



Hamilton

# City of Hamilton Response to the Provincial Bill 109, More Homes for Everyone Act, 2022

April 8, 2022

# More Homes for Everyone Plan & Bill 109

- ❑ March 30, 2022 the Province announced the More Homes for Everyone Plan and introduced Bill 109, *More Homes for Everyone Act, 2022*
  
- ❑ Bill 109 contains legislative amendments to:
  - the *Planning Act*;
  - the *City of Toronto Act, 2006*;
  - the *Development Charges Act, 1997*;
  - the *New Home Construction Licensing Act, 2017*; and,
  - the *Ontario New Home Warranties Plan Act*
  
- ❑ Received 2<sup>nd</sup> reading on April 4, 2022 and has been referred to the Standing Committee in the Ontario Legislative Assembly for consideration on **April 11, 2022**.



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## Key Legislation Uploading Decision-Making Powers to the Minister or Tribunal Include:

- The Minister is authorized to refer MCRs/OPAs/New OPs to the Ontario Land Tribunal (OLT) for a recommendation or decision;
- Where the Minister refers all or part of an Official Plan to the Tribunal for a recommendation, there is no right of appeal;
- Allow the Minister to pause the 120-day decision-making timeline on official plans;
- Increased powers for the Minister to:
  - Prohibit certain matters from being the subject of conditions of draft plan approval;
  - Require public reporting to monitor development Applications; and,
  - The type of securities that can be used to secure municipal requirements.
- A new process for municipalities to request the Minister to make a zoning order - “Community Infrastructure and Housing Accelerator” (CIHA). Requiring a Council motion and a public meeting.



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## Key Amendments to the Planning Act - Application Process Changes:

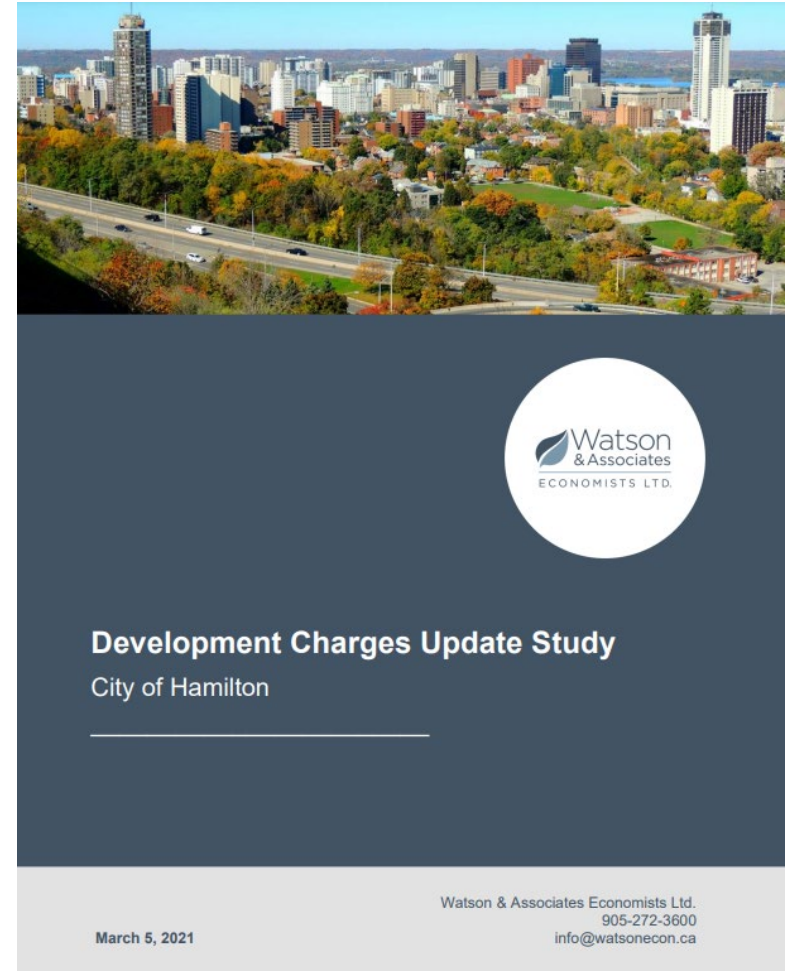
- Requiring municipalities to refund fees if decisions on Planning Applications are not met;
- Requiring municipalities to delegate site plan approval authority to staff, extending site plan review timeline to 60 days, and applying complete application rules to site plan control; and,
- Allow municipalities a one-time discretionary authority to extend draft plan approval for plans of subdivision that have lapsed within the last five years.

