

Considered at July 28, 2020 Regular Council Meeting

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City of Port Moody Report/Recommendation to Council

Date: June 16, 2020

Submitted by: Planning and Development Department – Policy Planning Division

Subject: Regulations for Market Rental Apartment Businesses (Renoviction Bylaw)

Purpose

To report back on recommendations to protect renters from evictions through renovations or repairs.

Recommended Resolution(s)

THAT City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000, Amendment Bylaw No. 5, 2020, No. 3264 (Market Rental Apartment Businesses) and City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 2, 2020, No. 3272 be read a first, second, and third time as recommended in the report dated June 16, 2020 from the Planning and Development Department – Policy Planning Division regarding Regulations For Market Rental Apartment Businesses (Renoviction Bylaw).

Background

At the Special Council (Committee of the Whole) Meeting on April 21, 2020, Council passed the following resolution:

CW20/047

THAT the report dated April 12, 2020 from the Port Moody Affordable Housing Task Force regarding Interim Report from the Port Moody Affordable Housing Task Force be received for information;

AND THAT staff be directed to:

1. extend an invitation to the Cooperative Housing Federation of BC in order to inform Council of how community land trusts may assist with Council priorities for redevelopment of public property;
2. report back to Council with costs and implications associated with updating Port Moody's laneway housing bylaws as informed by recommendations from the task force in order to increase uptake of that program;
3. establish a renoviction bylaw in line with the municipalities of Port Coquitlam, New Westminster, and Burnaby; and

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4. update the Affordable Housing Reserve Fund Terms of Reference, including amending the Affordable Housing Reserve Fund Policy to allow distribution of funding out of the Reserve for rental relief initiatives for renters in need of financial assistance;

AND THAT these recommendations be given high priority.

This report responds to the direction in the third bullet to “establish a renoviction bylaw in line with the municipalities of Port Coquitlam, New Westminster, and Burnaby” by presenting two amendment bylaws for Council’s consideration.

Discussion

British Columbia’s *Residential Tenancy Act* is the legislation that manages landlord-tenant agreements and what circumstances a landlord can evict a tenant. Under Section 49(6)(b) of the *Residential Tenancy Act*, a landlord may end a tenancy of a rental unit if the landlord has all the necessary permits and approvals required by law, and intends in good faith, to renovate or repair the rental unit in a manner that requires the rental unit to be vacant. In response, a landlord must give four (4) months’ notice to the tenant and one (1) month’s rent. For residential properties containing five (5) or more market rental dwelling units, tenants are also given the right of first refusal to move back into the unit; however it can be at a new rental rate as chosen by the landlord.

To protect tenants from superfluous evictions, the Residential Tenancy Branch has the authority to review cases where tenants are issued evictions by owners through an appeal process. If it is determined a tenant was presented with a notice for eviction for cosmetic or routine maintenance, then the eviction can be denied. However, the *Residential Tenancy Act* does not address specific situations where market rental building owners evict tenants en masse under the pretext of the building requiring extensive renovations.

In 2019, the Cities of New Westminster and Port Coquitlam used their business licensing powers to regulate the manner in which rental apartment businesses must accommodate tenants when a building is repaired or renovated. At the direction of Port Moody’s Council, staff have created an amending bylaw that is also based on the City’s business licensing powers in order to protect tenants from being evicted through renovations.

Through Division 9 of the *Community Charter*, the City can enact legislation that imposes terms and conditions on a business. City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000 currently requires all owners of rental suites to obtain a business licence for the building in which it is contained. To maintain consistency with the *Residential Tenancy Act* and meet the direction of Council, an amendment to the City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000 is proposed to regulate how businesses with five (5) or more rental suites in a market rental building must accommodate tenants during the renovation or repair of the tenants’ dwelling units.

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Similar to the Cities of Port Coquitlam and New Westminster, the intention of the amending bylaw is to discourage potential renovictions where tenants are evicted from market rental dwelling units under the guise of renovations for the purpose of increasing rents. The amending bylaw does not restrict repairs or renovations to rental units. Instead, it will ensure landlords repair and renovate units in a manner where the tenant does not have to move, or the tenant is allowed to move back into the unit at the same rental rate, including any increases in rent permitted annually under the *Residential Tenancy Act*.

