



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input checked="" type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of the Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Director of Planning and Development

Date: 2023-10-12

Subject: Affordable Housing; File 23-16

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 213 Purpose of Municipal Planning Strategy and 214 Statements of Policy in Planning Strategy

Statement of Provincial Interest Regarding Housing

RECOMMENDATION or DECISION REQUEST

This report is being provided for information purposes only.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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During the PAC/HAC meeting on June 7, 2023 the Committee discussed the potential for requiring affordable housing within development proposals. Council made the following motion on June 27, 2023:

“that Council endorses PAC/HAC and Planning staff to explore the ability to require and regulate the provision of affordable housing within developments.”

DISCUSSION

The current planning documents only require affordable units to be provided if requesting bonus height in the Waterfront Development District in Windsor. All other zones in the Municipality do not regulate or require affordable housing to be provided within developments.

Staff have reviewed the Municipal Government Act (MGA), Statements of Provincial Interest, current planning documents and other jurisdictions for discussion by the PAC/HAC.

Municipal Government Act

The MGA outlines the powers provided to municipalities. Section 212 states that council must adopt one or more municipal planning strategies, and Section 213 and 214 outlines the purpose and requirements of a municipal planning strategy. Section 219 specifies that when a council adopts a municipal planning strategy, council will also adopt a land use by-law to carry out the intent of the municipal planning strategy. Section 220 outlines the requirements of a land use by-law.

Section 198 (1), 212 (1) and 213 (c) states that planning documents must be reasonably consistent with the statements of provincial interest.

All municipal planning strategies, and amendments to municipal planning strategies, are sent to the Provincial Director of Planning with the Department of Municipal Affairs and Housing. Section 208 (3) of the MGA states that the Minister must approve the planning documents when the Director determines the planning documents appear to affect a provincial interest or may not be reasonably consistent with an applicable statement of provincial interest. In accordance with the MGA, all the West Hants planning documents were reviewed and approved by the Minister when originally adopted and when any amendment has affected a Statement of Provincial Interest.

Section 220 (5) of the MGA allows municipalities to “require and regulate the provision of affordable housing within developments, including requiring that a specified percentage of affordable housing units be provided within a development” within a land use by-law. Section 223A also permits Council to accept money instead of all or part of any required provision of affordable housing if specified in a municipal planning strategy.

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interest which are regulations made under the MGA and provide municipalities guidance on certain aspects of development in the Province including: drinking water, flood risk areas, agricultural land, infrastructure, housing, and the development of the Nova Centre.

The goal of the Statement of Provincial Interest regarding housing (Attachment A) is “to provide housing opportunities to meet the needs of all Nova Scotians”. It states that the basis for this Statement is that “adequate shelter is a fundamental requirement for all Nova Scotians” and “A

wide range of housing types is necessary to meet the needs of Nova Scotians”. The following requirements are listed in the Statement of Provincial Interest regarding housing:

- “1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.
2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.
3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.
4. Municipal planning documents must provide for manufactured housing.”

West Hants Regional Municipality Planning Documents

Hantsport

The Hantsport Municipal Planning Strategy (HMPS) establishes the Residential designation and the Single Unit Residential (R-1), Two Unit Residential (R-2), Multiple Unit Residential (R-3), and Mini Home Park (R-4) zones. The majority of residential lots in Hantsport are zoned Single Unit Residential (R-1). The Mini Home Park (R-4) zone is not used in Hantsport. Residential uses are also permitted in the Commercial (C-1) and Mixed Commercial / Residential (C-2) zones.

Section 3.2.6, *Housing*, of the HMPS states

“Council acknowledges that it is important to encourage the provision of housing that includes all residents in Hantsport regardless of socio-economic status, age or physical or mental disability. Demographic changes, such as an aging population, smaller household size and a growing number of single-parent families, mean that a community needs to provide diverse housing types to satisfy the housing needs of its population. Housing must be available for seniors and individuals in the community with special needs. Housing choices and the affordability of those choices can be increased by providing flexible development standards allowing for smaller lots and setbacks, narrower streets, clustered developments and opportunities for multiple-unit development in appropriate locations. Secondary suites can provide a solution for those wishing to keep elderly or dependent family members nearby and can increase affordable housing options for the

greater community. By regulating the size and appearance of these suites, Council can ensure they have minimal effect on the overall built form and are compatible with the neighbourhood.

