

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 2020-005-ADM
RESPECTING A FINANCIAL INCENTIVES PROGRAM FOR THE SCHMIDTVILLE AND OLD
SOUTH SUBURB HERITAGE CONSERVATION DISTRICTS

WHEREAS pursuant to *Heritage Property Act*, RSNS 1989, c. 199, the Council of the Halifax Regional Municipality may provide financial assistance in respect of property located in a heritage conservation district 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 2020-005-ADM, the *Incentives Program for Schmitdville and Old South Suburb HCDs*.

Purpose

2. This Administrative Order establishes a financial incentives program that provides financial assistance to property owners in the Schmitdville HCD and Old South Suburb HCD to support the conservation of contributing heritage resources and the revitalization of all existing buildings in the districts.

Interpretation

3. In this Administrative Order,
- a. “applicant” means the owner, or the representative of the owner, of a contributing heritage resource or an existing building;
 - b. “Building Code” means the *Building Code Act*, RSNS 1989, c. 46 and its regulations, as amended;
 - c. “Certificate of Appropriateness” has the same meaning of “certificate” as set out in the *Heritage Property Act*;
 - d. “contributing heritage resource” means a property identified as a contributing heritage resource on Map 2 in the Schmitdville Heritage Conservation District Plan or Map 1 in the Old South Suburb Heritage Conservation District Plan as amended from time to time;
 - e. “Council” means the Council of the Municipality;

- f. “existing building” means a property located in the Old South Suburb HCD or the Schmidville HCD that existed on March 23, 2021;
- g. “Fire Code” means the Fire Code adopted pursuant to the *Fire Safety Act*, SNS 2002, c 6, as amended;
- h. “fiscal year” means the period from April 1st in one year to March 31st in the following year, including both dates;
- i. “Heritage Advisory Committee” means the committee established pursuant to By-Law H-200, the *Heritage Property By-law*;
- j. “Heritage Property Act” means the *Heritage Property Act* RSNS 1989, c199, and its regulations, as amended;
- k. “Municipality” means the Halifax Regional Municipality;
- l. “Old South Suburb HCD” means the heritage conservation district established by Regional Council in accordance with the *Heritage Property Act* through the Old South Suburb Heritage Conservation District Plan and By-law;
- m. “program” means the financial incentives program established by this Administrative Order;
- n. “Schmidville HCD” means the heritage conservation district established by Regional Council in accordance with the *Heritage Property Act* through the Schmidville Heritage Conservation District Plan and By-law.

Financial Incentives Program

- 4. The two categories of financial assistance administered by this program are:
 - a. A conservation grant applicable to projects that preserve, rehabilitate, and restore character defining elements of the exterior of contributing heritage resources; and
 - b. A functional improvement grant applicable to projects that improve the overall quality of existing building systems.

- 5. Subject to annual budgetary approval by Council, financial assistance may be approved through this program for five fiscal years, beginning with fiscal year 2021-2022 and ending in fiscal year 2025-2026.

Eligibility

6. Subject to Section 7, existing buildings and contributing heritage resources located within the Schmidville HCD and Old South Suburb HCD are eligible for consideration for financial assistance pursuant to this Administrative Order.

Ineligibility

7. An existing building or contributing heritage resource is ineligible for financial assistance pursuant to this Administrative Order if it is:
 - a. currently under investigation or prosecution for violations of any law or regulation, including, but not limited to: land-use, Building Code, Fire Code, or *Heritage Property Act* violations;
 - b. subject to an order to comply under any law or regulation; or
 - c. subject to any liens or property taxes outstanding, unless the amounts owing are part of a payment program of the Municipality.

Application Requirements

8. Subject to Section 9, applications will be accepted between January 1st and March 1st immediately preceding each fiscal year of the program.
9. In the 2021-2022 fiscal year, applications will be accepted prior to June 1st, 2021.
10. Applications may be submitted by mail, in person or by e-mail. The address for submission of applications will be posted on www.halifax.ca prior to each intake period.
11. Applications shall include:
 - a. a completed and signed application form;
 - b. recent photographs of all sides of the existing building or contributing heritage resource, including detailed photographs of the areas of work where the financial incentive is intended to apply; and
 - c. two professional contractor estimates for all proposed work and materials.
12. Upon request of the Municipality, applicants may also be required to submit:
 - a. design documents prepared by a professional architect or engineer, including plans, elevation drawings, and technical specifications for all aspects of the proposed work and materials;

- b. itemized breakdown of costs distinguishing between grant eligible and grant ineligible work and materials, in accordance with the eligibility criteria listed in this Administrative Order;
 - c. a completed and signed application for a Certificate of Appropriateness; and
 - d. where the applicant is a condominium corporation, a resolution from the board of the condominium corporation formally approving the submission of the application and evidencing an understanding of the conditions of this program.
13. Separate applications shall be made for each existing building or contributing heritage resource.
14. No more than one application per fiscal year shall be submitted in respect of any existing building or contributing heritage resource.
15. If an application has not been received on or before the application deadline set out herein, it will not be reviewed or considered.

