

From: **"Mochrie, Paul"**
To: **"Direct to Mayor and Council - DL"**
Date: 2024-05-20 3:21:20 PM
Subject: Summary: Key Bills Passed in the BC Legislative Session Ending on May 16, 2024
Attachments: Confidential Update for Mayor and Council: Bill 16 – Housing Statutes Amendment Act, 2024.msg

Good afternoon Mayor and Council,

On Thursday May 16, the 42nd Legislative Session of the Legislative Assembly of BC came to a close. As you know, this was the last session prior to the Provincial election, which is scheduled for October 19, 2024. The next Legislative Session will likely begin in winter/spring 2025.

The Legislative Assembly sat for 37 days over four months (February, March, April and May) and enacted 28 bills focused on easing cost-of-living pressures, delivering more homes for people with middle incomes and keeping rents affordable for low-income individuals.

For your reference, the IGR team has prepared the following recap of four bills that specifically impact the City of Vancouver:

[Bill 11: Vancouver Charter Amendment Act, 2024](#)

- This bill recognizes First Nations as a level of government that qualifies for exemptions from the City of Vancouver's development cost levy and amenity cost charge for social housing projects built on First Nations-owned land in Vancouver.
 - It grants First Nations and First Nation corporations the same exemptions that are applied to the federal and provincial governments, the City of Vancouver, and non-profit organizations.
 - Local First Nations have the potential to be a significant supplier of housing. This amendment is intended to reduce costs for First Nations and create opportunities for development, including new social housing.
- This amendment to the Vancouver Charter was requested by the City of Vancouver via Council Motion in 2023.

[Bill 16: Housing Statutes Amendment Act, 2024](#)

- This bill makes substantive changes to the Vancouver Charter specifically in relation to the City's authority as it relates to the following matters:
 - Inclusionary zoning that will allow local governments to require affordable housing units in new developments.
 - Density bonus updates that will ensure more consistency and transparency when developers and local governments use density bonus in exchange for much-needed amenities or affordable housing.
 - Site-level infrastructure and transportation demand management (TDM) that provide local governments with an increased range of site-specific works and services that they can require in new developments, such as wider sidewalks, benches, protected bike lanes, and end-of-trip facilities, that are critical in supporting safer travel options, sustainability and climate resilience.
 - Tenant protection bylaws (TPB) that will allow municipalities to require developers to provide added support for tenants facing displacement in cases of redevelopment, including financial assistance, assistance with finding a new place to live and opportunities for right of first refusal on units in a new building.
- Staff continue to review the impacts of the new legislation.
- The initial staff analysis is attached.

[Bill 18: Vancouver Charter Amendment Act, 2024 \(No.2\)](#)

- The bill amends the Vancouver Charter to better align with rules and authorities provided to other local

- governments under the Local Government Act.
 - It requires the City of Vancouver to adopt a city-wide Official Development Plan (ODP), similar to an official community plan.
 - It establishes the same rules for public hearings as those set for other local governments. This will phase out one-off public hearings for rezonings for housing projects that are consistent with the ODP.
 - It includes improvements to streamline approvals through delegation and by authorizing a development approval bylaw consistent with other municipalities.
- These amendments to the Vancouver Charter were requested by the City of Vancouver via Council Motion in 2023.

Bill 27: Municipalities Enabling and Validating Amendment Act, 2024

- This bill validates SRA Vacancy Control By-law, which was struck down by the BC Supreme Court in 2022.
- It allows the City of Vancouver to regulate Single-Room Occupancy (SRO) vacancy control, protect rent affordability for vulnerable residents and that limit rent increases between tenancies at SROs.
 - Over the last years, increasing unaffordability citywide has put more pressure on the remaining affordable SRO stock. SROs, often considered a last resort before homelessness, are now being sought by higher-income tenants, including students and service workers. Increasingly, SRO owners are displacing low-income tenants, undertaking cosmetic renovations to vacant rooms that do not trigger the SRA By-Law, and subsequently renting them to higher-paying tenants. As a result, rents in SROs have increased at a rapid rate, with average rents rising by 21% between 2019 and 2023. In 2023, over 900 rooms were renting at \$700/month or more.
- This amendment to the Vancouver Charter was requested by the City of Vancouver via Council Motion in 2024.

