	6A	Amendment to a Final Plan of Subdivision	Subdivision	\$400
A0-15		Manufacture & Install Private Road Sign - Sign & Sign post ²	Subdivision	\$150
A0-15	6A	Pre-Planning Application	Discretionary Approval	\$500
A0-15	6A	Municipal Planning Strategy Amendment along with a Development Agreement	Discretionary Approval	\$5,000
A0-15	6A	Land Use By-law Amendment	Discretionary Approval	\$3,000
A0-15	6A	Municipal Planning Strategy Amendment	Discretionary Approval	\$5,000

		along with a Land Use By-law Amendment		
A0-15	6A	Land Use By-law Amendment along with a Development Agreement	Discretionary Approval	\$4,000
A0-15	6A	Development Agreement	Discretionary Approval	\$3,000
A0-15	6A	Discharge of a Development Agreement (in whole or in part)	Discretionary Approval	\$500
A0-15	6A	Amendments to Development Agreements unless all the amendments are listed as nonsubstantive in the development agreement*	Discretionary Approval	\$4,000
A0-15	6A	Amendments to Development Agreements where all the amendments are listed as Non-Substantive*	Discretionary Approval	\$3,000
A0-15	6A	Variance	Variance	\$1,000
A0-15	6A	Non-Substantive Site Plan Approval OR Level 1 (I) Site Plan Approval	Site Plan Approval	\$500
A0-15	6A	Level 2 (II) Site Plan Approval	Site Plan Approval	\$1,000
A0-15	6A	Downtown Substantive Site Plan Approval OR Level 3 (III) Site Plan Approval	Site Plan Approval	\$2,000
A0-15	6A	Zoning Confirmation Letters	Other	\$150
A0-15	6A	Deregistration & Demolition of a Heritage Property	Other	\$4,000