Port Moody's Market Rental Apartment Context

In 2019, staff identified 14 sites containing five (5) or more rental dwelling units, with 532 rental units in total. By adopting the proposed City of Port Moody Business Licensing and Regulation Bylaw No. 3000, Amendment Bylaw No. 5, 2020, No. 3264 (Market Rental Apartment Businesses) (**Attachment 1**) tenants would be protected from evictions due to renovations with or without the intent to increase rents.

For those Market-Rental Apartment sites where a development proposal is submitted, tenants are protected by the Tenant Relocation Assistance Policy (**Attachment 2**) and the Rental Protection Policy (**Attachment 3**). Both of these policies provide development applicants with the minimum expectations the City envisages in replacing market rental units and accommodating tenants.

Summary of the changes to the Business Licensing and Regulation Bylaw

The proposed amendment to the City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000 would address the steps a person or individual carrying on the business of, or operating, a Market Rental Apartment would have to undertake when repairing or renovating a dwelling unit. This includes:

- the conditions under which evictions would be considered;
- provisions for temporary accommodation for tenants in situations when evictions are deemed necessary;
- provisions for contravention of the bylaw; and,
- conditions under which exemptions would be considered.

In order to enforce the changes to the City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000, staff also recommends that the City establish the following fines in City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 2, 2020, No. 3272 (**Attachment 4**) for instances of non-compliance with the regulations proposed:

- Eviction without Permits – \$500.00; and
- Eviction without Tenant Relocation – \$500.00.

Potential Effects of the Market Rental Apartment Bylaws

While the importance of protecting renters from unnecessary evictions cannot be overstated, the proposed amendment to the City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000 could affect the renewal of some of the older rental stock. With the majority of the city's rental stock having been built before 1977, many of the buildings are likely nearing the end of their lifespan and will be in need of upgrades or replacement. As of 2016, 8% of

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Port Moody's renter households lived in housing deemed to be below the adequacy standard. Future action may be required to ensure the older rental units are appropriately upgraded.

Other Option(s)

1. THAT City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000, Amendment Bylaw No. 5, 2020, No. 3264 (Market Rental Apartment Businesses) be amended as follows: ...
AND THAT City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 2, 2020, No. 3272 be amended as follows: ...
2. THAT staff arrange for public input options prior to consideration of adoption of City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000, Amendment Bylaw No. 5, 2020, No. 3264 (Market Rental Apartment Businesses) and City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 2, 2020, No. 3272 by advertising the proposed changes in local newspapers and referring the bylaw changes to Landlord BC and UDI.
3. THAT the implementation of City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000, Amendment Bylaw No. 5, 2020, No. 3264 (Market Rental Apartment Businesses) and City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 2, 2020, No. 3272 be postponed until after the appeal against New Westminster's renovation bylaw is resolved.
4. THAT the report dated June 16, 2020 from the Planning and Development Department – Policy Planning Division regarding Regulations for Market Rental Apartment Businesses be received for information.

Financial Implications

Additional staff and resources may be required to implement and enforce the Bylaw.

Communications and Civic Engagement Initiatives

Changes to Business Licensing Bylaws require notice under section 59(2) and (3) of the *Community Charter*. It allows Cities with the flexibility to determine what type of notice is given. In the past, the City's notice has been given through publishing the agenda and having a public input period at the meeting.

Additional public input could be sought prior to Bylaw adoption from interested community members or affected property owners or organizations that represent market rental apartment owners such as Urban Development Institute Pacific Region (UDI) and Landlord BC for further feedback.

Council Strategic Plan Objectives

The recommendation in this report aligns with the Council Strategic Objectives of ensuring that available housing meets the community's diverse and emerging needs.

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Attachment(s)

1. City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000, Amendment Bylaw No. 5, 2020, No. 3264 (Market Rental Apartment Businesses).
2. Corporate Policy – 10-5080-2018-02 – Tenant Relocation Assistance.
3. Corporate Policy – 10-5080-2018-01 – Rental Protection.
4. City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 2, 2020, No. 3272.