Conservation Grant

16. For a contributing heritage resource, the following labour and materials are eligible for consideration for a conservation grant:
- a. conservation projects that preserve, rehabilitate, and restore character defining elements of the building exterior in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition;
 - b. conservation of historic outbuildings or landscape features, such as fences, walls or gates which form part of the original heritage value of the contributing heritage resource based on documentary or physical evidence;
 - c. costs associated with providing energy efficiency and renewable energy improvements to the contributing heritage resource based on an energy assessment report, that do not impact the exterior or structural integrity of the contributing heritage resource, including repairs and renovations to existing building envelope, windows, and doors;
 - d. costs associated with the installation of structures or equipment intended to achieve the accessibility requirements of the Building Code, including ramps and accessible entryways; and
 - e. for contributing heritage resources located within the Old South Suburb HCD only, the installation of special effects lighting to highlight character defining elements of the contributing heritage resources at night.

17. For an existing building, the following labour and materials are eligible for consideration for a conservation grant:

- a. maintenance and installation of wood and masonry materials on the exterior of the building;
- b. asbestos abatement, including identification and removal of material containing asbestos; and
- c. painting of wooden elements on the exterior of the building.

18. The following labour and materials are ineligible for a conservation grant:

- a. subject to the exception provided for in Section 41, work that has been commenced or completed prior to submission of the application;
- b. additions to buildings that are not part of a restoration project as defined under the Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition;
- c. modern materials such as vinyl or aluminium clad windows, steel doors, vinyl siding, wood composites, or Exterior Insulation Finishing System (EIFS) cladding;
- d. proposed work that is not in compliance with the Building Code; and
- e. labour undertaken by the property owner.

19. A conservation grant is awarded on a fifty percent (50%) cost-sharing basis for eligible costs, exclusive of HST. The maximum conservation grant allowable per fiscal year is fifty thousand (\$50,000) dollars.

20. Applicants may apply for one conservation grant each intake period per contributing heritage resource or existing building and may receive a maximum of two conservation grants per contributing heritage resource or existing building over the lifetime of the program. The maximum cumulative value of conservation grants over the lifetime of the program is fifty thousand dollars (\$50,000.00) per contributing heritage resource or existing building.

Functional Improvement Grant

21. For a contributing heritage resource, the following labour and materials are eligible for consideration for a functional improvement grant:

- a. conservation work on the building exterior which meets the eligibility requirements for a conservation grant, but exceeds the conservation grant \$50,000 maximum; and

- b. conservation of historic interior features or finishes located in common, accessible circulation areas, which will be evaluated for consistency with the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition*.

22. For existing buildings, the following labour and materials are eligible for consideration for a functional improvement grant:

- a. exterior elements including cladding, trim, windows, doors, and roofing, which may include contemporary design and materials approved under the applicable Heritage Conservation District Bylaw;
- b. energy efficiency improvements; and
- c. renovations, including the following when installed in accordance with the Building Code:
 - (i) plumbing to provide capped hot and cold water and sewer connections within the building shell and structure, including demising walls and roughed in plumbing to residential units, but not including water and sewer extension inside commercial tenant spaces beyond demising walls;
 - (ii) provision of roughed-in electrical and telecommunications wiring within the building shell and structure and demising walls, including roughed-in wiring inside residential and commercial units;
 - (iii) HVAC distribution system with diffusers in all common areas, unpartitioned commercial spaces, and residential units in the building;
 - (iv) sprinklers and fire alarms to provide a complete system, in all common areas, unpartitioned commercial spaces, and residential units in the building;
 - (v) interior structural repairs and improvements to the building, including those required for support of approved additions;
 - (vi) interior renovation of the building shell and structure, including demising walls between tenant spaces; and
 - (vii) renovation of common interior circulation areas including lobbies, hallways, stairs, common washrooms, and elevators to a finished condition, including fixtures and finishes.

23. The following labour and materials are ineligible for a functional improvement grant:

- a. subject to the exception provided for in Section 41, work that has been commenced or completed prior to submission of the application;

- b. additions to buildings that are not part of a restoration project as defined under the Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition;
- c. proposed work that is not in compliance with the Building Code; and
- d. labour undertaken by the property owner.

24. A functional improvement grant is awarded on a fifteen percent (15%) cost-sharing basis for eligible costs, exclusive of HST. The maximum functional improvement grant allowable per fiscal year is four hundred thousand (\$400,000) dollars.

25. Applicants may apply for one functional improvement grant each intake period per contributing heritage resource or existing building and may receive a maximum of two functional improvement grants per contributing heritage resource or existing building over the lifetime of the program. The maximum cumulative value of functional improvement grants over the lifetime of the program is eight hundred thousand dollars (\$800,000.00) per contributing heritage resource or existing building.

Annual Program Budget

26. Subject to Section 27, eighty percent (80%) of the annual program budget shall be allocated to conservation grants and twenty percent (20%) of the annual program budget shall be allocated to functional improvement grants.