Further information on these bills, as well as all bills passed during the session, can be found [here](#).

An additional summary of the legislative session prepared by Earnscliffe can be found [here](#).

Best,
Paul

Paul Mochrie (he/him)
City Manager
City of Vancouver



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷm̓ k̓ y̓ m̓ (Musqueam), Sṇwx̱w̱v̱ú7mesh (Squamish), and səlilwətaʔ (Tsleil-Waututh) Nations.

From: **"Mochrie, Paul"**

To: **"Direct to Mayor and Council - DL"**

Date: 2024-04-04 12:54:24 PM

Subject: Confidential Update for Mayor and Council: Bill 16 – Housing Statutes Amendment Act, 2024

CONFIDENTIAL – *please note that this update is subject to Solicitor/Client privilege.*

Dear Mayor and Council,

As you may be aware, the Provincial Government tabled Bill 16 *Housing Statutes Amendment Act, 2024* in the Legislature on April 3, 2024.

According to the provincial news release:

“The proposed legislation, if enacted, will make substantive changes to the Vancouver Charter specifically in relation to City’s authority as it relates to the following matters:

- Inclusionary zoning that will allow local governments to require affordable housing units in new developments.
- Density bonus updates that will ensure more consistency and transparency when developers and local governments use density bonus in exchange for much-needed amenities or affordable housing.
- Site-level infrastructure and transportation demand management (TDM) that provide local governments with an increased range of site-specific works and services that they can require in new developments, such as wider sidewalks, benches, protected bike lanes, and end-of-trip facilities, that are critical in supporting safer travel options, sustainability and climate resilience.
- Tenant protection bylaws (TPB) that will allow municipalities to require developers to provide added support for tenants facing displacement in cases of redevelopment, including financial assistance, assistance with finding a new place to live and opportunities for right of first refusal on units in a new building.”

The team is currently reviewing the draft legislation in detail and will follow up as soon as possible with more comprehensive analysis. An initial analysis has been provided in the table below. Please note that there are some concerns regarding the Tenant protection bylaws, as the proposed amendments relate to the Community Charter, which does not generally govern the City of Vancouver.

In the interim, below are messages for your consideration in relation to any public comment on the legislation:

- The City looks forward to partnering with the Province to get more homes built faster in Vancouver.
- The City appreciates the overarching direction of the Province’s proposed legislation to streamline and simplify the development approvals process.
- The City needs time to review and respond to details of the proposed legislation. Staff will be in a position to provide further information at a later date.

More information on the above is available at the following links:

- Website – [News release](#)
- Legislation – [Bill 16](#)

If you have any questions, please don't hesitate to contact me directly.

Best,
Paul

Paul Mochrie (he/him)
City Manager
City of Vancouver



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətał (Tsleil-Waututh) Nations.

Bill 16: Inclusionary Housing and Density Benefit By-laws

Intent:

- To enable council to establish “affordable and special needs housing zoning by-laws” (“Inclusionary Housing” by-laws)
- To enable council to establish “density benefit zoning by-laws” (“density bonusing” by-laws)
- This legislation applies to both the Vancouver Charter, and LGA, respectively.

Key Element	Impact / Effect of Legislation	General Feedback
New powers to enact “affordable and special needs housing zoning by-laws” (“Inclusionary Housing” by-laws)	<ul style="list-style-type: none">• Establishes content and engagement process requirements to develop inclusionary housing by-law(s)• Can be used only to secure housing obligations, including “affordable” housing, and special needs housing, as defined.• Includes options for requiring delivery of inclusionary housing on-site, off-site, or cash in lieu• Requirements on the use of this type of by-law, and other tools, like the density bonus by-law	<ul style="list-style-type: none">• General support for the legislation• Inclusionary housing requirements in a by-law would be “required” in order to achieve the permitted height/density under the zoning by-law• Staff are reviewing implications for implementation together with density bonus by-laws, and ACCs, including implications to existing policies and zoning