Report Author

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Social Planner

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Report Approval Details

Document Title:	Regulations for Market Rental Apartment Businesses.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000, Amendment Bylaw No. 5, 2020, No. 3264.pdf- Attachment 2 - Corporate Policy - 10-5080-2018-02 - Tenant Relocation Assistance.pdf- Attachment 3 - Corporate Policy - 10-5080-2018-01 - Rental Protection.pdf- Attachment 4 - Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 2, 2020, No. 3272.pdf
Final Approval Date:	Jul 20, 2020

This report and all of its attachments were approved and signed as outlined below:

Mary De Paoli, Manager of Policy Planning - Jul 16, 2020 - 4:38 PM

André Boel, General Manager of Planning and Development - Jul 16, 2020 - 4:40 PM

Dorothy Shermer, Corporate Officer - Jul 16, 2020 - 10:41 PM

Rosemary Lodge, Manager of Communications and Engagement - Jul 17, 2020 - 12:22 PM

Paul Rockwood, General Manager of Finance and Technology - Jul 17, 2020 - 12:39 PM

Tim Savoie, City Manager - Jul 20, 2020 - 1:36 PM

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City of Port Moody

Bylaw No. 3264

A Bylaw to regulate Market Rental Apartment Businesses.

The Council of the City of Port Moody enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000, Amendment Bylaw No. 5, 2020, No. 3264 (Market Rental Apartment Businesses)”.

2. Amendments

- 2.1 City of Port Moody Business Licensing and Regulation Bylaw, 2015, No. 3000 is amended by adding the following definitions in section 4. Definitions:

“**Dwelling Unit** means one or more habitable rooms, constituting one self-contained unit with a separate entrance, used or intended to be used as a residence by one (1) or more persons and containing cooking, eating, living, sleeping, and sanitary facilities.

Market Rental Apartment means a Multi-Residential Building that consists of five (5) or more rental **dwelling units** where rental costs are based on current market prices.

Multi-Residential means a residential use where the building consists of two (2) or more dwelling units, including semi-detached, triplex, quadruplex, townhouse, and **apartment** forms.

Residential Tenancy Act means Chapter 78 of the Statutes of British Columbia 2002 and any successor legislation dealing with the relationship between residential landlords and their **tenants**.

Tenant refers to a person or persons who has the right of exclusive possession of a **dwelling unit**.

Tenancy Agreement means an agreement, whether written or oral, express or implied, between a landlord and **tenant** respecting possession of a rental unit, use of common areas, and services and facilities.”.

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2.2 Bylaw No. 3000 is further amended by adding the following section 6.13:

“6.13 **Market Rental Apartments**

- 6.13.1 No person or individual carrying on the **business** of, or operating, a **Market Rental Apartment** shall deliver to any **tenant** a notice of termination of the **tenant's** tenancy of a **dwelling unit** in the **Market Rental Apartment** in order to renovate or repair the **dwelling unit**, unless the owner has obtained every building permit, plumbing permit, development permit, or heritage alteration permit required by any **City** Bylaw and any other permit or approval required to authorize the renovation or repair, and has either:
- a. entered into a new **tenancy agreement** with the **tenant** in respect of a comparable **dwelling unit** in the same **Market Rental Apartment**, on the same terms, including rent, as the **tenancy agreement** pertaining to the **dwelling unit** being renovated or repaired, or terms that are more favourable to the **tenant**, and provided a copy of the agreement to the **Licence Inspector**, or
 - b. made other arrangements in writing for the **tenant's** temporary accommodation during the course of the renovation or repair, and for their return to their original **dwelling unit** following completion of the renovation or repair, with no increase in rent other than any additional rent increase allowed under Part 3 of the **Residential Tenancy Act**, and provided to the **Licence Inspector** satisfactory documentation of the arrangements including evidence of the **tenant's** consent to the arrangement.
- 6.13.2 No person or individual subject to 6.13.1, having failed to comply with section 6.13.1, shall continue to fail to enter into a new **tenancy agreement** as described in section 6.13.1(a) or make other arrangements for the **tenant's** temporary accommodation and return to their original **dwelling unit** as described in subsection 6.13.1(b).
- 6.13.3 For the purposes of section 6.13.1,
- a. A **dwelling unit** is comparable to a **dwelling unit** that is being renovated or repaired if it has the same or a greater number of bedrooms and complies with the maintenance standards in section 32 of the **Residential Tenancy Act**, and the rent for the **dwelling unit** is equal to or less than the rent for the **dwelling unit** that is being renovated or repaired; and