	No Refund	50% Refund	75% refund	100% Refund
ZBA	Decision made within 90 days	Decision made within 91 and 149 days	Decision made within 150 and 209 days	Decision made 210 days or later
OPA/ZBA	Decision made within 120 days	Decision made within 121 and 179 days	Decision made within 180 and 239 days	Decision made 240 days or later
SP	Decision made within 60 days	Decision made within 61 and 89 days	Decision made within 90 and 119 days	Decision made 120 days or later

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## Key Amendments to the Planning Act - Growth-Related Funding Tools:

- Alternative parkland requirements for lands in a designated transit-oriented community;
- The ability of the province to declare encumbered land in a transit-oriented community that has easements or below-grade infrastructure as conveyed land for parkland contribution requirements;
- Increased reporting on growth-related funding tools (DCs, Parkland Dedication, and CBCs); and,
- Regular reviews of community benefits charge by-laws and rules respecting such reviews.



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## Key Ontario Building Code Changes Proposed:

- Allowing up to 12-storey mass timber buildings;
- Streamlining modular multi-unit residential building approvals across the province;
- Enabling more low-rise and infill multi-residential opportunities by exploring opportunities to allow one entrance/exit for 4-6 storey residential buildings; and,
- Exploring options to allow residential and commercial occupancy for super-tall buildings that are still under construction.



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## Key Programs and Funding Offered:

- \$19 M funding for the Ontario Land Tribunal in order to address backlogs and streamline appeal processes;
- Increasing the Non-Resident Speculation Tax (NRST) rate from 15 to 20% and expanding it province wide;
- Creating a Housing Supply Working Group to collect data and monitor progress on the municipal implementation of provincial initiatives and determine improvements to annual housing supply action plans; and,
- Creating a Centre of Realty Excellence (CORE) that would assess the Provincial surplus land portfolio for projects such as long-term care facilities and non-profit housing opportunities.



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## Some Consequences of the Changes Proposed:

- Increased Provincial jurisdiction on local planning and decision making;
- Penalizing municipalities financially for decision-making timelines not being met when delays may not rest with municipalities;
- Decreased opportunity for public engagement and consensus-building;
- Increasing appeal rights and uploading decision-making to the OLT – less accountability for local community building;
- Reduction in development fees, but shifting to a larger cost for litigation tribunal processes;
- Limited opportunity for staff to work collaboratively on applications with the development industry;
- Pivoting away from growth paying for growth shifting the cost of growth to existing ratepayers;
- Increase in staff resources needed across the organization to meet the legislated timeframes.



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## Gaps of Information:

- The emphasis is on expediting approvals, but not providing tools or mechanisms to ensure proposed developments are actually built and in a reasonable time;
- No tools addressing deeply affordable housing or other aspects contributing factors to the housing affordability problem (incomes and need for living wage considerations);
- A disconnect on how to sustainably plan and service increasing unit supply to build complete communities;
- A failure to recognize that ON is diverse in many ways and housing supply issues, and the factors contributing to those issues, are different across the ON

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## What the City of Hamilton Already Does in Alignment with this Plan & Bill:

- Conform to Provincial targets and efforts to increase housing supply;
- Streamlined planning approval process;
- An effective preliminary application process to better equip applicants with making complete applications for efficiency once application is submitted;
- Delegated Site Plan Authority to Staff;
- Surety Bonds implemented as a financing option;
- Proactive updates to achieve the existing intensification targets:
  - Pre-zoned the Light Rail Transit (LRT) corridor;
  - Adopted new commercial and mixed-use zoning;
  - Updated our downtown secondary plan and pre-zoned the downtown;
  - Introduced City-wide zoning to allow for Secondary Units and Detached Units (laneway housing); and,
  - Currently bringing forward zoning by-law changes to allow up to four units on a lot.

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## Next Steps:

- Respond to the Ministry of Municipal Affairs prior to Standing Committee in the Ontario Legislative Assembly (**April 11, 2022**).

## RECOMMENDATIONS:

- a) That Council receive Report PED22112 as the basis for written comments on *Bill 109*, including the attached table containing staff responses on each amendment, attached as Appendix “A” to Report PED22112;
- b) That the Mayor submit a letter to the Minister of Municipal Affairs and Housing and ERO outlining the City of Hamilton’s comments regarding *Bill 109, More Homes for Everyone Act, 2022*;
- c) That upon Royal Assent of *Bill 109, More Homes for Everyone Act, 2022* – Schedule 5 Amendments to the *Planning Act*, staff be directed and authorized to prepare the necessary amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, as well as any required policies and procedures to give effect to the proposed changes, and undertake an analyses on staffing impacts across the organization as well as any financial implications, and report back to the June 14, 2022 Planning Committee meeting.