

**CITY OF HAMILTON**  
**MOTION**

**Council: September 28, 2022**

**MOVED BY COUNCILLOR N. NANN.....**

**SECONDED BY COUNCILLOR.....**

**Amendment to Item 5 of the Emergency and Community Services Committee Report 20-004, respecting Provision of Conditional Grants for the Purposes of Paying Development Charges for Two Non-Profit Affordable Rental Housing Projects (HSC19060(a)) (Ward 3), which was approved at Council on July 17, 2020**

WHEREAS, on July 17, 2020, Council approved conditional grants for Hamilton East Kiwanis Non-Profit Homes Inc., and Indwell Community Homes, Report HSC19060(a), respecting Provision of Conditional Grants for the Purposes of Paying Development Charges for Two Non-Profit Affordable Rental Housing Projects (Ward 3);

WHEREAS, on July 17, 2020, Council approved conditional grants for Hamilton East Kiwanis Non-Profit Homes Inc., and Indwell Community Homes, Report HSC19060(a), respecting Provision of Conditional Grants for the Purposes of Paying Development Charges for Two Non-Profit Affordable Rental Housing Projects (Ward 3) with the requirement that grant agreements be entered into and the grants be paid over twenty years;

WHEREAS, Council’s approval was incorrectly applied, and an exemption for the entire amount of eligible development charges fees was applied at the time of building permit issuance for each project with the exemption being funded through the same source as the grant funding approval and without the City entering into conditional grant agreements with the providers; and

WHEREAS, staff support amending Council’s approval of a condition grant for the payment of DCs to be paid at the time of building permit issuance because funding provided by CMHC for each project secures the same conditions that Council imposed for the conditional grants resulting in Council’s intent for provision of the grants and the payment of DCs being maintained;

THEREFORE, BE IT RESOLVED:

That sub-sections (a) and (b) of Item 5 of the Emergency and Community Services Committee Report 20-004, respecting Provision of Conditional Grants for the Purposes of Paying Development Charges for Two Non-Profit Affordable Rental Housing Projects (HSC19060(a)) (Ward 3); be **amended** to read as follows:

- (a) That a **un**conditional grant in the total amount of the development charges (DCs) for the 40 units of the 60-unit Hamilton East Kiwanis Non-Profit Homes Inc., 6 – 14 Acorn Street affordable rental housing development project that are not receiving funding under the Ontario Priorities Housing Initiative (OPHI) (“Kiwanis Project”), in the approximate amount of \$1,000,903 be approved ~~in accordance with the terms and conditions contained in the Conditional Grant Term Sheet attached as Appendix “A” to Report HSC19060(a);~~ **and that the grant not be paid to Hamilton East Kiwanis Non-Profit Homes Inc. but that the amount of the grant be transferred by the Housing Services Division from the Affordable Housing Property Reserve (112256) to the appropriate DC reserve at the time of building permit issuance;**
- (b) That a **un**conditional grant in the total amount of the development charges (DCs) for the 43-unit building of the 95-unit Indwell Community Homes, 225 East Avenue North affordable rental housing development project that are not receiving funding under Ontario Priorities Housing Initiative (OPHI) (“Indwell Project”), in the approximate amount of \$379,260 be approved, ~~in accordance with the terms and conditions contained in the Conditional Grant Term Sheet attached as Appendix “A” to Report HSC19060(a);~~ **and that the grant not be paid to Indwell Community Homes but that the amount of the grant be transferred by the Housing Services Division from the Affordable Housing Property Reserve (112256) to the appropriate DC reserve at the time of building permit issuance;**

Main Motion, as **Amended**, to read as follows:

- 5. **Provision of Conditional Grants for the Purposes of Paying Development Charges for Two Non-Profit Affordable Rental Housing Projects (HSC19060(a)) (Ward 3) (Item 8.2)**
  - (a) That a **un**conditional grant in the total amount of the development charges (DCs) for the 40 units of the 60-unit Hamilton East Kiwanis Non-Profit Homes Inc., 6 – 14 Acorn Street affordable rental housing development project that are not receiving funding under the Ontario Priorities Housing Initiative (OPHI) (“Kiwanis Project”), in the approximate amount of \$1,000,903 be approved, **and that the grant not be paid to Hamilton East Kiwanis Non-Profit Homes Inc. but that the amount of the grant be transferred by the Housing Services Division from the Affordable Housing Property Reserve (112256) to the appropriate DC reserve at the time of building permit issuance;**