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- b. the new **tenancy agreement** may either transfer the **tenant's** tenancy permanently to the other **dwelling unit** or entitle the **tenant** to occupy the other **dwelling unit** temporarily during the course of the renovation or repair and return to their original **dwelling unit** following completion of the renovation or repair with no rent increase other than any "additional rent increase" approved under Part 3 of the **Residential Tenancy Act**.
- 6.13.4 Every person or individual who is subject to section 6.13.1 may apply to Council for:
 - a. an exemption from that section in respect of the **Market Rental Apartment**, on the grounds that the renovation or repair plans cannot be safely implemented unless the **Market Rental Apartment** is vacated, or
 - b. an exemption from that section in respect of a portion of the **Market Rental Apartment**, on the grounds that the renovation or repair cannot be safely implemented unless that portion of the **Market Rental Apartment** is vacated and there are insufficient vacant suites in the **Market Rental Apartment** to accommodate **tenants** that require relocation pursuant to section 6.13.1.
- 6.13.5 An application under section 6.13.4 must be accompanied by the written opinion of an architect, engineer, or building code consultant that, after due consideration of all practical alternative approaches to the work, the safe implementation of the renovation or repair plans of a **dwelling unit** requires that the **Market Rental Apartment** be vacated or that a portion of the building be vacated.
- 6.13.6 Council may require any person or individual carrying on the **business** of, or operating, a **Market Rental Apartment** who has made an application under section 6.13.4 to pay the **City's** cost in obtaining a second opinion from an architect, engineer, or building code consultant on whether the safe implementation of the renovation or repair plans requires that the **Market Rental Apartment** or portion of the **Market Rental Apartment** be vacated.
- 6.13.7 Council may, in approving an exemption, impose conditions pertaining to the relocation of **tenants**, including conditions relating to the accommodation of **tenants** during and following the renovation or repair and the rent that may be charged for the **dwelling unit** following the completion of the work.

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- 6.13.8 Section 6.13.1 does not apply to any **dwelling unit** in a building that has been determined by an architect, engineer, or building code consultant, or any governmental authority having jurisdiction, including the Fire Prevention Officer, to have been damaged by natural disaster, fire, water, smoke, insect infestation, or structural failure to the point that it is unsafe for any person to occupy the building, if the determination is made in writing and a copy has been delivered to a **Licence Inspector** before any notice of termination of a **tenant's** tenancy is delivered to any **tenant** in the building.
- 6.13.9 The **Licence Inspector** may require any person or individual carrying on the **business** of, or operating, a **Market Rental Apartment** to provide, prior to obtaining a business licence or business licence renewal under this Bylaw, a statutory declaration that states the rent payable in respect of any **dwelling unit** prior to and following renovation or repair work for which a **tenant** is required to vacate their **dwelling unit** and, if the rent was increased, a copy of the director's approval of the rent increase under Part 3 of the **Residential Tenancy Act**.
- 6.13.10 The **Licence Inspector** may issue or renew a business licence under this Bylaw to a person or individual carrying on the **business** of, or operating, a **Market Rental Apartment** who has applied for an additional rent increase related to renovation or repair under Part 3 of the **Residential Tenancy Act** if the director has not yet decided on the rent increase application, if in doing so the **Licence Inspector** indicates on the licence that a surcharge may become payable under section 6.13.11 if the additional rent increase is not allowed, but the rent for the **dwelling unit** in question exceeds the rent that is allowed without the increase.
- 6.13.11 The **Licence Inspector** may levy a monthly business licence surcharge on any owner of a **Market Rental Apartment** who increases rent contrary to this Bylaw, in the amount that is the difference between the rent permitted by this Bylaw and the rent that the **tenant** is paying in respect of the **dwelling unit** that has been renovated or repaired, and may refuse to renew the business licence of any owner of a **Market Rental Apartment**, being subject to such a surcharge, who has not paid the surcharge by the date on which the licence renewal is required.

