




CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	May 15, 2024
SUBJECT/REPORT NO:	2024 Tax Policies and Area Rating (FCS24024) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Gloria Rojas (905) 546-2424 Ext. 6247
SUBMITTED BY:	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

(a) That the following optional property classes be continued for the 2024 taxation year:

- (i) Parking Lot and Vacant Land;
- (ii) Large Industrial;

(b) That, the following final tax ratios be established for the 2024 taxation year:

- | | | |
|--------|-----------------------------|--------|
| (i) | Residential | 1.0000 |
| (ii) | Multi-Residential | 2.0658 |
| (iii) | New Multi-Residential | 1.0000 |
| (iv) | Commercial | 1.9800 |
| (v) | Parking Lot and Vacant Land | 1.9800 |
| (vi) | Industrial | 3.0066 |
| (vii) | Large Industrial | 3.5256 |
| (viii) | Pipeline | 1.7947 |
| (ix) | Farm | 0.1767 |
| (x) | Managed Forest | 0.2500 |
| (xi) | Landfills | 2.9696 |

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- (c) That the following tax reductions be established for the 2024 taxation year:
- | | | |
|-------|--|-----|
| (i) | Farmland awaiting development (1st Subclass) | 25% |
| (ii) | Farmland awaiting development (2nd Subclass) | 0% |
| (iii) | Excess land Subclass (Residual Commercial) | 0% |
| (iv) | Excess land Subclass (Residual Industrial) | 0% |
| (v) | Vacant land Subclass (Residual Industrial) | 0% |
| (vi) | Excess land Subclass (Large Industrial) | 0% |
- (d) That the Deferral of Tax Increases for Seniors and Low Income Persons with Disabilities Program (Deferral of Tax Increases Program) be continued for the 2024 taxation year;
- (e) That the Full Tax Deferral Program for Seniors and Low Income Persons with Disabilities Program (Full Tax Deferral Program) be continued for the 2024 taxation year;
- (f) That the Seniors' (65+) Tax Rebate Program be continued for the 2024 taxation year;
- (g) That the 40% Tax Rebate for eligible charities and similar organizations be continued for the 2024 taxation year;
- (h) That, for the 2024 taxation year, the Area Rated Levies be approved as identified in Appendix "A" to Report FCS24024, "2024 Tax Policies and Area Rating", attached hereto;
- (i) That the Mayor and the General Manager, Finance and Corporate Services, be authorized and directed to request to the Minister of Finance consideration to increase the tax ratio of the Pipeline property class.
- (j) That Appendix "C" attached to Report FCS24024, a By-law "To Set and Levy the Rates of Taxation for the Year 2024", be passed;
- (k) That Appendix "D" attached to Report FCS24024, A By-law "To Set Optional Property Classes Within the City of Hamilton for the Year 2024", be passed;
- (l) That Appendix "E" attached to Report FCS24024, A By-law "To Establish Tax Ratios and Tax Reductions for the Year 2024", be passed; and
- (m) That Appendix "F" attached to Report FCS24024, A By-law "To Levy a Special Charge Upon the Rateable Property in the Business Improvement Areas for the Year 2024", be passed.

EXECUTIVE SUMMARY

Report FCS24024 highlights the tax policy tools and options for the current taxation year and includes tax impacts. Some of the policies included in Report FCS24024 have been previously approved by Council. Table 3 in the “Analysis and Rationale for Recommendation(s)” section of Report FCS24024 provides details of all the tax policies being recommended.

As identified in Table 1, the combined impacts of the final approved 2024 Tax Supported Operating Budget, inclusive of the final growth, tax policies and education impacts resulted in a total City-wide residential tax impact of 5.79% or \$286 for the average residential property valued at \$385,900. This is equivalent to a \$74 increase for every \$100,000 of assessment.

Table 1

2024 Total Average Residential Tax Impact

	\$	%
Municipal Taxes	\$286	5.79%
Education Taxes	\$-	0.0%
Total Taxes	\$286	5.79%

The tax impact identified in Table 1 represents a City-wide average. Area rating, tax policies and reassessment result in varying tax impacts throughout the City and on a property-by-property basis. The tax impacts of the changes approved to area rating through Report FCS21078(b), “Area Rating Review” and Report FCS21078(d), “Area Rating Review”, are included in the average residential tax impacts by ward and area rating scenarios shown in Appendix “B” to Report FCS24024.

