



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 15.1.3**  
**Halifax Regional Council**  
**November 14, 2023**

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

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
John Traves, K.C., Acting Chief Administrative Officer

**DATE:** October 23, 2023

**SUBJECT:** **Proposed Amendments to Administrative Orders Relating to Incentive or Bonus Zoning Public Benefits and the Affordable Housing Grant Program**

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**ORIGIN**

On January 11, 2022, Item 16.1, Halifax Regional Council passed the following motion:

THAT Halifax Regional Council request a staff report to outline options to enable powers conveyed in recently adopted amendments to the *Halifax Regional Municipal Charter via Bill 32* to allow the municipality to provide financial assistance to a business if the financial assistance is for the purpose of increasing the availability of affordable housing, and to require the regulate *[sic]* affordable housing within developments through land-use by-laws.

On March 21, 2023, Item No. 12.1, Halifax Regional Council passed the following motion:

THAT Halifax Regional Council: ...

2. Direct the Chief Administrative Officer (CAO) to:
  - a. Draft amendments to Administrative Order 2020-007-ADM, the Incentive or Bonus Zoning Public Benefits Administrative Order, and Administrative Order 2020-008ADM, Grants for Affordable Housing Administrative Order, to update the permitted use of money-in-lieu funds as outlined in the Discussion section of the staff report dated February 10, 2023 to all areas of the Municipality; and
  - b. Return to Council for consideration of these amendments upon provincial approval of the amendments set out in Attachments A and B of the staff report dated February 10, 2023.

On August 22, 2023, Item No. 15.8.6, Halifax Regional Council passed the following motion:

THAT Halifax Regional Council direct the Chief Administrative Officer (CAO) to provide a staff report on options to eliminate the Halifax Water permitting costs on non-profit affordable housing developments. Options to consider should include:

1. A grant program to reimburse non-profits for their permitting costs; and
2. Potential legislative changes to allow Halifax Water to waive those costs directly.

On October 17, 2023, Item 15.2.2, Halifax Regional Council passed the following motion:

THAT Halifax Regional Council request a staff report directing the Chief Administrative Officer (CAO) to allocate a portion of the funds received as part of the Housing Accelerator Fund toward the Affordable Housing Grant Program (AHGP) in time for the 2023/24 grant year, with the intent to expand the AHGP to eligible proposals in suburban and rural parts of the municipality.

### **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter):*

- 59      *(3) In addition to matters specified in this Act or another Act of the Legislature, the Council may adopt policies on any matter that the Council considers conducive to the effective management of the Municipality.*
- 120     *(1) The Municipality shall maintain a capital reserve fund.*  
*(6) The Municipality may maintain other reserve funds for such purposes as the Council may determine.*

Administrative Order 2014-015-ADM Respecting Reserve Funding Strategies

Regional Municipal Planning Strategy Policies S-30(f), CH-18 (o), G-16A, G-16B, G-16C, G-16D, G-16E, G-16F and G-16G

### **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Adopt amendments to Administrative Order Number 2020-007-ADM, *Incentive or Bonus Zoning Public Benefits Administrative Order*, as set out in Attachment C of this report;
2. Adopt amendments to Administrative Order Number 2020-008-ADM, *Grants for Affordable Housing Administrative Order*, as set out in Attachment D of this report;
3. Request that the Mayor send a letter to the Province of Nova Scotia requesting amendments to the NS *Public Utilities Act* to waive Regional Development Charges for affordable housing developments;
4. Direct the Chief Administrative Officer to conduct a review of Administrative Order Number 2020-008-ADM, *Grants for Affordable Housing Administrative Order* and the HRM Affordable Housing Grant Program in advance of the 2024/25 Affordable Housing Grant Program grant year;
5. Direct the Chief Administrative Officer to allocate \$200,000.00 from the Housing Accelerator Fund to fund affordable housing projects in the Suburban Area outside the Regional Centre but within the Urban Service Boundary; and

6. Delegate to the Chief Administrative Officer, or their delegate, the authority to administer grants to affordable housing projects outside the Regional Centre from the funds allocated in recommendation #5, using the Administrative Order 2020-008-ADM, Respecting Grants for Affordable Housing as the basis for the grants, including:
  - (a) the eligibility considerations, and eligible and ineligible costs;
  - (b) the general requirements;
  - (c) the required and discretionary information for applications;
  - (d) the additional content for applications;
  - (e) project evaluations and application review; and
  - (f) conditions of payment and approval of grants; such as the authority to approve grants, determine the amount of such grants, and approve and execute contribution agreements for such grants.