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- 6.13.12 For certainty, sections 6.13.1 to 6.13.11 apply in respect of the renovation or repair of any **dwelling unit** in a **Market Rental Apartment** regardless of whether a building permit authorizing the renovation or repair had been applied for or issued prior to the date of adoption of this Bylaw, and regardless of whether a notice to terminate a tenancy had been delivered prior to that date.
- 6.13.13 Each day on which a person or individual who is subject to section 6.13.1 contravenes section 6.13.2 of this bylaw constitutes a separate offence, whether or not the person or individual who is subject to section 6.13.1 subsequently complies with section 6.13.1 in respect of that tenancy.
- 6.13.14 No offence is committed against section 6.13.1 or section 6.13.2 of this bylaw:
- a. as of the date on which a **tenant**, having been given notice of eviction in contravention of this bylaw or having been evicted in contravention of this bylaw, is accommodated by the person or individual who is subject to section 6.13.1 in accordance with section 6.13.1, in respect of the renovation or repair for which the **tenant** has been evicted; or
 - b. as of the date on which a copy of a written withdrawal of a notice of eviction that would have contravened this bylaw, having been previously provided to the **tenant**, is provided to the **Licence Inspector**.
- 6.13.15 In sections 6.13.1 to 6.13.14, “owner” means the owner of any apartment building who operates a **Market Rental Apartment** and includes the person who holds a Licence under this Bylaw to carry on that **business**.

3. Severability

- 3.1 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 ___ day of ____, 20__.

Read a second time this ___ day of ____, 20__.

Read a third time this ___ day of ____, 20__.

Adopted this ___ day of ____, 20__.

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R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3264 of the City of Port Moody.

D. Shermer
Corporate Officer

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Corporate Policy

100 Newport Drive, Port Moody, BC, V3H 5C3, Canada
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Section:	Social Services	10
Sub-Section:	Affordable Housing	5080
Title:	Tenant Relocation Assistance	2018-02

Related Policies

Number	Title
10-5080-2018-01	Rental Protection

Approvals

Approval Date: July 24, 2018	Resolution #: <u>RC18/453</u>
Amended:	Resolution #:
Amended:	Resolution #:
Amended:	Resolution #:

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Corporate Policy Manual Tenant Relocation Assistance

Policy

Intent

This Tenant Relocation Policy aims to guide developers, the community, Council, and staff to assist in the challenge of dealing with tenant relocation brought about as a result of redevelopment of existing residential housing sites. It is also intended to supplement and inform existing housing policies in the Official Community Plan, and relevant Corporate Policies. The policies suggests minimum expectations however applicants are encouraged to exceed these. The proposals received under this Policy will be evaluated by staff and considered by Council as part of development application review process.

Applicability

This Policy will apply to all rezoning applications involving purpose-built rental buildings containing six or more units.

Exemptions

This Policy does not apply to secondary rental stock, including secondary suites, laneway homes, individually rented condo units etc.

Tenant Relocation

Port Moody's aging stock, combined with very high demand for rental, and the subsequent profits to be made, has led to an increase in redevelopment and renovation in recent years. While these activities are important in maintaining and renewing the existing rental stock, there are impacts on tenants. Most often, tenants are displaced. Finding alternate rental accommodation that is suitable and affordable in a city with historically low vacancy rates is challenging. Despite being more affordable than owning, renting is still costly in Port Moody – many renters are paying over 30% of their income towards housing, the level generally accepted as the affordability threshold. There are also non-quantifiable costs of relocation, such as the loss of one's home and community networks, as well as the stress involved with the moving process. In considering the application of this Tenant Relocation Assistance Policy, the City shall seek to:

- 1) ensure applicants provide a Tenant Relocation Plan when tenants in existing residential rental housing units will be displaced when the work typically results in the entire building, or part of the building, being demolished or emptied. At a minimum, the Tenant Relocation Plan must include:
 - a) financial compensation provided based on length of tenancy:
 - 2 months' rent for tenancies up to 4 years;
 - 3 months' rent for tenancies between 5 to 9 years;
 - 4 months' rent for tenancies over 10 years; and
 - 6 months' rent for tenancies over 20 years;This can take the form of free rent, a lump sum payment or a combination of both;
 - b) a minimum of 2 months' notice to end tenancies after demolition permit is issued;

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Tenant Relocation Assistance

