

**ADMINISTRATIVE ORDER NUMBER 2020-008-ADM
RESPECTING GRANTS FOR AFFORDABLE HOUSING**

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, including subsection 71(4), as follows:

WHEREAS the *Incentive or Bonus Zoning Public Benefits Administrative Order* allows money-in-lieu accepted for affordable housing to be spent under this Administrative Order; and

WHEREAS Section 5.1 of the Housing Accelerator Fund Contribution Agreement between Canada Mortgage and Housing Corporation and Halifax Regional Municipality, as signed on October 12, 2023, allows the Municipality to use Housing Accelerator Funding for investments in affordable housing;

Short Title

1. This Administrative Order may be known as the “Grants for Affordable Housing Administrative Order.”

Interpretation

2. In this Administrative Order,

(a) “affordable housing” means housing that meets the needs of a variety of households in the low to moderate income range;

(b) “Bonus Zoning Reserve” means the reserve established to hold the incentive or bonus zoning payments of money-in-lieu of a contribution under the applicable land use by-laws;

(ba) “building condition assessment” means an inspection, review, and report on the state of the structure and systems of a building, and may include the following:

(i) an inspection of the building’s structural components, such as walls, floors, roofs, windows, and doors,

(ii) an inspection of the building’s systems, such as plumbing, HVAC, and electrical,

(iii) an inspection of the building’s interior and exterior components, such as finishes and fixtures,

(iv) identification of any issues or deficiencies in building components, and

(v) a summary of expected costs to remedy any issues and deficiencies;

(c) “CAO” means the Chief Administrative Officer of the Municipality;

(d) “contribution agreement” means an agreement signed between the Municipality and the non-profit organization under this Administrative Order;

(e) “Council” means the Council of the Municipality;

(f) “deep affordability” means dwelling units rented at a minimum of 40% below the average market rents for a dwelling unit of the same type and within the same Canadian Mortgage and Housing Corporation Rental Market Survey Zone;

(g) “fiscal year” means the period from April 1st in one year to March 31st in the following year, including both dates;

- (h) “Municipality” means the Halifax Regional Municipality;
- (i) “non-profit organization” means a
 - (i) society incorporated pursuant to the *Societies Act*, R.S.N.S 1989 c.435, as amended,
 - (ii) non-profit association incorporated pursuant to the *Co-Operative Associations Act*, R.S.N.S c.98, as amended,
 - (iii) not-for-profit incorporated pursuant to the Canada Not-for-profit Corporations Act, S.C 2009, c.23,
 - (iv) non-profit organization otherwise incorporated pursuant to an Act of the Nova Scotia Legislature, or
 - (v) registered Canadian charitable organization;
- (j) “registered Canadian charitable organization” means a charitable organization registered pursuant to the Income Tax Act (Canada) and the regulations made pursuant to that Act; and
- (k) “Regional Centre Area” means the Regional Centre Area shown on the most recent version of Regional Centre Secondary Municipal Planning Strategy.

Purpose

3. The purpose of this Administrative Order is to provide grants to eligible organizations for the construction or rehabilitation of affordable housing, building condition assessments, pre-development studies, or the acquisition of buildings, dwelling units, shared housing uses, or property.

Roles and Responsibilities

4. The CAO, or delegate, shall expend the funds contained in the Bonus Zoning Reserve for affordable housing in accordance with the policies contained in this Administrative Order.

Eligibility for Consideration for Affordable Housing Grant

5. To be eligible for consideration for a grant for affordable housing under this Administrative Order, an applicant must:

- (a) be a non-profit organization that has been incorporated for at least one year; and
- (b) be applying for a grant to:
 - (i) rehabilitate or repair existing affordable housing,
 - (ii) construct new affordable housing,
 - (iii) support building condition assessments and pre-development studies, reports and analyses,
 - (iv) acquire buildings, housing units, or properties for affordable housing, or
 - (v) pay Water Regional Development Charges for affordable housing.