<p>New powers to enact “density benefits zoning by-laws” (“density bonusing” by-laws)</p>	<ul style="list-style-type: none"> • Establishes content and engagement process requirements to develop density bonusing by-law(s) • Can be used to secure affordable housing, or other benefits/amenities (such as childcare) • Includes options for requiring delivery of the benefit /amenity on-site, off-site, or cash in lieu • Restrictions/requirements on the use of this type of by-law, and other tools, like the inclusionary housing, and Transit-Oriented Areas (TOAs) 	<ul style="list-style-type: none"> • General support for the legislation • Whereas the inclusionary housing by-law sets out “required” housing components of development, the density bonus by-law is an “option” for developers to elect to deliver an amenity, in exchange for more height / density. • Staff are reviewing implications for implementation together with density bonus by-laws, and ACCs, including implications to existing policies and zoning
<p>Consequential amendments to the Vancouver Charter</p>	<ul style="list-style-type: none"> • Modifies sections of the Vancouver Charter relating to Amenity Cost Contributions (introduced in November 2023 through Bill 46) to align with the requirements of this Bill • Financial Reporting and financial control requirements 	<ul style="list-style-type: none"> • General support for the legislation
<p>Transition provisions</p>	<ul style="list-style-type: none"> • In-stream protection for existing applications • Requirement to update existing density bonusing by-laws by mid-2025 	<ul style="list-style-type: none"> • Staff have two general concerns, which have been shared with Provincial staff <ul style="list-style-type: none"> ◦ Timing of the transition to utilize existing density bonusing tools within Transportation Oriented Areas (TOAs) – Currently proposed for mid-2025. ◦ Impacts on existing density bonusing and whether By-laws will be required to be specified by a particular date for lands outside of TOAs.

Bill 16: Additional authorities at Development Permit stage for off-site infrastructure and TDM

Intent

- To enable municipalities to establish requirements and conditions relating to a development permit application for
 - the provision of road dedications,
 - securing off-site utilities and servicing requirements,
 - requiring transportation demand management measures
- This legislation applies to both the Vancouver Charter, and LGA, respectively.

Key Element	Impact / Effect of Legislation	General Feedback
Clarifying or new authorities to enable municipalities to secure conditions / requirements through development permit (DP) applications	<p>Council may establish by-laws to enable the city to secure additional requirements and conditions at DP stage relating to the following:</p> <ul style="list-style-type: none"> • the provision of road dedications, • off-site utilities and servicing requirements, • transportation demand management measures <ul style="list-style-type: none"> ◦ TDM measure may include on-site, off-site or cash in lieu options. 	<ul style="list-style-type: none"> • General support for legislation; • Aligns with the direction from Bill 44, encouraging more up-front planning and pre-zoning of lands • Staff will need to work closely with the Province regarding regulations and interpretation to ensure the City’s by-laws and processes may be updated in a timely manner to give effect to the legislation; • Authority for securing “statutory right of ways” (SRWs) was not included in this legislation, nor matters relating to environmental remediation; • Staff understand these TDM measures may be used across the City, including in TOAs and “small-scale multi-unit housing” (SSMUH) zones.
Lieutenant Governor in Council may make regulations	<ul style="list-style-type: none"> • Regulations relating to TDM measures • Regulations relating to public amenities, facilities, utilities or land required as part of a development 	<ul style="list-style-type: none"> • General support for legislation; • Staff are seeking clarification to ensure clear interpretation and understanding of authorities.

Bill 16: Tenant protection bylaws:

Intent:

- Amendments to the Community Charter
- Municipalities will have the ability to enact tenant protection bylaws. Developers seeking to redevelop a building must fulfil the terms of the bylaws to receive a development permit.
- These bylaws may include financial assistance, assistance with finding a new place to live and opportunities for right of first refusal on units in a new building.

The City of Vancouver was not actively engaged in the review of this piece of the legislation. Staff have not had the opportunity to review in detail, though we do have some initial concerns that the these new authorities are not expressly included in the Vancouver Charter as well. Staff will continue to review these matters and provide further information in subsequent reports to council.