Policy

As a result, it shall be the policy of Council to:

GP-11 *encourage the provision of housing adequate to meet the needs of all residents of Hantsport. Council will encourage affordable housing, special-needs housing and rental accommodation to develop in a manner that is sensitive to the needs of those being served and the entire community.*

GP-12 *provide for the development of a range of housing types in Hantsport.*

GP-13 *include flexible development standards which encourage innovative housing development in the Municipal Planning Strategy and Land Use By-law.*

GP-14 *permit secondary suites within and accessory to single and two-unit dwellings in all zones, with regulation regarding the size, location and appearance of secondary suites to ensure the use remains small-scale and compatible with the neighborhood.”*

Similar policies are included in the West Hants and Windsor planning documents.

West Hants

The West Hants Municipal Planning Strategy (WHMPS) establishes the Residential designation and the Single Unit Residential (R-1), Two Unit Residential (R-2), Multiple Residential (R-3), Rural Residential (R-4) and Manufactured Home Park (MHP) zones. The majority of residential lots in the Falmouth Growth Centre are zoned Single Unit Residential (R-1), whereas the majority of residential lots in the Three Mile Plains Growth Centre are zoned Two Unit Residential (R-2). The majority of residential lots in the rural areas, including the 11 Hamlets, are zoned Rural Residential (R-4). There are only three properties within the Region that are zoned Manufactured Home Park (MHP).

Residential uses are also permitted as-of-right in the following specific zones, either as the main use or accessory to the main use:

- General Commercial (GC)
- Highway Commercial (HC)
- Local Commercial (LC)
- Rural Commercial (RC)
- Prime Agriculture (P/Ag)
- Agricultural Priority Two (AR-2)
- Agricultural Priority Three (AR-3)
- General Resource (GR)
- Resource Industrial (M-1)
- Hamlet Industrial (M-2)
- Local Industrial (LI)

- Institutional (I)

The WHMPS has a general housing policy similar to that of the Hantsport document which outlines that Council is to encourage the provision of housing adequate to meet the needs of all residents, allow for a range of housing types, include flexible development standards, and permit secondary suites within and accessory to single and two-unit dwellings in all zones.

There are specific residential policies for each of the Growth Centres, Brooklyn and Hamlet designations. The following chart outlines the provisions of each designation.

Designation	Council can consider...
Three Mile Plains Growth Centre	<ul style="list-style-type: none"> • rezoning land to the Single Unit Residential (R-1) and Two Unit Residential (R 2) zones • rezoning land to the Multiple Unit Residential (R-3) zone • development agreements to allow: <ul style="list-style-type: none"> ○ a multiple unit residential development over three storeys in height ○ a manufactured home park, or ○ grouped dwellings of six or more dwelling units
Falmouth Growth Centre	<ul style="list-style-type: none"> • rezoning land to the Single Unit Residential (R-1) and Two Unit Residential (R 2) zones • development agreements to allow: <ul style="list-style-type: none"> ○ a comprehensively designed multiple residential development ○ grouped dwellings of six or more dwelling units, or ○ manufactured home parks <p>Council prohibits the development of mobile homes on separate lots which are not part of a manufactured home park in the Falmouth Growth Centre</p>
Brooklyn	<ul style="list-style-type: none"> • rezoning land to the Single Unit Residential (R-1) and Two Unit Residential (R 2) zones • development agreements to allow: <ul style="list-style-type: none"> ○ proposals for stand-alone multiple unit and grouped single, two and multiple unit dwellings consisting of three or more units
Hamlet	<ul style="list-style-type: none"> • rezoning land to the Rural Residential (R-4) zone • development agreements to allow:

	<ul style="list-style-type: none"> ○ proposals for stand-alone multiple unit dwellings, grouped single, two and multiple unit dwellings consisting of three or more units • not to permit multiple unit residential development in Hamlets except as permitted through a development agreement
General Resource (GR)	<ul style="list-style-type: none"> • development agreements to allow: <ul style="list-style-type: none"> ○ proposals for stand-alone multiple unit dwellings and grouped single and two unit dwellings consisting of three or more units, or ○ comprehensive proposals for resort development incorporating residential, commercial, community, recreation and tourist-oriented uses

Windsor

The Windsor Municipal Planning Strategy (WMPS) establishes the Residential designation and the Single Unit Residential (R-1), Two Unit Residential (R-2), Medium Density Residential (R-3), and High Density Residential (R-4) zones.