## **BACKGROUND**

On September 30, 2020, Halifax Regional Council approved [Administrative Order Number 2020-007-ADM Respecting Incentive or Bonus Zoning Public Benefits](#) (Density Bonus AO) and [Administrative Order Number 2020-008-ADM Respecting Grants for Affordable Housing](#) (Affordable Housing AO).

The Density Bonus AO guides the spending of funds collected through the Incentive or Bonus Zoning Program in the Regional Centre that were deposited into the Density Bonus Reserve. The Density Bonus AO specifies that funds can be withdrawn from the Density Bonus Reserve and reiterates the *HRM Charter* restriction that the funds can be used only for the purpose for which the money was accepted. Money collected in lieu of affordable housing can be used for the following:

1. Supporting affordable housing under the Affordable Housing AO;
2. A contribution agreement between the municipality and the Government of Canada, Government of Nova Scotia, or a non-profit group to support the rehabilitation or construction of affordable housing;
3. Supporting building condition assessments and the acquisition of buildings, dwelling units, or property; or
4. Any combination of the above.

The Affordable Housing AO directs how funds in the Density Bonus Reserve that were collected in lieu of affordable housing can be disbursed to non-profit housing providers through HRM's Affordable Housing Grant Program (AHGP). Eligible housing projects include:

- Construction of new affordable housing (design, materials, labour, design work, permit fees);
- Renovations to existing housing (design, materials, labour, design work, permit fees);
- Property and building assessments;
- Purchase of land for future housing development; and
- Purchase of existing housing.

On March 21, 2023, Halifax Regional Council approved a suite of amendments to the Regional Plan and applicable land use by-laws to create an Interim Density Bonus Program outside the Regional Centre, within the Urban Service Area (Suburban Area).<sup>1</sup>

Similar to the Incentive or Bonus Zoning Program in the Regional Centre, the Interim Density Bonus Program requires eligible projects to contribute public benefits to the municipality. Money in lieu of a public benefit is calculated using a formula in the applicable land use by-law. Both the Incentive or Bonus Zoning

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<sup>1</sup>Staff Report. Case 24063: Interim Incentive or Bonus Zoning Program outside of the Regional Centre.  
<https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/230221rc1512.pdf>

Program and the Interim Density Bonus Program require at least 60% and up to 100% of the public benefit to be money in lieu of affordable housing.

## **DISCUSSION**

Under the existing Density Bonus AO and Affordable Housing AO, funds collected in lieu of affordable housing from the Incentive or Bonus Zoning Program can only be used to support projects in the Regional Centre. Both AOs need to be updated so that money collected from the Interim Density Bonus Program can be used to fund eligible public benefits, including affordable housing. Providing additional funds for projects outside the Regional Centre through the Interim Density Bonus Program will support the construction and rehabilitation of affordable housing in areas outside the core.

Proposed amendments to both AOs are included in Attachments C and D. Money collected in the Regional Centre through the Incentive or Bonus Zoning Program will continue to be disbursed exclusively to projects located within the Regional Centre, with the exception of money collected for the acquisition or improvement of municipal parks, which the Density Bonus AO already permits to be spent outside the Regional Centre. Money collected through the Interim Density Bonus Program, which applies to the Suburban Area, would be distributed outside of the Regional Centre. When staff receive applications for the Affordable Housing Grant Program, they will consider the location of the project, to ensure that projects across the region and in areas of greatest need are supported.

