

Date: 07/11/2023

To: Chair and Directors, Committee of the Whole

And To: Murray Daly, Chief Administrative Officer

From: Nigel Whitehead, Manager of Planning Services

Date of Meeting: Committee of the Whole_Nov08_2023

File: 6410-01

Short Summary:

Bill 44 – Housing Statutes Amendment Act

Background:

On November 1, 2023, the provincial government introduced Bill 44 – Housing Statutes Amendment Act. The proposed legislation will have significant impact on how local governments undertake long-range planning and development approvals. Staff are still reviewing the proposed legislation and assessing potential impacts on the CRD and Planning Services Department. Much of the legislation will most likely not apply to the CRD; however, much is unknown until the resulting regulations are introduced later in December of this year. The Planning Services business plan and budget will require amendment as a result of this information.

Subject	Bill 44 Section	New/Amen ded LGA Section	Description/Impact on CRD	Commencement/ Deadline
Public Hearing Prohibition	5(c)	464	Prohibition on public hearings for residential development where consistent with OCP. RLUB areas are exempt. Significant dept procedural changes will be required.	Royal Assent (i.e. December 2023)
Mandatory OCP Coverage	9	472	All municipalities will require an OCP. A list of Regional Districts may be prescribed by regulation. Unknown, but unlikely that CRD will have this requirement.	Royal Assent (i.e. December 2023)

Subject	Bill 44 Section	New/Amen ded LGA Section	Description/Impact on CRD	Commencement/ Deadline
OCP's provide for 20 year housing supply	10	473	Local Governments mandated to provide at least 20-year housing supply in OCP (up from 5 years)	Dec 31, 2025 (No deadline indicated for RD's)
Interim Housing Needs Report (HNR)	26	790	All Local Governments must update HNRs to meet provincial standardized requirements, including a 20-year housing supply by Dec 31, 2024. This includes the CRD's three existing HNR's and will have a resourcing impact on the Planning Services Department	Dec 31, 2024
OCP must reflect HNR	11	473.1	OCP's must specifically address and provide for housing needs identified in the HNR. Municipalities must update their OCP's by Dec 31, 2025 – no deadline provided for Regional Districts	Dec 31, 2025 (No deadline indicated for RD's)
Municipal Zoning Bylaw(s) must reflect OCP/HNR	13	481.7	Zoning Bylaws must specifically address and provide for housing needs identified in the HNR (i.e. pre-zone for 20-year housing demand). Municipalities must update their Zoning Bylaws by Dec 31, 2025. No requirement identified for Regional Districts to pre-zone lands.	Dec 31, 2025 (No deadline indicated for RD's)

Subject	Bill 44 Section	New/Amen ded LGA Section	Description/Impact on CRD	Commencement/ Deadline
Small Scale Multi Family Housing (SSMFH) Mandate	12	481.3	All local governments must permit a minimum of one additional dwelling unit (ADU) on any property where residential use is limited to one single-family dwelling. CRD updated zoning bylaws in 2018 to permit such use. No anticipated resourcing needs, subject to a final review of CRD zoning bylaws. Note additional mandated density requirements (i.e. 3 or 6 dwelling units per lot) apply under this section to municipalities over 5,000 population and/or within Urban Containment Boundaries.	June 30, 2024
Provincial Guidelines on SSMFH	15	582.1	Province may develop guidelines or requirements which local governments must follow in relation to regulating small scale multi family housing.	December 2023

There are many further amendments proposed in the legislation which would not likely impact the CRD, such as restrictions on negotiating density, prohibitions on restricting density indirectly via Heritage designations or parking requirements, and timeline extension request procedures.

Staff are continuing to assess the impacts of this proposed legislation. Much of the requirements on Regional Districts were already in the CRD Planning Services business plan, however, were spread out over the next 3-5 years. The proposed legislation has essentially compressed and accelerated this into a 6–24-month timeline. We are presently awaiting associated regulations and guidance documents, expected in December which will provide further clarity on our resourcing needs. A revised Planning Services business plan and budget will be presented to the Board as soon as feasible.

Moving-forward, continuing to pursue a consolidation of our regulatory bylaws such as zoning bylaws, rural land use bylaws, and OCP’s will keep us on a secure footing with the expectation that regulatory direction from the province will continue to increase in complexity and evolve.

Attachments:

Housing Statutes Amendment Act – Technical Briefing

Receipt Only:

That the memorandum from Nigel Whitehead, Manager of Planning Services, dated November 7, 2023, regarding the Housing Statutes Amendment Act (Bill 44), be received.