Residential uses are also permitted as-of-right in the following specific zones, either as the main use or accessory to the main use:

- Town Centre (TC)
- Waterfront Development District (WDD)
- Wentworth Road Commercial (WR-C)
- Institutional (I)
- General Commercial (GC)
- Highway Commercial (HC)
- Agriculture (AG)

The WMPS has a general housing policy similar to the Hantsport and West Hants documents which outlines that Council is to encourage the provision of housing adequate to meet the needs of all residents, allow for a range of housing types, include flexible development standards, and permit secondary suites within and accessory to single and two-unit dwellings in all zones.

The Waterfront Development District (WDD) zone in the community of Windsor is the only area where bonus height (2 extra storeys) is permitted when the developer either partners with an affordable housing partner (CMHC, Housing NS, or other approved agency) to create at least 50% of the additional post-bonus floor area as affordable housing units or provides another public benefit such as public art, sustainable building design (LEED), or open space investment.

The Waterfront Development District (WDD) zone also requires at least 20% of the total number of dwelling units in a multiple unit building to include two or more bedrooms.

There are specific residential policies for each of the Residential and Commercial designations. The following chart outlines the provisions of each designation.

Designation	Council can consider...
Residential	<ul style="list-style-type: none"> • rezoning land zoned Single Unit Residential (R-1) to the Two Unit Residential (R 2) zone • rezoning land zoned for higher density development to a lower density residential zone • development agreements to allow: <ul style="list-style-type: none"> ○ new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities, as well as the conversion of existing buildings to three or more units, ○ dwellings in excess of three storeys, or ○ mixed use residential/commercial developments with two or more dwelling units (Policy 9.1.1) <p>Council prohibits rezoning to the Medium Density Residential (R-3) or High Density Residential (R-4) zone.</p>
Commercial	<ul style="list-style-type: none"> • development agreements to allow: <ul style="list-style-type: none"> ○ mixed use development.
Town Centre	<ul style="list-style-type: none"> • development agreements to allow: <ul style="list-style-type: none"> ○ the construction of a new residential building containing three or more dwelling units, or ○ an increase in the number of dwelling units in an existing residential building
Pesaquid Comprehensive Development District	<ul style="list-style-type: none"> • development agreement to allow: <ul style="list-style-type: none"> ○ a change in use in an existing building to a use which is not permitted in the Town Centre (TC) zone, ○ new main buildings, or ○ additions in excess of 1,000 ft² (92.9 m²) in floor area.
Waterfront Development District	<ul style="list-style-type: none"> • site plan approvals to allow: <ul style="list-style-type: none"> ○ new main buildings; or ○ additions in excess of 1,000 ft² (92.9 m²) in floor area.

Wentworth Road Gateway District	<ul style="list-style-type: none"> • a development agreement to allow: <ul style="list-style-type: none"> ○ proposals for comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings.
Industrial	<ul style="list-style-type: none"> • development agreements to allow: <ul style="list-style-type: none"> ○ mixed use development outside the industrial parks.

Defining Affordable Housing

Canada Mortgage and Housing Corporation (CMHC) defines affordable housing as “housing that costs less than 30% of a household’s before-tax income.” The CMHC website states that “many people think the term “affordable housing” refers only to rental housing that is subsidized by the government. In reality, it’s a very broad term that can include housing provided by the private, public and non-profit sectors. It also includes all forms of housing tenure: rental, ownership and co-operative ownership, as well as temporary and permanent housing.”

To regulate the provision of affordable housing within developments the Municipality would require amendments to its planning documents to add a definition of “affordable housing” and create specific policies and regulations to require affordable units to be provided within developments. Similarly, to the Waterfront Development District in Windsor, the Municipality would most likely have to provide proof of a partnership with CMHC, Housing Nova Scotia or other agency to determine the policy and regulations are met.

Affordable Housing Policies in Other Jurisdictions

Staff reviewed affordable housing policies in other jurisdictions, including the Town of Bridgewater and Halifax Regional Municipality (HRM).

The Town of Bridgewater defines affordable housing as “housing which costs less than 30% of before-tax household income”. The Town allows council to consider permitting an additional 20% increase to the maximum permitted residential density, where 100% of those additional units meet the definition of affordable housing, in specific residential and commercial zones.

In comparison, HRM has provisions for incentive or bonus zoning in specific areas of the municipality. In one area, HRM Council can consider a mixed-use, mid-rise building that exceeds the height, the density and certain other requirements of the zone in exchange for entering into an incentive or bonus zoning agreement to provide affordable housing dwelling units within a development agreement. In this case, where the development exceeds 50 ft. (15.25 m.) in height, the applicant is to provide a public benefit in the form of a minimum of 18 affordable

housing dwelling units that are provided for at least a period of 180 consecutive months, commencing on the initial occupation date.

