

# City of Port Moody

## Bylaw No. 3212

A Bylaw to allow for reductions in Development Cost Charges for eligible developments.

**WHEREAS** Council is authorized under section 563 of the *Local Government Act* to reduce a development cost charge for an eligible development;

**NOW THEREFORE** the Council of the City of Port Moody, in open meeting assembled, enacts as follows:

### 1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Development Cost Charges Reduction Bylaw, 2019, No. 3212”.

### 2. Definitions

- 2.1 In this Bylaw,

**Affordable Rental Housing** means Residential housing within a Development that is available for occupancy solely on a rental basis at a rental rate established under a Housing Agreement;

**BC Housing** means the British Columbia Housing Management Commission;

**City** means the City of Port Moody;

**CMHC** means Canada Mortgage and Housing Corporation;

**Development** has the same meaning as in the *Development Cost Charges Bylaw*;

**Development Cost Charges Bylaw** means the *City of Port Moody Development Cost Charges Bylaw 3054, 2019*;

**Dwelling Unit** means an apartment dwelling unit within a Multi-Residential building that is not a Secondary Suite, Townhouse, or Laneway House;

**Eligible Development** means a Development for Residential use containing one or more Dwelling Units to be occupied as For-Profit Affordable Rental Housing or Not-for-Profit Affordable Rental Housing or both, each such Dwelling Unit being subject to a Housing Agreement and a covenant registered in the Land Title Office under section 219 of the *Land Title Act* that guarantees the affordable use of the Dwelling Unit for a period set out in the Housing Agreement or covenant;

**For-Profit-Affordable-Rental Housing** means a rental occupancy for a Dwelling Unit that is established and governed by a Housing Agreement, the rental rate not being more than 85 percent of the current median market rent levels established by CMHC for the City or region as of the date of the first reading of a bylaw authorizing the Housing Agreement that applies to the Dwelling Unit;

**Group Home** means staffed residential housing for those with a level of disability that requires continual support to complete daily tasks of living;

**Housing Agreement** means a housing agreement pursuant to a Bylaw adopted under section 483 of the *Local Government Act*, or an agreement for the provision of Affordable Rental Housing with BC Housing or CMHC;

**Not for Profit Affordable Rental Housing** means a Residential Development or Supporting Living Housing that is:

- (a) owned or held by BC Housing, CMHC, a Municipal Housing Corporation, or a Registered Society;
- (b) operated as rental housing for persons who meet criteria established by the organization owning or holding the property for occupying a Dwelling Unit within the Development; and
- (c) governed by a Housing Agreement or a covenant registered on title or both with BC Housing, CMHC or the City

but does not include a facility under the *Community Care and Assisted Living Act*, the *Continuing Care Act*, *Hospital Act*, *Mental Health Act*, or a housing-based health facility that provides hospitality support services and personal health care;

**Municipal Housing Corporation** means a corporation incorporated under section 185 of the *Community Charter* or section 265 of the *Local Government Act*, for the purpose of providing Affordable Rental Housing;

**Qualified Tenant** means (a) Residential tenant(s) whose maximum gross household income is within the current housing income limit (HIL) established and published by BC Housing for occupancy in the corresponding size of housing unit, or who meet(s) similar income eligibility criteria established by CMHC for occupation of affordable rental housing within the Greater Vancouver area;

**Registered Society** means an incorporated non-profit society or organization that is registered with Revenue Canada as a charitable organization or foundation under the *Income Tax Act (Canada)*;

**Residential** has the same meaning as in the *Development Cost Charges Bylaw*;

**Supportive Living Housing** means housing, other than a Group Home, that integrates Dwelling Units for persons who were previously homeless or who are at risk of homelessness, with onsite support services available and where occupancy is not restricted to a maximum of 90 days;

**Zoning Bylaw** means the *City of Port Moody Zoning Bylaw, 2018, No. 2937*.

- 2.2 Except as otherwise defined herein, words and phrases in this Bylaw have the same meanings as in the *Development Cost Charges Bylaw*, the *Zoning Bylaw*, the *Community Charter* and the *Local Government Act*, as the context and circumstances require. A reference to a statute in this Bylaw refers to a statute of British Columbia except as otherwise indicated, and a reference to any statute, regulation, bylaw, or other enactment refers to that enactment as it may be amended or replaced from time to time.

### 3. DCC Reduction for Eligible Development

- 3.1 Despite section 4 of the *Development Cost Charges Bylaw*, but subject to this Bylaw, development cost charges that would otherwise be payable in respect of a Residential use Development are reduced for an Eligible Development as follows:
- a) a reduction by 50 percent for BC Housing, CMHC, a Municipal Housing Corporation, or a Registered Society as the registered owner of the property in respect of:
    - i) only those Dwelling Units that are to be occupied by Qualified Tenants as Not-for-Profit Affordable Housing; and
  - b) a reduction by 25 percent for a Multi-Residential Development in respect of:
    - i) only those Dwelling Units that are to be occupied by Qualified Tenants as For-Profit Affordable Rental Housing.
- 3.2 No reduction pursuant to section 3.1 is granted unless the registered owner of the property that otherwise would be subject to development cost charges has submitted an application in writing to the General Manager of Planning and Development, and the application approved by that officer as meeting the criteria under this Bylaw for a reduction of development cost charges in respect of the Development.
- 3.3 If, from the date an occupancy permit is granted to the owner of a Development, a Dwelling Unit within the Development ceases to meet the criteria for For-Profit Affordable Rental Housing or Not-For-Profit Affordable Rental Housing, as applicable, or fails to abide by all of the terms, restrictions, conditions, and requirements set out in a Housing Agreement during the time period applicable to that Dwelling Unit, the full amount of development cost charges that would have been payable for that unit on the date the charges were payable had the reduction not applied shall immediately become due and owing to the City by the owner of the Dwelling Unit.

### 4. Effective Date

- 4.1 This Bylaw will come into force on the day of its adoption.

## 5. Severability

- 5.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

**Read a first time** this 12<sup>th</sup> day of November, 2019.

**Read a second time** this 12<sup>th</sup> day of November, 2019.

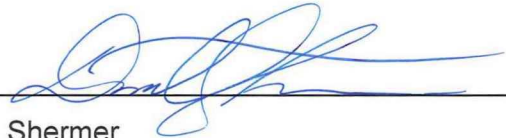
**Read a third time** this 12<sup>th</sup> day of November, 2019.

**Adopted** this 26<sup>th</sup> day of November, 2019.



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R. Vagramov  
Mayor



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D. Shermer  
Corporate Officer