Table 2 identifies the 2024 total average tax impacts by property class.

Table 2

	Total Incl. Education
Residential	5.79%
Multi-Residential	0.69%
Commercial	5.06%
Industrial	2.17%
Farm	4.67%

Note: Anomalies due to rounding

As shown in Table 2, the average tax impacts vary between property classes. For 2024, tax impacts vary as a result of budgetary changes, previously approved changes in the methodology of area rating, the provincially legislated restrictions on the Multi-Residential and the Industrial property classes and the education tax.

In regard to the Multi-Residential property class, Provincial legislation dictates that municipalities with a Multi-Residential tax ratio above 2.0 are not allowed to pass reassessment related increases to the class and are also subject to a full levy restriction. For the Industrial property class, the restriction indicates that any levy increases for this class cannot be more than 50% of the increase passed onto the Residential property class.

The average 2024 tax impact for the Residential property class is 5.79%, which is the net result of the budgetary increases and the shifts due to changes in area rating and the education tax.

The Multi-Residential property class, which includes properties in the Multi-Residential and New Multi-Residential property classes, is experiencing an average 0.69% tax increase with respect to 2023. This increase is primarily the result of changes in the area rating methodology of the fire service approved in 2023.

The Commercial property class is experiencing an average tax impact of 5.06% which is the combined impact of the tax shift as a result of the changes in area rating and the budget increase.

The Industrial property class is experiencing an average tax increase of 2.17%, which as mandated by the Provincial levy restriction, is one half of the budgetary increase plus all the other affecting factors, including education.

The average tax impact for the farm class is 4.67%. However, the City's low farm tax ratio of 0.1767, limits the actual tax impact in dollars.

According to the Province's four-year reassessment cycle, property values were expected to be updated in 2020 for the 2021-2024 cycle. However, as part of "Ontario's Action Plan: Responding to COVID-19" announced on March 25, 2020, the Provincial government

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postponed the reassessment planned for 2020. As of April 2024, the reassessment continues to be postponed and the Province has not announced when the new reassessment will take place. The 2024 assessment roll has been updated to reflect assessment changes due to net growth, appeals and request for reconsiderations but the assessment value continues to be based as of January 1, 2016.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Current and future tax policies impact the City financially in terms of revenue streams and their sources. The policies recommended in Report FCS24024 have no budget impact since they have all been incorporated into the 2024 approved budget. The benefits of assessment growth have been used to offset the 2024 budgetary pressures. The 2023 Assessment Growth report will be brought to Council in Q2 2024.

Staffing: None

Legal: The policies included in Report FCS24024 are recommended in accordance with the legislative requirements contained in the *Assessment Act, 2001*.

HISTORICAL BACKGROUND

Each year, staff brings forward tax policy recommendations following the annual Tax budget approval. The tax policies being recommended are consistent with the assumptions used when identifying tax impacts to Council during the 2024 Tax budget process.

On March 30, 2022, through Report FCS21078(b), “Area Rating Review”, Council approved the following changes to area rating policies:

- Elimination of the area rating of Sidewalk Snow Removal in the 2023 tax year.
- Elimination of the area rating of Recreation, Sidewalks and Streetlighting in a four-year phase-out period starting in the 2022 tax year.
- Elimination of the area rating of Parkland Purchases once the existing internal debt has been paid off.

On February 17, 2023, through Report FCS21078(d), “Area Rating Review”, Council approved the following changes to area rating policies:

- Changing the area rating of the Fire Service to a “Full Time / Composite / Volunteer” model in the 2023 tax year to align with the existing boundaries of the Fire Response Type.

- Phasing-out the tax impacts of the properties in the full-time level of service and those moving from full time to composite level of service, over a two-year period starting in the 2023 tax year.
- The tax impact of properties in the volunteer level of service and those changing from volunteer to composite be effective in 2023.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Report FCS24024 recommends continuation of several existing tax policies and several tax policy updates for the 2024 taxation year in accordance with the requirements outlined in the *Assessment Act, 2001*.