### **Financial assistance to business for affordable housing**

On November 5, 2021, [Bill 32](#) was given Royal Assent, which added the following subsection to Section 71 of the *HRM Charter*:

*71(4) Notwithstanding subsection (2), the Municipality may provide direct financial assistance to a business for the purpose of increasing the availability of affordable housing in the Municipality.*

In response to this change, staff recommend amendments to Sections 8 and 19 of the Affordable Housing AO to broaden the circumstances under which an eligible Non-Profit Organization (NPO) can partner with private business and retain eligibility for AHGP funding. Under current provisions, an eligible NPO must either own the funded housing or have an agreement in place under which ownership of the funded housing would pass to the NPO. Under the proposed amendment, an NPO could lease housing owned by a private business for the life of the building. This arrangement ensures that the eligible NPO maintains control of the affordable housing units.

### **Halifax Water Regional Development Charge**

Halifax Water's Regional Development Charge (RDC) must be paid for new or additional residential units and/or any new or additional non-residential (ICI) floor area that are connecting to the water and wastewater systems. The RDC is currently an eligible expense under the Affordable Housing AO. However, to clarify and make this eligibility explicit, staff propose listing the RDC as an eligible expense for AHGP funding in Section 5 of the Affordable Housing AO.

There is no ability for Halifax Water to waive the RDC for affordable housing projects, as HRM has done for building permit and other municipal fees. The NS Utility and Review Board wrote about Halifax Water's ability to waive or reduce the RDC for affordable housing projects in [Halifax Regional Water Commission \(Re\)](#), 2020 NSUARB 129. At paragraph 194, the Board wrote:

Accordingly, while the Board is mindful of the impact of RDC rates on the development of affordable housing, the Board does not have the jurisdiction under the *Public Utilities Act* to waive or reduce the RDCs by reason of the affordability of those rates or charges for a segment of the

public. All customers of Halifax Water who receive a similar service from the Utility must be charged the same rate.

These comments rely on Section 67 of the NS *Public Utilities Act*:

**Equal rates and charges for similar services**

67 (1) All tolls, rates and charges shall always, under substantially similar circumstances and conditions in respect of service of the same description, be charged equally to all persons and at the same rate, and the Board may by regulation declare what shall constitute substantially similar circumstances and conditions. ...

While funds from the municipality's AHGP can be used to pay for the RDC, the ability to waive the charge entirely is desirable. Staff recommend that Halifax Regional Council request the Mayor to write a letter to the Province of Nova Scotia to request amendments to the NS *Public Utilities Act* to enable Halifax Water to waive Regional Development Charges for affordable housing developments.

**Interim Density Bonusing and Bill 329**

The Interim Density Bonus Program was created as a funding stream for affordable housing projects in the Suburban Areas, outside the Regional Centre. Staff advise that to date, no funds have been collected through the Interim Density Bonus Program.

On October 12, 2023, the NS Government introduced [Bill 329](#) (Halifax Regional Municipality Charter (amended) and Housing in the Halifax Regional Municipality Act (amended)) to the NS Legislature. The NS Legislature gave Bill 329 First Reading on October 12, 2023, and Second Reading on October 13, 2023. Amendments to Bill 329 were carried in Committee of the Whole House (COW) on October 27 and October 30, 2023. As of the writing of this report, Bill 329 not yet been given Third Reading or Royal Assent.

[Clause 4](#) of the draft of Bill 329, as introduced, prohibits, for a period of two years, the Municipality from changing, without the approval of the Minister, fees, certain charges and incentive or bonus zoning agreements that would increase the cost of applicants for approvals beyond the cost that would have been chargeable immediately prior to its coming into force. The amendments to the Bill carried at COW allow new incentive or bonus zoning agreements, capital cost contribution agreements or local improvement charges to be created if the formulas and methods to calculate the charges used in the agreement are either: (1) the same as those in effect at the time this Section comes into force; or (2) in accordance with formulas approved by the Minister. Depending on the formula or method used, Bill 329 may restrict the municipality's ability to collect funds through the Interim Density Bonusing Program in Suburban Areas, as well as limit CPI increases to the Incentive or Bonus Zoning Program in the Regional Centre. Staff will continue to work with Provincial staff to understand the impact of Bill 329 as it progresses.