Eligible Costs

6. The following rehabilitation and repair costs for affordable housing are eligible for a grant under this

Administrative Order:

- (a) construction costs; and
 - (b) design costs.
7. The following costs for new affordable housing are eligible for a grant under this Administrative Order:
- (a) construction costs; and
 - (b) design costs.
8. Construction costs for partnerships between a non-profit organization and a person may only be considered for a grant under this Administrative Order if there is an agreement between the non-profit and the person under which:
- (a) the person agrees to:
 - (i) transfer ownership of the affordable housing, or
 - (ii) lease, for the life of the building, the affordable housing,that are the subject of the grant to the non-profit organization prior to occupancy; or
 - (b) the affordable housing is owned by the non-profit organization.

Ineligible Costs

9. The following work and materials are ineligible for a grant under this Administrative Order:
- (a) private sector construction of affordable housing, unless Section 8 applies;
 - (b) rehabilitation or repair of affordable housing that are not owned by a non-profit organization;
- and
- (c) operating expenses of the non-profit organization, including wages of employees of the non-profit organization, debt payment, or losses from a previous fiscal year.

General Requirements

10. This Administrative Order operates on the Municipality's fiscal year.
11. There is one intake period per fiscal year.
12. Subject to section 13, applications under this Administrative Order will only be accepted between September 1st and December 1st in a given calendar year for the following fiscal year.
13. Where December 1st falls on a weekend or holiday, the intake period shall be extended until the end of the next business day.
14. All applications must be received by the Municipality by mail, in person, or by e-mail.
- 14A. (1) Prior to submitting their application, all applicants must meet with the CAO, or their designates, and such meeting must occur during the period under Section 12.
- (2) Unless the CAO, or their designate, decide otherwise, applications shall not be accepted by

the Municipality if the meeting under 14A (2) has not occurred.

15. The address for submission of applications will be posted on www.halifax.ca prior to the intake period.

16. Subject to the amount in the Bonus Zoning Reserve and budget, there is no maximum annual amount of financial assistance per property.

17. The minimum annual amount of financial assistance per property is \$500.00.

Required Information For All Applications

18. All the items required under sections 19, 20, and 21 must be received by the Municipality by the application deadline under section 12.

19. All applications under this Administrative Order must include the following items:

(a) proof, satisfactory to the CAO or designate, that the applicant is:

(i) a non-profit organization, and

(ii) has been a non-profit organization for more than 1 year;

(b) the amount of financial assistance requested;

(c) confirmation of ownership of the land containing the affordable housing;

(d) in the case of a partnership under section 8, copies of all existing agreements between the non-profit organization and the person, including a for profit business, regarding the lease to or ownership transfer to the non-profit organization of the affordable housing;

(e) a summary describing the project, including:

(i) the total number of affordable housing dwelling units, and the approximate size and number of bedrooms, or for a shared housing use, the total number bedrooms and their approximate size,

(ii) who the affordable housing is intended to serve, such as the targeted clients income levels, household composition, immigration status, or related health issues;

(iii) the address and location of the proposed development,

(iv) the ownership structure of the affordable housing and the development, and

(v) how the project will achieve long term stability;

(f) a summary describing the non-profit organization, including who it serves and any examples of similar projects the organization lead or had participated in;

(g) all sources of funding, whether confirmed or unconfirmed, that will be used to purchase the property,

(h) if capital or operating funding is being provided by

(i) the Province of Nova Scotia, or

(ii) the Government of Canada, including Canada Mortgage and Housing Corporation (CMHC) or Infrastructure Canada,

then a letter from them confirming approval or eligibility for such funding;

(ha) if the project targets a population at a higher risk of being in Core Housing Need according to the definition of Core Housing Need as established by the Canada Housing and Mortgage Corporation, information that satisfies the CAO, or their designate, that the population is experiencing that higher risk;

(i) a valid email address for communication by the Municipality; and

(j) any other information that may be required by the CAO, or delegate.