The following by-laws are attached to Report FCS24024 for Council's consideration:

- A By-law "To Set and Levy the Rates of Taxation for the Year 2024" (Appendix "C" to Report FCS24024)
- A By-law "To Set Optional Property Classes Within the City of Hamilton for the Year 2024" (Appendix "D" to Report FCS24024)
- A By-law "To Establish Tax Ratios and Tax Reductions for the Year 2024" (Appendix "E" to Report FCS24024)
- A By-law "To Levy a Special Charge Upon the Rateable Property in the Business Improvement Areas for the Year 2024" (Appendix "F" to Report FCS24024)

RELEVANT CONSULTATION

Staff from the Taxation section and the Legal Services section have been consulted on the preparation of the tax policies.

Staff consulted with the Fire Department and with the Transit Division with respect to area rating policies.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Table 3 details the recommendations for the 2024 tax year for each of the tax policy tools available to municipalities.

Tax Policy Tool	Mandatory vs. Discretionary	Recommendation	Rationale for Discretionary
Optional Property Classes	Discretionary	<ul style="list-style-type: none"> • Maintain existing Parking Lot and (Commercial) Vacant Land and Large Industrial optional property classes. • The City has not adopted the small-scale on -farm business subclasses or the Small Business Sub-class. • Staff is not recommending that the City adopts the New Multi-Residential property (municipal reduction) subclass in 2024. 	<ul style="list-style-type: none"> • Established to allow for the application of different tax rates due to the special nature of these properties. Discounts for Parking lot and vacant land have been eliminated. • Providing discounts for the small-scale on-farm subclasses and the small business subclass will result in a shift of the tax burden among classes, specifically to the Residential property class. The Farmland tax ratio is below the provincial threshold. • See below for the New Multi-Residential property (municipal reduction) subclass.
Reduction Programs	Mandatory	<ul style="list-style-type: none"> • Reductions to the farmland awaiting development 1st subclass. 	

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Tax Policy Tool	Mandatory vs. Discretionary	Recommendation	Rationale for Discretionary
<p>Seniors Tax Rebate Program</p>	<p>Discretionary</p>	<ul style="list-style-type: none"> • Continue existing program as approved by Council (Report FCS18005). • 2024 updated rebate amount = \$230 (2023 amount of \$223 + CPI). • Increase assessment threshold to \$503,500 (120% of the updated city-wide average assessed value for a single-family dwelling). • Increase income threshold to \$42,840 (150% of updated Guaranteed Income Supplement for a couple). 	<ul style="list-style-type: none"> • To provide assistance to low income seniors.
<p>Deferral of Tax Increases Program</p>	<p>Mandatory</p>	<ul style="list-style-type: none"> • Continue existing program as approved by Council (Report FCS18005). • Update income threshold to \$42,840 (150% of updated Guaranteed Income Supplement for a couple). 	

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Tax Policy Tool	Mandatory vs. Discretionary	Recommendation	Rationale for Discretionary
<p>Full Tax Deferral Program</p>	<p>Discretionary</p>	<ul style="list-style-type: none"> • Continue existing program as approved by Council Report FCS18005(a) • Update income threshold to \$42,840 (150% of updated Guaranteed Income Supplement for a couple). • Application fee: \$200+HST; Interest at 5.5% per annum. 	<ul style="list-style-type: none"> • To provide assistance to low income seniors and low income persons with disabilities.
<p>Area Rating</p>	<p>Discretionary</p>	<ul style="list-style-type: none"> • Area rating based on the Council approved (April 2011) Urban/Rural model (Reports FCS09087 / FCS09087a / FCS11042). • Fire Urban/Rural boundaries updated in 2020 (Report HSC19026). • Area rating updated on March 2022 and February 2023 through reports FCS21078(b) and FCS21078(d) respectively. • Appendix “A” to Report FCS24024 identifies the area rated levies for 2024. 	<ul style="list-style-type: none"> • Existing area rated services (Transit, Fire, Infrastructure levy) have different levels of service across the City. • Recreation, sidewalk/streetlights and parkland purchases are being phased-out.

