

Delegated Authority Draft By-law

Authority: Item ,
Report (PED23143(c))
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 24-___

To enact a by-law to delegate approval authority for certain grants and forgivable loans and to amend terms for certain incentive programs under the ‘Housing for Hamilton Community Improvement Plan (2024)’ funded by the Canada Mortgage and Housing Corporation Housing Accelerator Fund

WHEREAS Canada Mortgage and Housing Corporation (CMHC) approved the City of Hamilton’s Housing Accelerator Fund application and the funding agreement entered into by the two parties on October 5, 2023;

WHEREAS Subsection 28(2) of the *Planning Act*, as amended, provides that City Council may, by by-law, designate the whole or any part of an area covered by an Official Plan as a community improvement project area;

WHEREAS By-law 24-___, as amended, identifies areas of the City of Hamilton as a community improvement project area designated as the ‘Housing for Hamilton Community Improvement Project Area (2024)’;

WHEREAS Subsection 28(4) of the *Planning Act*, as amended, provides that where a by-law has been passed to designate a community improvement project area, City Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area;

WHEREAS Subsection 28(7) of the *Planning Act*, as amended, provides that City Council may make grants or loans, in conformity with the community improvement plan, to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs permitted under the community improvement plan;

WHEREAS Sections 9 and 10 of the *Municipal Act*, as amended, and in accordance with Section 23.1 of the *Municipal Act*, as amended, the powers of a municipality under that or any other Act may be delegated to a person or body subject to the restrictions established in Sections 23.2 through 23.5, inclusive of the *Municipal Act*, as amended; and

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. In this By-law:

"City Council" means the Council of the City of Hamilton.

"Executive Committee" means the Executive Committee for the Housing Sustainability and Investment Roadmap, comprising the City Manager and the General Managers of Healthy & Safe Communities, Planning & Economic Development and Corporate Services Departments, and shall include any successor change in name, membership or position titles comprising thereof.

"General Manager" means the General Manager of Healthy and Safe Communities Department, and in the case of a change in title of this position, shall include any successor position title.

"Housing for Hamilton CIP (2024)" means 'Housing for Hamilton Community Improvement Plan (2024)' adopted by By-law 24-____.

2. The City is authorized to enter into Agreements, amending agreements and ancillary documents for grants or forgivable loans approved by the General Manager or Executive Committee pursuant to Sections 3 and 4 herein. The aforesaid shall be in a form satisfactory to the City solicitor and with content that conforms to the Housing for Hamilton CIP 2024 and any applicable Program description and terms appended thereto.

3. Notwithstanding any other by-law or protocol of the City of Hamilton, the General Manager is delegated the authority to approve grants/forgivable loans under the following 'Housing for Hamilton CIP (2024)' programs to a maximum amount of \$249,999:

- (a) Additional Dwelling Unit and Multi-Plex Housing Incentive Program;
- (b) Rapid Transit Multi-Residential Rental Housing Incentive Program; and,
- (c) Housing Acceleration Incentive Program,

provided the grant/forgivable loan is provided solely from funds received by the City of Hamilton through the Canada Mortgage and Housing Corporation's (CMHC) Housing Accelerator Fund and are being provided in accordance with the Housing Accelerator Fund Contribution Agreement entered into between the City and CMHC dated October 5, 2023.

4. Notwithstanding any other by-law or protocol of the City of Hamilton, the Executive Committee is delegated the authority to approve grants/forgivable loans under the Rapid Transit Multi-Residential Rental Housing Incentive Housing Acceleration Incentive Programs from \$250,000 up to the maximum program amount as stated in the applicable Program Description and terms contained in Appendices "B" and "C" respectively of the 'Housing for Hamilton CIP (2024)', provided the grant/forgivable loan is provided solely from funds received by the City of Hamilton through the

Canadian Mortgage and Housing Corporation’s (CMHC) Housing Accelerator Fund and are being provided in accordance with the Housing Accelerator Fund Contribution Agreement entered into between the City and CMHC dated October 5, 2023.

5. The General Manager is delegated the authority to undertake all acts necessary to carry out the delegated authority approvals provided for in Sections 3 and 4 herein, including entering into and executing any required agreements and executing any required documents.
6. The Executive Committee is delegated the authority to amend program descriptions and terms, with the exception of the grant or forgivable loan maximum amounts, identified in the programs referenced in Section 3 herein, and contained in Appendices “A”, “B” and “C” respectively of the ‘Housing for Hamilton CIP (2024)’, provided that the amended program terms will not conflict with the Housing for Hamilton CIP (2024), the Housing for Hamilton CIPA (2024), the Housing Action Plan, or the Housing Sustainability and Investment Roadmap.
7. This By-law may be cited as “A By-law to delegate approval and program amendment authority for certain incentive programs under the Housing for Hamilton CIP (2024)”.
8. This By-law comes into effect on the date that By-law 24-____, being the By-law to adopt the ‘Housing for Hamilton CIP (2024)’, comes into effect.

PASSED this ____ day of February, 2024

A. Horwath
Mayor

J. Pilon
Acting City Clerk