Additional Content for Affordable Housing Rehabilitation Applications

20. In addition to section 19, applications for affordable housing rehabilitation costs must contain an overview of the rehabilitation project, including:

(a) a description of the work to be completed, such as the extent of required repairs, and a description of the importance of that work in maintaining the availability of the affordable housing to people in the low to moderate range income range;

(b) a description of how the project will improve the energy efficiency of the building;

(c) estimates from two professional contractors for the proposed repairs or renewal work; and

(d) a description of how the project will improve the accessibility of the building.

Additional Content for New Affordable Housing Construction Applications

21. In addition to section 19, for the construction of new affordable housing, applications must contain an overview of the proposed affordable housing development, including:

(a) Repealed;

(b) a description of how the project will meet or exceed the energy efficiency requirements of the *National Building Code*;

(ba) a description of how the project will exceed the accessibility requirements of the *National Building Code*; and

(c) a project proforma that

(i) identifies hard and soft costs associated with the development,

(ii) identifies all fees payable to the Municipality,

(iii) identifies all sources of financing, both confirmed and unconfirmed;

(iv) estimates the operational costs and rental income, and

(v) the names and experience of the project management team for the project.

Additional Content for Purchase of Affordable Housing or Land for Affordable Housing

21A In addition to section 19, for the acquisition of affordable housing or land for affordable housing, applications must contain an independent appraisal of the fair market value of the housing or land being

considered for purchase.

Discretionary Information for All Applications

22. Unless the information is required by the CAO, or delegate, under clause 19(j), the following information is recommended to help with project evaluation and prioritization:

- (a) detailed building plans;
- (b) supporting information from a qualified professional that the proposed development exceeds accessibility and environmental requirements outlined in *the National Building Code*;
- (c) supporting information outlining how the non-profit organization currently provides housing for those in need of deep affordability;
- (d) copies of all existing capital and operating funding agreements with the Province of Nova Scotia, the Canada Mortgage and Housing Corporation or Infrastructure Canada for the project;
- (e) copies of an order to comply with Municipal minimum standards; and
- (f) any further supplemental material that, in the opinion of the applicant, demonstrates how the project meets the eligibility or priority criteria in this Administrative Order.

Project Evaluation and Prioritization for Affordable Housing Incentives Grant

23. Submissions will be evaluated by HRM staff, who may seek input from members of the Housing and Homelessness Partnership.

24. Monies that have been collected through incentive or bonusing zoning program for affordable housing from development projects located inside the Regional Centre Area shall only be used for projects within the Regional Centre Area.

24A. Monies that have been collected through incentive or bonus zoning programs for affordable housing from development projects located outside the Regional Centre Area shall only be used to support projects located outside the Regional Centre Area but within the Urban Service Boundary.

25. The following criteria will be used to prioritize applications:

- (a) projects that have applied and are eligible for capital funding by
 - (i) the Province of Nova Scotia, or
 - (ii) the Government of Canada, including Canada Mortgage and Housing Corporation (CMHC) and Infrastructure Canada, for the purposes of developing or restoring affordable housing;
- (b) Repealed;
- (ba) projects that target a population that is at higher risk of being in Core Housing Need;
- (c) projects to construct, rehabilitate or repair deeply affordable housing;
- (d) projects that exceed accessibility requirements of the *National Building Code*;
- (e) projects that include energy efficient design and components that substantially exceed the requirements of the *National Building Code*;

- (f) projects that have received an order from the Municipality to rehabilitate or repair affordable housing to comply with By-law M-200, the *Standards For Residential Occupancies By-law*;
- (g) projects that demonstrate financial self-sustainability;
- (h) projects by applicants that demonstrate resources and capacity to complete the proposed project and support any additional housing units;
- (i) projects by applicants with experience in successfully managing existing affordable housing;
- (j) balancing the allocation of money collected through the incentive or bonus zoning program throughout the Urban Service Boundary;
- (k) project affordability when considering:
 - (i) the depth of affordability,
 - (ii) the length of the affordability term, and
 - (iii) the number of dwelling units or rooms in a shared housing use in the project that will be affordable;
- (l) projects to undertake rehabilitation or repairs with the primary objective of improving accessibility;
- (m) projects to acquire buildings or land for affordable housing where the purchase price is consistent with an independent property appraisal; and
- (n) pre-development studies, reports and analyses requested by staff of the Municipality during a discretionary planning application process.