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Tax Policy Tool	Mandatory vs. Discretionary	Recommendation	Rationale for Discretionary
<p align="center">Rebates to Charities and Similar Organizations</p>	<p align="center">Mandatory</p>	<ul style="list-style-type: none"> • Continue with existing program. • 40% rebate for charities. • 100% rebate for accredited educational institutions that rent their property. • 100% rebate for Veteran’s Clubhouses and Legion Halls that would otherwise be tax exempt. 	

Tax Ratios

Tax ratios distribute the tax burden across the property classes relative to the Residential property class tax ratio, which is set at 1.0000. For example, a property in a property class with a tax ratio of 2.0 would pay twice the amount of municipal tax as a similarly valued residential property. Tax ratios must be set within flexibility ranges determined by Provincial regulations.

Table 4 identifies the recommended 2024 final tax ratios compared to the 2023 final approved tax ratios and the Provincial thresholds:

**Table 4
Recommended 2024 Tax Ratios**

	2023 Final Tax Ratios	Recommended 2024 Final Tax Ratios	Provincial Threshold
Residential	1.0000	1.0000	
Multi-Residential	2.2174	2.0658	2.0000
Commercial	1.9800	1.9800	1.9800
Industrial	3.1025	3.0066	2.6300
Industrial - Large	3.6381	3.5256	2.6300
Pipeline	1.7947	1.7947	
Landfills	2.9696	2.9696	3.1189
Farm	0.1767	0.1767	

As shown in Table 4, the Multi-Residential tax ratio has been reduced from 2023 in order to comply with the Provincial legislation that prevents municipalities with multi-residential

tax ratios above 2.0 to pass any reassessment related increases and any budgetary increases onto the Multi-Residential property class.

The Industrial property class continues to be levy restricted as the City's tax ratio is above the Provincial Threshold and, as a result, the 2024 tax ratio has also been reduced from the 2023 tax ratio.

Levy restrictions result in an additional 0.6% or \$4.9M tax shift to the Residential property class.

Staff is recommending that the 2023 tax ratios for all other property classes be maintained in 2024 as detailed in Recommendation (b) of Report FCS24024.

Full Tax Deferral Program

The Full Tax Deferral for Seniors and Low Income Persons with Disabilities program was established in 2018 to provide relief to eligible applicants to defer their property taxes until the property is sold or the owner passed away. One of the criterium for the program is that the applicant's income should not exceed 150% of the GIS Maximum Annual Income (combined), as published by the Government of Canada for individuals whose spouse / common law receives the full Old Age Security (OAS) pension. Staff will initiate a review of the income threshold used for this program and any recommendations will be included as part of the 2025 taxation year.

New Multi-Residential Property (Municipal Reduction) Subclass

The 2024 Budget: Building a Better Ontario, released by the Province on March 26, 2024, announced new flexibility given to municipalities to offer a reduced municipal property tax rate on new multi-residential rental properties (New Multi-Residential Property (Municipal Reduction) Subclass).

The new subclass applies to land in the new multi-residential property class whose units have been built or converted from a non-residential use, if a building permit has been issued after a municipality has passed a by-law adopting the subclass (O.Reg. 140/24). The discount for the subclass can be set between 0 and 35 per cent, inclusive, of the rate for the class (O. reg. 141/24). The reduction would not apply to the education portion of the property taxes.

Staff from the Financial Planning, Administration and Policy Division has met with finance staff from a group of municipalities in order to better understand the implications of adopting the subclass. Overall, there are some concerns that staff believes should be addressed in order to make an informed decision on this new subclass. Some of the concerns are listed below:

- Definition of building permit. There can be multiple building permits issued during the construction or renovation of a property, from foundation to final occupancy and there

could be a significant period of time between them. This could have implications on when a property becomes eligible for the class. Clarification is needed on which building permit would be used to determine eligibility.