The HRM planning documents state that the monthly rent for affordable housing dwelling units “shall be no more than 70% of the average market rent for an equivalent new unit in the HRM, calculated at the time the incentive or bonus zoning agreement is reached. Average market rent will be based on the latest publicly available information from Canadian Mortgage and Housing Corporation. Such rent shall include heat, electricity and hot water, and may exclude parking, cable, internet and telephone.” It goes on to state that the “monthly rent for each affordable housing dwelling unit may increase annually, at a rate no greater than the Halifax All-Items Consumer Price Index, calculated by Statistics Canada”. The developer must provide an agreement that “is signed between the property owner and an appropriate affordable housing provider whose purpose is to improve and increase the affordable housing stock of the Province” and ensure that the affordable housing dwelling units are dispersed throughout the development.

In other areas of HRM, developers must provide a public benefit, which includes a minimum of 60% of money-in-lieu for affordable housing, to receive permission for increased density with a development. The Municipality can then use the money-in-lieu of affordable housing for the rehabilitation of existing affordable housing units, the acquisition of buildings, housing units, or properties for affordable housing, the creation of new affordable housing units by a not-for-profit organization or registered Canadian charitable organization, or entering into a housing agreement with the Minister of Community Services or Canada Mortgage and Housing Corporation, or any body corporate or agency having similar objects to Canada Mortgage and Housing Corporation with respect to projects pursuant to the National Housing Act (Canada).

For Consideration

There are several ways the planning documents could be updated to attempt to increase the affordability of housing, including any or all of the following:

- removing the Single Unit Residential (R-1) zone in serviced areas;
- reducing minimum lot size requirements in serviced areas;
- allowing more density as-of-right in serviced areas;
- allowing mixed uses in serviced areas; and
- requiring a portion of affordable units within multiple unit dwellings.

Any of these options would need more thorough review on the potential impacts prior to planning document amendments being made.

NEXT STEPS

The Committee should discuss and provide feedback to staff on whether amendments to the housing policies and regulations in the Municipal Planning Strategy's and Land Use By-law's are required.

FINANCIAL IMPLICATIONS

There are no financial implications in association with the filing of this report.

ALTERNATIVES

In response to the report, the PAC/HAC may:

- recommend no action is taken;
- direct staff to draft amendments to the housing policies and regulations in the Municipal Planning Strategy's and Land Use By-law's based on the feedback received from the Committee; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A Statement of Provincial Interest regarding Housing

Report Prepared by: _____

Sara Poirier, Director of Planning and Development

Report Reviewed by: _____

Mark Fredericks, Senior Planner

Attachment A

1998, c. 18

municipal government

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STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING

GOAL

To provide housing opportunities to meet the needs of all Nova Scotians.

BASIS

Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

APPLICATION

All communities of the Province.

PROVISIONS

1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.
2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.
3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.
4. Municipal planning documents must provide for manufactured housing.

IMPLEMENTATION

1. These statements of provincial interest are issued under the *Municipal Government Act*. The Minister of Municipal Affairs and Housing, in cooperation with other provincial departments, is responsible for their interpretation.
2. Provincial Government departments must carry out their activities in a way that is reasonably consistent with these statements.

3. New municipal planning documents as well as amendments made after these statements come into effect must be reasonably consistent with them.
4. Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements. Where appropriate, the preparation of intermunicipal planning strategies is encouraged.
5. Reasonably consistent is defined as taking reasonable steps to apply applicable statements to a local situation. Not all statements will apply equally to all situations. In some cases, it will be impractical because of physical conditions, existing development, economic factors or other reasons to fully apply a statement. It is also recognized that complete information is not always available to decision makers. These factors mean that common sense will dictate the application of the statements. Thoughtful innovation and creativity in their application is encouraged.
6. Conflicts among the statements must be considered and resolved in the context of the planning area and the needs of its citizens.
7. The Department of Municipal Affairs and Housing, with other Provincial departments, may prepare guidelines and other information to help municipalities in implementing the statements. Provincial staff are available for consultation on the reasonable application of the statements.

1998, c. 18, Sch. B; O.I.C. 2000-483; O.I.C. 2000-485; O.I.C. 2006-121; O.I.C. 2014-71; O.I.C. 2019-150; O.I.C. 2021-58; O.I.C. 2021-209.