- c) for tenants requesting assistance finding new accommodations:
 - three options should be offered that are comparable in unit type, unless otherwise agreed to;
 - all options should be in Port Moody where possible;
 - the rent for all options shall be at similar levels of the current rented units;
 - where possible, options should be tailored to the tenant's needs (e.g. pet-friendly, accessible, smoke-free, etc.); and
 - d) in cases involving vulnerable tenants (e.g. seniors, persons with disabilities, tenants with low income, mental health issues, etc.), applicants are encouraged to provide additional support such as partnering with health organizations and other non-profit services
 - e) Arrangement for an insured moving company, or, a flat rate payout for moving expenses as follows:
 - \$750 for bachelor and 1-bedroom households; and
 - \$1,000 for two- or more bedroom households.
 - f) Right of first refusal for existing tenants to move back into the new building with a 20% discount off starting market rents.
 - For projects that propose new secured market rental housing or where one-for-one replacement of rental units are required under the Rental Protection Policy, the new secured market rental housing units or replacement rental units will be secured for a term of 60 years or life of the building, whichever is greater, through legal agreements, or any other legal mechanism deemed necessary by the General Manager of Planning and Development;
 - For projects that propose new social housing, or where rental units are replaced with social housing, tenants will be offered right of first refusal, provided they meet the eligibility requirements for the new social housing unit.
- 2) Require a Final Tenant Relocation Report Prior to the issuance of the demolition permit, which includes:
- a) names of the tenants;
 - b) outcome of their search for alternate accommodation; and
 - c) a summary of the monetary value given to each tenant (e.g. moving costs, rent, etc.)
 - d) identification of a Relocation Coordinator
 - e) communication strategy

Monitoring/Authority

This policy is to be administered and monitored by the Planning and Development Department.

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Corporate Policy

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Section:	Social Services	10
Sub-Section:	Affordable Housing	5080
Title:	Interim Affordable Housing Guidelines	2020-01

Related Policies

Number	Title
10-5080-01	Affordable Housing Reserve Fund – Guidelines for Allocation of Funds
10-5080-2018-01	Rental Protection

Approvals

Approval Date: March 17, 2020	Resolution #: <u>CW20/032-033</u>
Amended:	Resolution #:
Amended:	Resolution #:
Amended:	Resolution #:

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Interim Affordable Housing Guidelines

Policy

These Guidelines set out the expectations for the provision of affordable housing units as part of new multi-family residential and mixed-use residential development applications where additional density is being sought through a rezoning and/or Official Community Plan amendment. It is noted that these interim guidelines have been developed based upon projects to date that have included affordable housing components secured through Housing Agreements. A more extensive Inclusionary Housing Policy and wider Affordable Housing Strategy is planned to be developed over the course of 2020, which, upon adoption, would supersede this policy.

Definitions

Affordable Rental Units – may include both **Below-Market Rental Units** and **Non-Market Rental Units**.

Below-Market Rental Units – units intended to serve households considered low-income by the Housing Income Limits (HILs) as published by BC Housing on an annual basis. Annual rent increases as permitted under the *Residential Tenancy Act*.

Non-Market Rental Units – units intended to serve very low-income households through agreements with a non-profit or BC Housing for households earning less than \$30,000 and renting at shelter rates or rent geared to income.

Market Rental Units – purpose-built rental units without qualifying income or household characteristics requirements.

Affordable Ownership Units – units that are available at below market value to low-to-moderate-income households.

Rent-to-Own Units – units that offer an alternative ownership approach that provides the opportunity for first-time buyers to get into the housing market, through a purchase agreement that allows the prospective buyer the ability to rent a unit for a predetermined period prior to finalizing the purchase of the unit, with all rent paid during this period being put towards the down payment.

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Interim Affordable Housing Guidelines

Interim Guidelines

Applicants for land use changes (OCP and Zoning Bylaw Amendments) are encouraged to include affordable housing options in their projects. Eligible housing forms may include all housing types listed in the Definitions Section. While considering different options of tenure and price point, the guidelines below provide further clarification regarding the City's expectations.