- Impact on the Residential property class. Any rate reduction offered to any property class will be born largely by the Residential property class. At this time, there is not enough information to make a quantitative analysis on the possible redistribution of taxes as this would depend on the definition of building permit and the properties that are eligible under that definition. Hamilton already faces restrictions in passing budgetary increases to the Multi-Residential property class. Further reductions to any class will impact negatively on the Residential property class.
- Clarification is needed if there a time limit for the subclass, similar to that for the New Multi-Residential property class in which properties that were in the New Multi-Residential property class are classified in the Multi-Residential property class after 35 years.
- Possible inequities for tenants as rents might be lower depending solely on the age of the building, under the assumption that the rate discount will be passed to the tenants.
- Clarification is needed on the role of Municipal Property Assessment Corporation (MPAC) for the identification of the properties in the subclass.

In consideration of the above noted concerns, staff has not recommended that the City adopt the subclass for the 2024 tax year and will continue to monitor and consult the response of other municipalities to this new option.

Residential Tax Impacts

The final residential average tax impacts, as identified in Appendix “B” to Report FCS24024, are the result of various factors:

- 2023 assessment growth;
- 2024 approved tax operating budget (Report FCS24002(a));
- Updated area rating methodology as per reports FCS21078(b) and FCS21078(d);
- Continued postponement by the Province of the new reassessment cycle;
- Reassessment and provincial levy restrictions on the Multi-Residential property class;
- Provincial levy restriction on the Industrial property class;
- Tax policies as recommended within Report FCS24024; and
- Education tax as prescribed by the Province of Ontario.

Although the Residential City-wide average total impact is 5.79%, due to the various factors identified above, the impacts will vary between wards and between area rating scenarios. While the changes in area rating account for the differences between urban and rural areas for transit and areas receiving full time, volunteer or composite fire service, budget pressures and enhancements in other area rated services may also have a greater

impact on some wards than others. Appendix “A” to Report FCS24024 identifies the area rated levies.

Transit

The Transit levy increased from \$76.6 M in 2023 to \$91.7 M in 2024 and overall kilometers increased from 18.5 million in 2023 to 19 million in 2024. This increase is due to expansion for year seven of the 10-year Transit Plan (implemented in September 2023). Service levels for the Winter 2024 Board were used for the calculation for HSR regular boards and service levels for the Summer 2023 Board were used to forecast the service levels for the Summer 2024 Board. The calculation of the kilometers does not include the expansion for year eight of the 10-year Transit Service Plan. It is expected that there would be routing adjustments and increases in all jurisdictions as a result of this expansion, which would not appear in the jurisdictional split until 2025.

It is important to note that while Transit is an area rated service, the impacts of changes in the costs and level of service are included in the “Budget” column of the tax impact tables shown in Appendix “B” to Report FCS24024, as no changes to the methodology have been introduced.

Wards located within the former municipality of Glanbrook show a higher budget related tax impact due to the additional service on Route 20-A Line to service the Airport. Wards located with the former municipality of Stoney Creek also show a higher than average increase due to a service increase with route 55-Stoney Creek Central service extended to Winona and Route 5-Delaware extended further into Stoney Creek (Highway 8 and King).

In contrast, wards located within the former municipality of Flamborough have a lower budget related tax impact as a result of the significant assessment growth in those wards, which offsets the increase in allocated transit costs as a result of an increase in ridership for the On Demand service.

Budget related tax impacts in the wards located within the former City of Hamilton have an increase above the City-wide average as they take the largest share of the increase in the transit budget. Municipalities of Ancaster and Dundas do not have significant variations from the City-wide average.

Area Rating

Area rating is a municipal property taxation policy tool permitted by the Provincial government intended to account for either significant differences in service levels or differences in the cost of providing services across different parts of the City. The result of area rating is that tax rates for certain services vary depending on where a property is located and the level of service offered by the City. Changes to area rating policies are revenue neutral. However, they result in a re-distribution of taxes based on the changes.