27. In the event the annual program budget allocated for one category of financial assistance cannot be fully expended, the remaining budget for that category of financial assistance shall be reallocated to fund the other category of financial assistance.

Application Review Process

28. All applications shall be reviewed by staff for eligibility.

29. Applicants shall be notified if their application is ineligible.

30. Applications will be evaluated using:

- a. the project prioritization criteria set out in Appendix A;
- b. the Heritage Design Guidelines of By-law H-700 for contributing heritage resources and existing buildings in the Schmitzville HCD and the Heritage Design Guidelines of By-law H-800 for contributing heritage resources and existing buildings in the Old South Suburb HCD respectively; and
- c. Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition .

31. Staff shall prepare a report with recommendations for consideration by the Heritage Advisory Committee.
32. The Heritage Advisory Committee shall review the staff report, and provide recommendations to Regional Council.
33. Final approval of all applications for financial assistance, and their amount, is a decision of Regional Council. Regional Council may:
 - a. approve the application;
 - b. approve the application with conditions;
 - c. 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
 - d. refuse the application.
34. Notification of the decision of Regional Council shall be mailed to applicants.

Issuance of Financial Incentives

35. The amount of the financial incentive shall be the amount approved by Regional Council or the amount supported by receipts and paid invoices, whichever is less.
36. Payment of the financial incentive is conditional on:
 - a. satisfactory completion of approved work in accordance with approved plans, specifications, and all applicable code requirements, including Building Code and Fire Code, and free of deficiencies;
 - b. final inspection by Municipality staff in consultation with the applicant or project manager;
 - c. photographic documentation of completed work;
 - d. submission by the Applicant to the Municipality of digital copies of all receipts and paid invoices associated with the approved work, and such documents shall be organized by type of work and presented in a manner that supports efficient review by Municipality staff;
 - e. issuance of all applicable permits, where required; and

- f. for existing buildings or contributing heritage resources in receipt of financial incentives under this program which, individually or cumulatively, equal or exceed a value of \$50,000, issuance is conditional on the owner:
 - (i) entering into an agreement that provides:
 - (A) the owner will not apply for demolition or demolish the building to which the grant is applied for within twenty years from the date of execution of the agreement;
 - (B) the owner will maintain insurance against normal perils that are coverable on an all risk policy basis, including fire, in an amount equal to the replacement cost of the building; and
 - (C) the agreement shall run with the property; and
 - (ii) registering the executed agreement at the Land Registration Office prior to the deadline for project completion.

37. Projects shall be commenced in the fiscal year within which they are approved. The deadline for project completion and the submission of receipts and paid invoices, and, where applicable, the registration of an agreement, is three years from the last day of the fiscal year (March 31st) in which the project was approved.

38. Payment will be made no later than 90 days after satisfactory completion of the conditions listed in Section 36.

39. The applicant shall notify the Municipality of any changes to the approved work prior to it being undertaken and shall not proceed with the work without supplementary approval.

Permit Fee Waivers

40. Provided By-law B-201, the *Building By-law*, permits the waiver, fees for any Development Permit or Building Permit shall be waived within the Schmitville HCD and the Old South Suburb HCD but shall not apply to other development related fees or for demolition or de-registration of a building.

Exception

41. The contributing heritage resource located at 1320 Queen Street (PID #40177958), Halifax, is eligible for consideration for one conservation grant and one functional improvement grant for work commenced after April 1st, 2019 and completed prior to March 31st, 2021 without the requirement for two professional contractor estimates for all proposed work and materials.

42. Applications for the contributing heritage resource located at 1320 Queen Street (PID #40177958), Halifax shall be considered in accordance with all other applicable requirements of this Administrative Order.

General

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

Done and passed in Council this 23rd day of March, A.D. 2021.

Mayor Mike Savage

Simon Ross-Siegel, Acting Municipal Clerk

I, Simon Ross-Siegel, Acting 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 March 23rd, 2021.

Simon Ross-Siegel, Acting Municipal Clerk

Notice of Motion:
Approval:

March 9, 2021
March 23, 2021

APPENDIX A
Prioritization Criteria for Conservation Grant and Functional Improvement Grant

Criterion	Score	
Is the building identified in the application as a contributing heritage resource?	If no: no point	If yes: 1 point
Is this a first-time application?	If no: no point	If yes: 1 point
Is the application supported by a Building Conservation Plan prepared by an architect, or other qualified restoration professional which reasonably illustrates all work required for the building?	If no: no point	If yes: 1 point
Does the application propose preservation of structural building components, especially foundation and roof repairs, rather than cosmetic improvements?	If no: no point	If yes: 1 point
Is the application with respect to a rehabilitation or restoration project that improves the integrity of a building by introducing or revealing a more compatible building component through repair or alterations?	If no: no point	If yes: 1 point
Does the application propose conservation of features visible to the public?	If no: no point	If yes: 1 point
Is the application submitted as one of two or more applications for attached buildings on abutting properties?	If no: no point	If yes: 1 point
Is the application with respect to a building that is in poor condition and at greater risk of deterioration or loss?	If no: no point	If yes: 1 point
Total Points:		