- (b) That a **un**conditional grant in the total amount of the development charges (DCs) for the 43-unit building of the 95-unit Indwell Community Homes, 225 East Avenue North affordable rental housing development project that are not receiving funding under Ontario Priorities Housing Initiative (OPHI) ("Indwell Project"), in the approximate amount of \$379,260 be approved, **and that the grant not be paid to Indwell Community Homes but that the amount of the grant be transferred by the Housing Services Division from the Affordable Housing Property Reserve (112256) to the appropriate DC reserve at the time of building permit issuance;**
- (c) That the conditional grants in the total amount of the development charges (DCs) payable for both projects in the approximate amount of \$1,380,163 as well as the deficit of approximately \$43,227 in the Social Housing Stabilization Reserve (110041) once all 2020 commitments have been met, be funded from the Affordable Housing Property Reserve (112256), to the applicable DC Reserve;
- (d) That the General Manager of the Healthy and Safe Communities Department or designate be directed and authorized to enter into a Conditional Grant Agreement respecting the Kiwanis Project with the terms and conditions contained in the Conditional Grant Term Sheet (attached to Emergency and Community Services Report 20-004 as Appendix "A") in a form satisfactory to the City Solicitor, and that the General Manager of the Healthy and Safe Communities Department be authorized to execute any such agreements and ancillary documentation;
- (e) That the General Manager of the Healthy and Safe Communities Department or designate be directed and authorized to enter into a Conditional Grant Agreement respecting the Indwell Project with the terms and conditions contained in the Conditional Grant Term Sheet (attached to Emergency and Community Services Report 20-004 as Appendix "B") in a form satisfactory to the City Solicitor, and that the General Manager of the Healthy and Safe Communities Department be authorized to execute any such agreements and ancillary documentation;
- (f) That the development charges payable for the Kiwanis Project be payable in 20 equal annual instalments without interest in accordance with the terms and conditions contained in the Payment Agreement Term Sheet (attached to Emergency and Community Services Report 20-004 as Appendix "C");
- (g) That the development charges payable for the Indwell Project be payable in 20 equal annual instalments without interest in accordance with the terms and conditions contained in the Payment Agreement Term Sheet (attached to Emergency and Community Services Report 20-004 as Appendix "D");
- (h) That the General Manager of the Finance and Corporate Services Department be directed and authorized to enter into a Development Charge Payment Agreement respecting the Kiwanis Project, under section 27 of the *Development Charges Act, 1997*, to require the payment of development charges otherwise payable under Development Charges By-law 19-142 and By-law 11-174, the earlier of the date of first occupancy or issuance of an

occupancy permit, on such terms as the General Manager of the Finance and Corporate Services Department may require and including those on the Term Sheet (attached to Emergency and Community Services Report 20-004 as Appendix "C"), without interest, in a form satisfactory to the City Solicitor, and that the General Manager of the Finance and Corporate Services Department be directed and authorized to execute any such agreements and ancillary documentation; and,

- (i) That the General Manager of the Finance and Corporate Services Department be directed and authorized to enter into a Development Charge Payment Agreement respecting each of the Indwell Project, under section 27 of the *Development Charges Act, 1997*, to require the payment of development charges otherwise payable under Development Charges By-law 19-142 and By-law 11-174, the earlier of the date of first occupancy or issuance of an occupancy permit, on such terms as the General Manager of the Finance and Corporate Services Department may require and including those on the Term Sheet (attached to Emergency and Community Services Report 20-004 as Appendix "D"), without interest, in a form satisfactory to the City Solicitor, and that the General Manager of the Finance and Corporate Services Department be authorized to execute any such agreements and ancillary documentation.