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On March 30, 2022, through Report FCS21078(b), “Area Rating Review”, Council approved recommendations on the phased elimination of Sidewalk Snow Removal, Sidewalks, Streetlighting, Recreation and Parkland Purchases as area rated services:

- (a) That the area rating of Sidewalk Snow Removal be eliminated in the 2023 tax year;
- (b) That the area rating of Sidewalks and Streetlighting be eliminated in a four-year phase-out period starting in the 2022 tax year;
- (c) That the area rating of Recreation be eliminated in a four-year phase-out period starting in the 2022 tax year;
- (d) That the area rating of Parkland Purchases be eliminated once the existing internal debt has been paid off.

2024 is year three of the four-year phase-out of the area rating of Recreation, Sidewalk and Street lights. All the wards are affected by this change. Parkland purchases are also being phased out. However, there are no changes compared to 2023.

On February 17, 2023, through Report FCS21078(d), Council approved to change the area rating of the Fire Service to a “Full Time / Composite / Volunteer” model in order to align the taxation policy with the service delivery model. Although changes to area rating are overall revenue neutral, the redistribution of properties and the consequent redistribution of the costs among the three areas resulted in tax shifts affecting properties differently:

- Properties that receive full-time service are experiencing a tax increase which will be phased-in over a two-year period; 2024 is the final year of the phase-in period.
- Properties that previously paid for full time service but receive composite service are experiencing a tax decrease, which will be phased-in over a two-year period; 2024 is the final year of the phase-in period.
- Properties that receive volunteer service experienced a tax decrease which was reflected entirely in 2023.
- Properties that previously paid for volunteer service but receive composite service experienced a tax increase which was reflected entirely in 2023.

The tax shifts resulting from year 2 of the phase-out of the recommendations approved in 2022 and the changes to the area rating of the fire service approved in 2023 are included in the tax impacts by ward presented in Appendix “B” to Report FCS24024.

Pipelines Tax Class

On February 27, 2023, the General Issues Committee approved the following motion:

“That staff be directed to report back on the options to increase the tax rate on the Pipeline class, thereby decreasing the burden on other property classes, including residential”.

Staff has consulted with Environment Hamilton and the Office of Energy Initiatives to better understand the impact of Pipelines in the environment. The City has committed to realizing net zero carbon emissions community-wide by 2050. Any actions designed to deter

increased use of fossil fuels will facilitate Hamilton's ability to realize, if not also accelerate, its green house emissions reduction efforts.

Therefore, and in consideration that section 308 (8) of the *Municipal Act 2001* indicates that "the tax ratio for a property class must be within the allowable range prescribed for the property class" and that Ontario Regulation 302/03 (amending O. Reg. 386/98) indicates that the allowable range for the Pipeline property class is 0.6 to 0.7, the City of Hamilton will be requesting that the Province of Ontario allows municipalities to increase the tax ratio of the Pipeline property class outside of the current allowable range for tax ratios. The City's current tax ratio of the Pipeline property class is 1.7947.

Staff is recommending that the Mayor and the General Manager, Finance and Corporate Services be authorized to request to the Minister of Finance, consideration to increase the tax ratio of the Pipeline property class.

Other municipalities, such as Ottawa, are also engaging the Province to amend O.Reg. 584/06 and the Ontario Energy Board's Model Franchise Agreement, which governs the relationship between municipalities and utilities to include a provision for municipal access fees to be paid to municipalities for use of their right of way for natural gas distribution infrastructure and other associated pipelines that use the municipal right of way.

The City of Toronto is also coordinating a response to the Province on subsidies to gas companies as they do not pay the municipality for the right to use an underground network of pipes to deliver gas to customers and on the Ontario Energy Board (OEB) ruling that ordered developers pay for the cost of new gas infrastructure upfront rather than the cost being spread out over 40 years.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS24024 – 2024 Area Rated Levies Summary

Appendix "B" to Report FCS24024 – 2024 Total Residential Tax Impacts

Appendix "C" to Report FCS24024 – By-law "To Set and Levy the Rates of Taxation for the Year 2024"

Appendix "D" to Report FCS24024 – By-law "To Set Optional Property Classes Within the City of Hamilton for the Year 2024"

Appendix "E" to Report FCS24024 – By-law "To Establish Tax Ratios and Tax Reductions for the Year 2024"

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