**Housing Accelerator Fund**

Funds already collected under the Incentive or Bonus Zoning Program can be used to fund the 2023/24 AHGP round; however, the Density Bonus AO requires that the funds collected in the Regional Centre be allocated to affordable housing projects in the Regional Centre.

Given the lack of funds collected under the Interim Density Bonusing Program to date, and the potential impact of Bill 329, staff recommend that Halifax Regional Council allocate \$200,000 from the Housing Accelerator Fund to the AHGP to fund projects outside of the Regional Centre. Projects could be located in suburban or rural locations, and recommendations for grant funding will be made using the eligibility criteria, application process, approval process, and conditions of payment and approval set out in the Affordable Housing AO. This allocation would be for the 2023/24 grant year only. Funding for future years will be considered during a review of the program as described below.

### **Review of the Affordable Housing Grant Program**

The AHGP is currently open and accepting applications for its third grant year (2023/24) until December 1, 2023. Following the grant award in Spring 2024 and before the 2024/25 grant year, staff are recommending that a review of the overall program be undertaken. This review would consider:

- the overall structure and funding sources of the program; and
- whether further amendments to the Affordable Housing AO are needed to:
  - refine the criteria for how grant funding is allocated; and/or
  - further support affordable housing projects, including through partnerships with private business or other orders of government.

### **Conclusion**

In March 2023, Halifax Regional Council approved an Interim Density Bonus Program that requires eligible projects in parts of HRM that are outside the Regional Centre and inside the Urban Service Boundary to contribute money in lieu of public benefits. This Program is similar to the Incentive or Bonus Zoning Program in the Regional Centre, which came into effect in 2021, and is controlled by the Density Bonus AO and the Affordable Housing AO. Staff recommend that the Density Bonus AO and the Affordable Housing AO both be amended so that money collected through the Interim Density Bonus Program can be used to fund eligible public benefits, including affordable housing, in the Suburban Area outside the Regional Centre. This will ensure HRM's ability to fund affordable housing projects throughout the municipality.

Staff also recommend expanding eligible partnerships between private businesses and Non-Profit Organizations by allowing eligible NPOs to lease privately owned property or housing and maintain their eligibility for AHGP funding.

Staff further recommend clarifying that Halifax Regional Development Charges are eligible expenses for funding under the AHGP, and that Halifax Regional Council request that the Mayor write to the Province of Nova Scotia to amend the *Public Utilities Act* and enable Halifax Water to waive Regional Development Charges for affordable housing projects.

In light of Bill 329 and the relative infancy of the Interim Density Bonus Program, staff also recommend that, for the 2023/2024 Grant year, \$200,000 be allocated from the Housing Accelerator Fund to support suburban and rural affordable housing projects.

Finally, a review of the AHGP will be undertaken before the 2024/25 grant year to ensure the ongoing effectiveness of this program.

### **COMMUNITY ENGAGEMENT**

Community engagement relating to the Interim Density Bonus Program included a call for comments as part of Phases 2 and 3 of Regional Plan review, a project website, and stakeholder meetings.

Staff have not undertaken any additional community engagement regarding the proposed changes to the Density Bonus AO and the Affordable Housing AO, as they are administrative and following the intent of the Regional Plan.

Feedback received during the Regional Plan Review included the following:

- There is need for additional affordable housing options and to address homelessness
- The Interim Density Bonus Program could impact the overall costs of development and could push more development outside HRM
- The Interim Density Bonus Program may not entirely level the playing field between developments in the Regional Centre and suburban areas
- Other tools that would not impact the cost of development should be explored

## **FINANCIAL IMPLICATIONS**

There is limited financial risk associated with this report. It is unclear how Bill 329 will affect HRM's ability to collect money in lieu of public benefits, including affordable housing, under the Incentive or Bonus Zoning and Interim Density Bonus Programs. Money collected previously under these Programs can be used to fund projects within the Regional Centre for the 2023/23 Grant round.