Application Review Process

- 26. Applications will be screened by staff of the Municipality for basic eligibility as they are received.
- 27. Applicants will be notified if their applications are ineligible.
- 28. (1) Eligible applications will be evaluated and prioritized by staff of the Municipality.
- (2) A report and recommendations will be prepared by staff for consideration by the CAO or delegate.
- 29. Council hereby delegates to the CAO the authority to:
 - (a) approve grants under this Administrative Order;
 - (b) determine the amount of such grants; and
 - (c) approve and execute contribution agreements under section 35 on behalf of the Municipality, including amendments to such agreements.
- 30. The CAO may further delegate any or all of the authorities granted by Council to one or more employees of the Municipality.
- 31. Final approval of all applications for a grant, and the amount thereof, is a decision of the CAO or

delegate in their sole discretion.

32. Notification of the decision of the CAO will be e-mailed to applicants after it is made.
33. Due to limited funds, not all eligible applications may receive funding.
34. Staff of the Municipality will provide an information report annually to the Council on the grants approved by the CAO, or their delegate.

Conditions of Approval and Payments of Grants

35. A successful applicant must sign a contribution agreement with the Municipality prior to any funds being issued.
36. Financial assistance provided through this Administrative Order will be detailed in the Contribution Agreement.
37. The Applicant must agree in the Contribution Agreements to the following items:
 - (a) the amount to be received under this Administrative Order;
 - (b) the work to be completed and the timeframe by which it must be completed;
 - (c) the process for reporting to the Municipality;
 - (d) money received under this Administrative Order must be used for the purposes outlined in the recipients funding application;
 - (e) repayment or recourse if:
 - (i) the project is not completed,
 - (ii) the scope of the project is changed, or
 - (iii) any portion of the money received from the Municipality is used for any purpose other than the approved project;
 - (f) to complete a final report describing the impact of the funding received from the Municipality within the timeframe indicated in the Contribution Agreement;
 - (g) to notify the Municipality if;
 - (i) there is a change in scope of the project from that description in the application,
 - (ii) the project does not proceed, or
 - (iii) the project is not completed.
 - (ga) the affordability standard of the project; and
 - (h) any other matter needed to ensure that the money received from the Municipality is used to support the proposed project.

Done and passed this 30th day of September, 2020.

Mayor Mike Savage

Phoebe Rai, Acting Municipal Clerk

I, Phoebe Rai, 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 September 30, 2020.

Notice of Motion: September 1, 2020
Approval: September 30, 2020

Amendment #1

Amended section 3, and subclauses 5(b)(i)(ii)
Added subclauses 5 (b)(iii)(iv)

Notice of Motion: December 14, 2021
Approval: January 11, 2022

Amendment #2 (various)

Notice of Motion: October 17, 2023
Approval: November 14, 2023

Amendment #3

Added second recital; clauses 2(ba), 19(ha), 20(d), 21(ba), 25(ba), 25(k), 25(l), 25(m),25(n), 37(ga);
and sections 14A, 21A.

Amended clauses 2(c), 2(d), 2(f), 5(b), 19(e), 19(h), 20(b), 20(c), 21(b), 22(d), 22(f), 25(a), 25(c),
25(f), 25(h) and 37(f); and sections 3, 6, 7, 8, 9.

Repealed clauses 21(a), 25(b)

Notice of Motion: August 6, 2024
Approval: August 20, 2024
