

Attachment 1 - More Homes for Everyone Plan: Summary of City of Kitchener Comments

Bill 109: More Homes for Everyone Act, 2022

Provincial Legislation	Proposed Amendment	What It Means	Comments to be submitted to the Province
<u>Development Charges Act, 1997</u>			
Subsection 43 (2.1)	A Development Charges statement must be made available to the public by posting it on the City's website.	The schedules that are already prepared on an annual basis and attached to a Council report will need to be posted separately on the website	Staff have no concerns with this requirement.
<u>Planning Act, 1990</u>			
New subsections 17(40) and (55) to (64) (Regional Official Plan)	The Minister of Municipal Affairs and Housing can provide notice to suspend the period of time after which there may be appeals of the failure to make a decision in respect of a plan.	The Minister can pause "the clock" on the approval of Regional Official Plans or Regional Official Plan amendments.	Staff have concerns with proposed changes that would enable lengthening of the approval timeframe for Regional Official Plans as it has the potential to impact Kitchener's ability to do necessary updates to their local planning framework (Official Plan and Zoning By-law) in a timely manner.
New subsections 17 (55) to (64) (Regional Official Plan)	The Minister can refer plans to the Ontario Land Tribunal for a recommendation or a decision	The Minister can refer all or parts of a Regional Official Plan to the Ontario Land Tribunal (OLT). If the Minister refers all or parts of a plan to the OLT, the OLT will make a recommendation to the Minister whether to approve the plan, parts of the plan or make modifications to the plan.	More information is needed on the OLT process and whether or not there could be parties to any hearing on matters referred. Kitchener continues to support current Planning Act provisions that do not provide for an appeal of Official Plans that are being updated to conform to Provincial legislation, policies and plans.
New subsection 34 (10.12) (Zoning Bylaws)	New rules around when municipalities are required to refund fees in respect of applications.	If the City fails to make a decision on a Site Plan application within 60 days, a Zoning By-law Amendment (ZBA) within 90 days or an Official	Staff have significant concerns around this new requirement. Fee refunds have the potential to upfront most of the necessary

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New subsection 41 (11.1) (Site Plans)		Plan Amendment within 120 days, the City shall refund 50% of the development application fee. If the decision takes 30 days longer than the timeframe for Site Plans or 60 days longer than the timeframe for ZBAs, the City shall refund 75% of the development application fee. If the decision takes 60 days longer than the timeframe for Site Plans or 120 days longer than the timeframe for ZBAs, the City shall refund 100% of the development application fee.	technical studies and community engagement to a pre-application process and may also result in more recommendations for refusal due to insufficient information provided. Limiting funding to Planning Divisions in Ontario that are charged with the responsibility of approving developments is contrary to speeding up approvals. Based on preliminary conversations with the development industry, staff understand that there is little support in Waterloo Region for the proposed fee refund regulations.
New detail to Section 34.1 (Zoning Bylaws)	An additional type of Minister's order has been added that can be made by the Minister at the request of a municipality.	City Council may pass a resolution requesting that the Minister pass a Minister's order that involves the municipality's powers under Section 34 (Zoning By-law Amendments) for the purpose of accelerating community infrastructure and/or housing.	As this is an enabling provision and not a requirement, staff have no concerns with this additional ability being made available to municipalities.
New subsections 37 (54) to (59) (Community Benefits Charge)	A requirement for regular reviews of community benefits charge by-laws every 5 years.	If a Community Benefits Charges By-law is in effect, the City shall ensure that a review of the CBC By-law occurs every 5 years. If the City does not pass a resolution within 5 years, the CBC By-law shall	Staff have no concerns with this requirement.

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		<p>be deemed to have expired 5 years after the By-law was passed. Municipalities will be required to report on how the municipal need for parks as set out within their parks plans is being addressed through parkland dedication levies.</p>	
<p>Amendments to Section 41 (Site Plan)</p>	<p>New rules regarding consultations with municipalities before plans and drawings are submitted for approval and respecting completeness of applications.</p>	<p>The approval of site plan applications submitted on or after July 1, 2022 will be delegated to staff. The site plan application review period will be extended from 30 days to 60 days. The province can pass regulations to establish complete application requirements for site plan applications (similar to what currently exists for Zoning By-law Amendments and Official Plan Amendments).</p>	<p>Kitchener already utilizes delegated approval authority for site plan applications and supports enabling legislation regarding the requirement to consult. Staff supports the extended time period for site plan review. Once the regulations for complete applications for site plan are established, staff may have additional comments depending on the nature of the requirements proposed. In accordance with current Planning Act provisions, staff will continue to use the Official Plan to outline additional pre-submission requirements for site plans.</p>
<p>Amendments made to Sections 42 and 51.1 with respect to parkland requirements.</p>	<p>New requirements for alternative parkland dedication rates and ability for the Minister to order acceptance of parkland.</p>	<p>The Province has implemented a tiered alternative parkland dedication rate for Transit-Oriented Communities (TOCs) to provide increased certainty of parkland requirements: - For sites less than or equal to five</p>	<p>Staff have concerns with respect to this provision. At this time, Kitchener does not have any TOC's. Should this change, this provision would make ensuring adequate parkland supply in TOC's significantly challenging.</p>