In each of 2021 and 2022, Halifax Regional Council allocated \$200,000 from Planning and Development's operating budget for affordable housing projects located anywhere in the municipality, to be disbursed through the AHGP. The \$200,000 from Housing Accelerator Fund would be added to the previously approved operating budget for AHGP in 2023/24.

## **RISK CONSIDERATION**

Risks associated with amending the Density Bonusing AO and Affordable Housing AO are low. The estimated potential revenues resulting from the Interim Density Bonus Program are difficult to project, as they depend on the inventory of approved developments, the number of active development agreement and plan amendment applications, and on overall market conditions.

## **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

## **ALTERNATIVES**

Halifax Regional Council may:

1. Modify the proposed amendments to the Administrative Order Respecting Incentive or Bonus Zoning Public Benefits or the proposed amendments to the Administrative Order Respecting Grants for Affordable Housing. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require a supplementary staff report.
2. Refuse to approve the proposed amendments to the Administrative Order Respecting Incentive or Bonus Zoning Public Benefits or the proposed amendments to the Administrative Order Respecting Grants for Affordable Housing. If this alternative is chosen, the municipality could continue to disburse Incentive or Bonus Zoning funds to projects within the Regional Centre but would be unable to disburse funds collected through the Interim Density Bonus Program.
3. Refuse to request that the Mayor write to the Province of Nova Scotia to request amendments to the *Public Utilities Act* to enable Halifax Water to waive Regional Development Charges for affordable housing projects.
4. Refuse to allocate funding from the Housing Accelerator Fund to support the Affordable Housing Grant Program.

## **ATTACHMENTS**

Attachment A: Showing Proposed amendments to Administrative Order Number 2020-007-ADM Respecting Incentive or Bonus Zoning Public Benefits

- Attachment B: Showing Proposed amendments to Administrative Order Number 2020-008-ADM Respecting Grants for Affordable Housing
- Attachment C: Amending Administrative Order 2020-007-ADM Respecting Incentive or Bonus Zoning Public Benefits
- Attachment D: Amending Administrative Order 2020-008-ADM Respecting Grants for Affordable Housing

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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.

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Leah Perrin, Manager, Regional Planning, 902.476.3792



## Attachment A

(Showing Proposed Amendments to 2020-007-ADM)

### ADMINISTRATIVE ORDER NUMBER 2020-007-ADM RESPECTING INCENTIVE OR BONUS ZONING PUBLIC BENEFITS

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

**WHEREAS** some of the land use by-laws of the Municipality have implemented incentive or bonus zoning and either allow or require money-in-lieu to be accepted in lieu of a contribution;

**AND WHEREAS** under subsection 245A (6) of the *Halifax Regional Municipality Charter*, the Municipality shall use any money accepted in-lieu of an incentive or bonus zoning contribution for the purpose for which the money was accepted;

#### **Short Title**

1. This Administrative Order may be known as the “Incentive or Bonus Zoning Public Benefits Administrative Order”.

#### **Interpretation**

2. In this Administrative Order,

(a) “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;

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

(c) “Municipality” means the Halifax Regional Municipality;

(d) “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;

(e) “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

(f) “Regional Centre” means the Regional Centre Area shown on the most recent version of *Regional Centre Secondary Municipal Planning Strategy*; and

(g) “regional park” means large Municipal owned parks that meet the regional park classification or are identified as regional parks under the Regional Municipal Planning Strategy.

### **Purpose**

3. The purpose of this Administrative Order is to guide the expenditure of funds held in the Bonus Zoning Reserve.

### **Roles and Responsibilities**

4. Council shall consider impacts to the Bonus Zoning Reserve in accordance with the *Financial Reserves Administrative Order* and may approve withdrawals to the Bonus Zoning Reserve through the annual budget process or Council motion

### **Expenditure of Incentive or Bonus Zoning Funds**

5. Under a land use by-law other than the *Regional Centre Land Use By-law*, money-in-lieu may be accepted for contributions for the following:

- (a) affordable housing;
- (b) the conservation of a registered heritage building;
- (c) the acquisition or improvement of municipal parks;
- (d) affordable community or cultural indoor space; or
- (e) public art.