Key Expectations

- The City anticipates, as part of any rezoning and/or OCP amendment application, that an affordable housing component would be included, with a preference for affordable rental units;
- The City expects a minimum 15% share of below-market rental units for projects larger than 30 units;
- Where options other than affordable rental units are proposed, the City would expect the number of units to be greater than if affordable rental units were proposed to be included;
- Affordable rental units may be owned by the developer with occupancy management arranged through a non-profit society or BC Housing, or sold to a non-profit society or BC Housing at below-market value. The City requests confirmation of these arrangements prior to adoption of the requested land use changes;
- Any affordable rental units are requested to be secured for the long term: 60 years or the useful life of the building; and
- Projects resulting in ten or more units should ideally provide a unit mix as set out in the following table:

Number of Bedrooms	Share of Units
Studios	70% max
1-Bedroom	
2-Bedroom	20% min
3-Bedroom	10% min

Flexibility

The City may allow for flexibility on the above options under certain specific scenarios, including:

- where the applicant can demonstrate unique development circumstances and financial hardship that may impact development viability;
- where existing multi-family rental properties are subject to the City's Rental Protection Corporate Policy; and
- where the proposal includes other community benefits (e.g. social, environmental, cultural) with a demonstrable value.

Flexibility would solely be at the City's discretion and a financial analysis may be required to support such cases.

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Interim Affordable Housing Guidelines

Incentives

The City commits to considering the following types of incentives, subject to the details provided in applicable policies and bylaws:

- floor area of the affordable rental units may not be counted towards Floor Area Ratio;
- affordable rental units may not be subject to community amenity contributions;
- consideration of variances to Zoning Bylaw requirements on a project-by-project basis;
- consideration of additional fee waivers (DCCs, property taxes, etc.) on a project-by-project basis; and
- fast-tracking of applications by non-profit applicants, where staff resources allow.

Exemptions

The following are exempted from the request to consider including affordable housing options as part of projects:

- projects which provide only townhouse units;
- projects proposing 30 or fewer units;
- applications submitted prior to Council approval of these Guidelines, though provision of an affordable housing component is still expected of all applications involving a rezoning and/or OCP amendment, where additional density is being sought;

Non-Profit Housing Societies

In order to facilitate these Guidelines, the City will develop and maintain a shortlist of non-profit housing societies that have expressed an interest in partnering on affordable housing projects in the City.

Housing Agreement Expectations

The City requests consideration by the applicant of entering into a Housing Agreement pursuant to section 483 of the *Local Government Act* and any other associated legal agreements for the effective implementation of the affordable housing component of the project. Such agreements may include, but not be limited to, the following parameters:

- definition of the affordable rental/housing component, including details of unit mix, unit sizes, unit location, rental rates etc.;
- the term of the agreement;
- details of the requirement for transfer of ownership, or management, to a non-profit housing society or BC Housing;
- criteria around tenant eligibility and selection ensuring units are made available to households that need it the most;
- reporting guidelines to provide to the City an annual report to the City detailing the eligibility of tenants and rental rates;
- restrictions around stratification of the affordable rental units;
- maintenance requirements; and
- for ownership models, provisions that ensure that any subsidies towards reduced prices are transferred to the City at time of re-sale.

Considered at July 28, 2020 Regular Council Meeting

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Corporate Policy Manual

Interim Affordable Housing Guidelines

Cash-in-lieu Contributions

The City may consider cash-in-lieu contributions to the City's Affordable Housing Reserve Fund, under circumstances where the provision of affordable rental units or other eligible units is not seen as desirable and or feasible (e.g. where it results in four or fewer affordable rental units being provided).

Monitoring/Authority

This policy is to be administered and monitored by the Planning and Development Department.

This policy will be reviewed as required by the Planning and Development Department to ensure its effectiveness and compliance with legislation and evolving best practices.

Considered at July 28, 2020 Regular Council Meeting

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City of Port Moody

Bylaw No. 3272

A Bylaw to add fines for contravention of the Business Licensing and Regulation Bylaw, No. 3000 as amended by Bylaw No. 3264 for the regulation of Market Rental Apartment Businesses.

The Council of the City of Port Moody enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 2, 2020, No. 3272”.

2. Amendments

- 2.1 City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218 is amended by adding the following fines under Business Licensing Regulations Bylaw, No. 3000 in Schedule 2:

Business Licensing Regulations Bylaw, No. 3000	Section(s)	Fine(s)
Eviction without Permits	6.13.1	\$500.00
Eviction without Tenant Relocation	6.13.1	\$500.00

3. Severability

- 3.1 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 ___ day of ____, 20__.

Read a second time this ___ day of ____, 20__.

Read a third time this ___ day of ____, 20__.

Adopted this ___ day of ____, 20__.

Considered at July 28, 2020 Regular Council Meeting

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R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3272 of the City of Port Moody.

D. Shermer
Corporate Officer