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		<p>hectares, parkland would be dedicated up to 10% of the land or its value</p> <p>- For sites greater than five hectares, parkland would be dedicated up to 15% of the land or its value.</p> <p>Parkland could be identified through an order by the Minister of Infrastructure and would be deemed to count towards any municipal parkland dedication requirements.</p>	<p>Further, staff are unclear whether requirements in subsection 4.27 would enable the Minister to order acceptance of parkland (or parkland fees) for land that would not meet the City's criteria for acceptable parkland and additionally require Kitchener to maintain encumbered lands.</p>
<p>Amendments to Section 51 (Subdivisions)</p>	<p>New requirements regarding extensions of subdivision approvals by approval authorities.</p>	<p>If an approval of a plan of subdivision lapses before an extension is given, Council may deem the approval not to have lapsed unless five or more years have passed since the approval lapsed or the approval has previously been deemed not to have lapsed under this subsection.</p> <p>Establish provincial regulation-making authority to prescribe what cannot be required as a condition of subdivision approval.</p>	<p>Staff have no concerns with the ability to extend lapsed approved plans of subdivision. Staff have some concerns about the ability of the province to more narrowly regulate and prescribe what conditions the City can impose on subdivisions, since this has been traditionally flexible, allowing staff to tailor conditions to specific developments.</p>
<p>New Section 70.3.1</p>	<p>This section authorizes the Minister to make regulations regarding surety bonds and other instruments in relation to land use planning approvals.</p>	<p>The Minister can authorize landowners and applicants to stipulate the type of surety bonds and other instruments to be used to secure obligations in connection with land use planning approvals.</p> <p>The increased use of surety bonds to secure development-related</p>	<p>Staff are still reviewing the legal and financial implications of surety bonds. If municipalities will continue to have discretion on the details of the surety bond policies, the City does not have concerns with this change</p>

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		obligations in connection with land use planning matters could free up resources which developers could use to invest in more housing projects.	
New Section 64	New requirement for Council to require public reporting on development applications and approvals.	Associated regulations are anticipated to establish the information about planning matters to be included in the report; the persons to whom the report must be provided; the frequency with which reports must be produced and provided; and the format in which the report must be provided.	Staff have no concerns with this requirement, but note that it may impact staff resources depending on the requirements of the reporting.
<u>New Home Construction Licensing Act, 2017</u> – does not apply to municipalities			
<u>Ontario New Home Warranties Plan Act, 1990</u> – does not apply to municipalities			

ERO Posting 019-5285: Community Infrastructure and Housing Accelerator Guidelines

The Province is introducing a new tool for municipalities that can help speed up approvals for housing and community infrastructure (e.g. hospitals and community centres). To use the tool, municipalities would need a Council resolution to be sent to the Minister and a formal request explaining the project rationale, approvals sought and any consultations. Municipalities would be required to consult with the public including publishing a public notice for these meetings before a Community Infrastructure and Housing Accelerator request is submitted to the Minister of Municipal Affairs and Housing.

The municipality's request and the final Community Infrastructure and Housing Accelerator order would be made available to the public. The Minister could impose conditions on the Community Infrastructure and Housing Accelerator orders to help mitigate potential negative impacts to ensure outcomes meet expectations that the projects are delivered quickly. A community infrastructure and housing accelerator order can be used to regulate the use of land and the location, use, height, size and spacing of buildings and structures to permit certain types of development. Generally this tool can be used to accelerate community infrastructure, housing, buildings that would facilitate employment/economic development, and mixed-use developments

Staff are still reviewing the implications of this tool. There may be some limited opportunities to facilitate subsidized or affordable housing.

ERO Posting 019-5286: Opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing

In addition to Bill 109 and other information provided by the Province of Ontario, the government prepared ERO 019-5286 to collect input on how to diversity housing choices in existing neighbourhoods. This consultation is focused on finding ways to support gentle density and increase Ontario’s missing middle housing, including encouraging multigenerational housing solutions.

Any additional specific policy proposals to address these housing matters would be consulted on prior to the government making legislated changes.

	Discussion Question	Comments to be submitted to the Province
1	What are the biggest barriers and delays to diversifying the types of housing built in existing neighbourhoods?	As part of the Province’s Streamline Development Approvals Fund, Kitchener is working with consultants to understand market conditions and affordability considerations regarding different housing typologies, including missing middle and mid-rise housing. The results of this study will help inform any future policy, regulation, and guideline updates that may be needed in this area.
2	What further changes to the planning and development process would you suggest to make it easier to support gentle density and build missing middle housing and multigenerational housing, in Ontario?	See above.
3	Are you aware of innovative approaches to land use planning and community building from other jurisdictions that would help increase the supply of missing middle and multigenerational housing?	See above.
4	Are there any other changes that would help support opportunities for missing middle and multigenerational housing?	See above.

ORR Posting: Seeking Feedback on Access to Provincial Financial for Not-for-Profit Housing Providers

This posting seeks input from not-for-profit housing providers and does not apply to the City of Kitchener.