6. Under the *Regional Centre Land Use By-law*, money-in-lieu may be accepted for contributions ~~that~~ **include for** the following:

- (a) affordable housing;
- (b) the conservation of a registered heritage building that is not located on the site of the development;
- (c) the improvement of municipal parks;
- (d) affordable community or cultural indoor space; and
- (e) public art.

7. Under subsection 245A (6) of the *Halifax Regional Municipality Charter*, the Municipality shall use any money accepted in-lieu of an incentive or bonus zoning contribution for the purpose for which the money was accepted.

8. Subject to section 12, monies that have been collected through incentive or bonusing zoning program **within the Regional Centre** shall only be used for projects or properties located within the Regional Centre.

8A. Subject to section 12, monies that have been collected through incentive or bonusing zoning

outside the Regional Centre shall only be used for projects or properties located outside the Regional Centre but within the Urban Service Boundary.

#### **Affordable Housing**

9. Funds expended for the rehabilitation or construction of affordable housing shall only be used for:
- (a) supporting affordable housing under the Grants for Affordable Housing Administrative Order;
  - (b) a contribution agreement between the Municipality and the Government of Canada, Government of Nova Scotia, or a non-profit group to support the rehabilitation or construction of affordable housing;
  - (c) Repealed;
  - (d) supporting building condition assessments and the acquisition of buildings, dwelling units, or property; or
  - (e) any combination of clauses a, b, and d.

#### **Conservation of Registered Heritage Buildings**

10. Funds expended for the conservation of a registered heritage property shall only be used for:
- (a) enhancing the regularly budgeted funds used to provide grants to registered heritage buildings under Administrative Order 2014-002-ADM, the *Heritage Incentive Program Administrative Order*;
  - (b) conserving or acquiring Municipally owned registered heritage properties; or
  - (c) Repealed;
  - (d) the conservation of a building within a heritage conservation district that is not located on the development site;
  - (e) the conservation of a registered heritage building that is not located on the development site; or
  - (f) any combination of clauses a, b, d, and e.

#### **Improvements to Municipal Parks**

11. Funds expended for parks shall only be used for improving parkland owned by the Municipality or the acquisition of municipal parks.

12. Funds may be expended for improving regional parks located throughout the Municipality outside of the Regional Centre.

#### **Affordable Community or Cultural Space**

13. Funds expended for affordable community or cultural space shall only be used for:
- (a) grants to a non-profit organization to construct or rehabilitate facilities used for community and cultural purposes, such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, daycare uses, and other social services;
  - (b) the construction or rehabilitation of Municipal facilities used for community and cultural purposes such as offices, meeting rooms, recreational facilities, educational facilities, art and cultural spaces, daycare uses, and other social services; or

- (c) any combination of clauses a and b.
14. Requests for grants by non-profit organizations under clause 13(a), must be:
- (a) reviewed for consistency with applicable Municipal policies, plans, and strategies; and
  - (b) include the following information:
    - (i) the amount of financial assistance requested,
    - (ii) the purpose for the requested financial assistance and how it relates to applicable Municipal policies, plans, and strategies,
    - (iii) proof of non-profit status,
    - (iv) articles of incorporation, including its mission statement,
    - (v) complete financial statements, including itemized revenues, expenses, assets and liabilities for the prior three (3) fiscal years, or if the non-profit organization has not been incorporated for the prior three fiscal years, the number of fiscal years the organization has been incorporated,
    - (vi) a five-year operating and capital budget in the form to be provided by the Municipality, and
    - (vii) a statement identifying any other municipal, provincial, or federal government funding, including indirect or in-kind assistance with documentation to support the monetary value of assistance or a clear description of same.

**Public Art**

15. Funds expended for public art shall be used for the purchase and maintenance of public art in accordance with the *Public Art Policy*.

Done and passed this 30<sup>th</sup> day of September, 2020.

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Mayor Mike Savage

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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.

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Phoebe Rai, Acting Municipal Clerk

## Attachment B

(Showing Proposed Amendments)

### 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;

#### 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;

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

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

(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 most specific geographic zone available through the Canadian Mortgage and Housing Corporation or Statistics Canada;

(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 dwelling units, building condition assessments, or the acquisition of buildings, dwelling units, 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 existing dwelling units for the purpose of affordable housing,
  - (ii) construct new affordable housing dwelling units,
  - (iii) support building assessments, ~~or~~
  - (iv) acquire buildings, housing units, or properties for affordable housing, ~~or~~
  - (v) pay Halifax Water Regional Development Charges for affordable housing dwelling units.

### **Eligible Costs**

6. The following rehabilitation costs for dwelling units are eligible for a grant under this Administrative Order:

- (a) construction costs; and
- (b) design costs.

7. The following costs for new affordable housing dwelling units 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 dwelling units, or
  - (ii) lease, for the life of the building, the affordable housing dwelling units,that are the subject of the grant to the non-profit organization prior to occupancy; or
- (b) the affordable housing dwelling units are 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 dwelling units, unless clause 8(a) applies;
  - (b) rehabilitation of affordable housing dwelling units 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 1<sup>st</sup> 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.
- 15. The address for submission of applications will be posted on [www.halifax.ca](http://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 dwelling units;
- (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 dwelling units;
- (e) a summary describing the project, including:
  - (i) the total number of affordable housing dwelling units, and the approximate size and number of bedrooms,
  - (ii) who the affordable housing dwelling units are 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 dwelling units 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 funding is being provided by
  - (i) the Province of Nova Scotia, including Housing Nova Scotia, or
  - (ii) the Government of Canada, including Canada Mortgage and Housing Corporation (CMHC),
 then a letter from them confirming approval or eligibility for such funding;
- (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 dwelling unit 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 dwelling unit 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; and
- (c) estimates from two professional contractors for the proposed repairs or renewal work.



### **Additional Content for New Affordable Housing Construction Applications**

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

- (a) confirmation that the development can be carried out under current land use regulations;
- (b) a description of how the project will meet or exceed the energy efficiency 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.

### **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 agreements with the Department of Municipal Affairs, Housing Nova Scotia, and Canada Mortgage and Housing Corporation for the purposes of providing affordable housing;
- (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 affordable housing.

### **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 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 funding by
  - (i) the Province of Nova Scotia, including Housing Nova Scotia, or
  - (ii) the Government of Canada, including Canada Mortgage and Housing Corporation (CMHC), for the purposes of developing or restoring affordable housing units;
- (b) projects that are required to provide a public benefit for incentive or bonus zoning pursuant to incentive and bonus zoning provisions **in a land use by-law of the Centre Plan, Downtown Halifax Plan** or a development agreement;
- (c) projects by those non-profit organizations who currently serve those in need of deep affordability;
- (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 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 support additional housing units;
- (i) projects by applicants with experience in successfully managing existing affordable housing dwelling units; and
- (j) balancing the allocation of money collected through the **density and** incentive **or** bonus **zoning** programs **throughout the Urban Service Boundary to different areas of the Regional Centre.**

**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; and
  - (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.
  - (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 30<sup>th</sup> day of September, 2020.

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Mayor Mike Savage

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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.

**Attachment C**

(Amending Administrative Order for 2020-07-ADM)

**ADMINISTRATIVE ORDER NUMBER 2020-007-ADM  
RESPECTING INCENTIVE OR BONUS ZONING  
PUBLIC BENEFITS**

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of the Council of the Halifax Regional Municipality that Administrative Order 2020-007-ADM, the *Incentive or Bonus Zoning Public Benefits Administrative Order*, is amended as follows:

1. Section 5 is added after both section 4 and the header “Expenditure of Incentive or Bonus Zoning Funds” and before section 6, as follows:

5. Under a land use by-law other than the *Regional Centre Land Use By-law*, money-in-lieu may be accepted for contributions for the following:

- (a) affordable housing;
- (b) the conservation of a registered heritage building;
- (c) the acquisition or improvement of municipal parks;
- (d) affordable community or cultural indoor space; or
- (e) public art.

2. Section 6 is amended by:

(a) striking out the words “that include” after the word “contributions” and before the word “the”; and

(b) adding the word “for” after the newly struck word “include” and before the word “the”.

3. Section 8 is amended by adding the words “within the Regional Centre” after the word “program” and before the word “shall”.

4. Section 8A is added after section 8 and before section 9, as follows:

8A. Subject to section 12, monies that have been collected through incentive or bonusing zoning outside the Regional Centre shall only be used for projects or properties located outside the Regional Centre but within the Urban Service Boundary.

5. Section 12 is amended by:

(a) striking out the words “outside of the Regional Centre” after the word “located” and before the end of the section; and

(b) adding the words “throughout the Municipality” after the word “located” and before the end of the section.



## **Attachment D**

(Amending Administrative Order for 2020-008-ADM)

### **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 that Administrative Order 2020-008-ADM, the *Grants for Affordable Housing Administrative Order*, is amended as follows:

1. The recital beginning “BE IT RESOLVED” is amended by adding the words and comma “including subsection 71(4),” after the word and comma “*Charter*,” and before the words “as follows”.
2. Section 2 is amended by re-lettering the second clause (j) as clause (k).
3. Clause 5(b) is amended by:
  - (a) striking out the word “or” after the word “assessments” and before the end of subclause (iii);
  - (b) striking out the period and adding a comma and the word “or” after the word “housing” and before the end of subclause (iv); and
  - (c) adding subclause (v) after the newly amended subclause (iv) and before the title “Eligible Costs” and Section 6, as follows:
    - (v) pay Halifax Water Regional Development Charges for affordable housing dwelling units.
4. Clause 8(a) is amended by:
  - (a) adding a colon after the word “to” and before the word “transfer”;
  - (b) adding the word and comma “,or” after the word “units” and before the words “that are”;
  - (c) lettering the words “transfer ownership of the affordable housing dwelling units, or” as subclause (i) of clause (a); and
  - (d) adding subclause (ii) after the newly lettered subclause (i) and before the words “that are”, as follows:
    - (ii) lease, for the life of the building, the affordable housing dwelling units,
5. Clause 19(d) is amended by:
  - (a) adding the commas and words “, including a for profit business,” after the word “person” and before the word “regarding”; and
  - (b) adding the words “lease to or” before the word “ownership” and after the words “regarding the”.
6. Section 24 is amended by:
  - (a) adding the words “from development projects located inside the Regional Centre Area” after the word “housing” and before the word “shall”; and

(b) adding the word "Area" after the word "Centre" and before the period at the end of the section.

7. Section 24A is added after section 24 and before section 25, as follows:

24A. Monies that have been collected through incentive or bonus zoning 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.

8. Section 25 is amended by:

(a) striking out the words and comma "of the Centre Plan, Downtown Halifax Plan" after the word "provisions" and before the word "or" in clause (b);

(b) adding the words "in a land use by-law" after the word "provisions" and before the newly struck words "of the" in clause (b);

(c) striking out the words "density and" after the words "through the" and before the word "incentive" in clause (j);

(d) adding the word "or" after the word "incentive" and before the word "bonus" in clause (j);

(e) adding the word "zoning" after the word "bonus" and before the word "programs" in clause (j),

(f) striking out the letter "s" at the end of the word "programs" in clause (j);

(g) striking out the words "to the different areas of the Regional Centre" after the newly amended word "program" and before the end of clause (j); and

(h) adding the words "throughout the Urban Service Boundary" after the newly amended word "program" and before the end of clause (j).

Done and passed this            day of            , 202    .

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Mayor

\_\_\_\_\_  
Municipal Clerk