

Authority: Item 5, Planning Committee
Report 21-019 (PED21214/FCS21097)
CM: December 15, 2021
Ward: City Wide

Bill No. 246

CITY OF HAMILTON

BY-LAW NO. 21-246

To Amend the Water and Wastewater Infrastructure Support Community Improvement Plan

WHEREAS on October 13, 2021, Council approved the Water Leak Adjustment Policy to provide financial relief for residents for high water bills due to leaks and facilitate the repair of leaks;

AND WHEREAS under the *Planning Act* (Section 28) "community improvement" means "the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, reconstruction and rehabilitation, improvement or energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary";

AND WHEREAS Council of the City of Hamilton passed By-law No. 20-172 to adopt Water and Wastewater Infrastructure Support Community Improvement Plan, in accordance with the *Planning Act*, to facilitate community improvement in the urban and rural area to promote Hamilton's adaptation to climate change and protection of the health of Hamilton's citizens through municipal initiatives, such as the residential plumbing improvements, as set out in the Community Improvement Plan (CIP);

AND WHEREAS an objective of the Water Wastewater CIP is to facilitate ongoing rehabilitation and upgrading of Hamilton's aging infrastructure and housing stock;

AND WHEREAS Section 28(7) of the *Planning Act* allows a municipality to make grants or loans for the purpose of carrying out the municipality's community improvement plan;

AND WHEREAS an amendment to the Water Wastewater Infrastructure Support CIP is required to establish the Water Leak Adjustment Policy as a program of the CIP;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the Water and Wastewater Infrastructure Support Community Improvement Plan, is amended by:

- (a) Adding a description of the the Water Leak Adjustment Program to Section 8.0 of the CIP and additional language and technical modification to enable the addition of the Program to the CIP; and,
- (b) Appending the Program Guidelines for the Water Leak Adjustment Program as Appendix "C" to the CIP.

As shown on Schedules "A" and "B" to this By-law.

2. That this By-law comes into force on the day it is passed.

PASSED this 15th day of December, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule “A” to By-law 21-246

Water and Wastewater Infrastructure Support Community Improvement Plan

1. INTRODUCTION

The Water and Wastewater Infrastructure Support Community Improvement Plan provides the basis for water and wastewater improvement programs and initiatives within the designated Water and Wastewater Infrastructure Support Community Project Area of the City of Hamilton. It targets certain properties within the City, as designated in the Water and Wastewater Infrastructure Support Community Improvement Project Area.

The Water and Wastewater Infrastructure Support Community Improvement Plan contains the following sections:

1. Introduction
2. Purpose
3. Legislative Authority
4. Previous Plans, Programs and Initiatives
5. Supporting Policy and Strategies
6. Community Improvement Project Area(s)
7. Goals and Objectives
8. Programs and Initiatives
9. Monitoring
10. Approval and Amendment Process

This 2020 Plan repeals and replaces the Water and Wastewater Infrastructure Support Community Improvement Plan, originally adopted and approved by Hamilton City Council on March 27, 2013 (By-law 13-080).

2.0 PURPOSE

Community Improvement Plans are intended to facilitate the improvement of lands and buildings in the City that result in a benefit to the community within the Water and Wastewater Infrastructure Support Community Project Area. In turn, these improvements have positive impacts on the City and its residents by reducing environmental impacts from climate change and protecting human health, among other benefits.

The Water and Wastewater Infrastructure Support Community Project Area includes all land within the City’s municipal boundary.

The purpose of this updated Community Improvement Plan (CIP) is to promote Hamilton's adaptation to climate change and protection of the health of Hamilton's citizens through specific initiatives and programs for residents to upgrade or replace water and wastewater infrastructure.

More specifically, the CIP:

- Provides a structured framework for City programs and initiatives within the Water and Wastewater Infrastructure Support Community Project Area that meets the legislative requirements of the *Planning Act* and the *Municipal Act*. These requirements allow the municipality to provide financial assistance to private enterprise (see section 3 of this Plan);
- Outlines a set of financial incentive programs designed to improve the health of citizens and mitigate impacts from climate change; and,
- Focuses and coordinates municipal action and investment aimed at reducing impacts from climate change, improving and protecting the health of Hamilton's citizens.

This Plan functions as an implementation tool. It builds on the City's past efforts to improve water and waste water infrastructure within the City including the prevention of sewer backs ups into basements, the release of untreated effluent in extreme weather events and reducing lead exposure through the replacement of lead water service lines. The programs and initiatives identified in Section 8 implement the City's Corporate Strategic Plan, Corporate Goals and Areas of Focus for Climate Change Adaptation and Mitigation, and Health Protection. These documents are reviewed in Section 5 to provide rationale for the Community Improvement Project Area described in Section 6.

Monitoring the Plan's implementation is undertaken through the City's performance measurement reporting, as noted in Section 9. This CIP may be amended from time-to-time, in accordance with Section 10.

3. LEGISLATIVE AUTHORITY

The legislative framework for Community Improvement Planning in Ontario is established in the *Planning Act* and the *Municipal Act, 2001*. This legislation governs how municipalities prepare Community Improvement Plans and programs, providing financial incentives that would otherwise be prohibited.

3.1 Municipal Act, 2001

Subsections 106(1) and (2) of the *Municipal Act, 2001* states: "*a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose.*" Providing financial or

other assistance, often referred to as bonusing, is normally prohibited, including the following actions:

- Giving or lending money or municipal property;
- Guaranteeing borrowing;
- Leasing or selling municipal property below fair market value; or,
- Giving a total or partial exemption from any levy, charge or fee.

Community improvement initiatives are an exception to the rule against bonusing. This exception is found in Section 106(3) of the *Municipal Act, 2001* for municipalities exercising powers under Section 28(6), (7) or (7.2) of the *Planning Act*, and under Section 365.1 of the *Municipal Act, 2001*. This exception provides the legislative basis for the financial incentive programs described in Section 8.1 of this Plan.

Rental properties are considered as “commercial enterprises”.

3.2 Planning Act

The *Planning Act* (Section 28) allows municipalities that have provisions in their Official Plan relating to community improvement to designate, by By-law, a community improvement project area. Under Section 28(1) of the *Planning Act*:

- A community improvement project area is defined as "*a municipality or an area within a municipality, the community improvement of which, in the opinion of the Council, is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings, or for any other environmental, social, or community economic development reason;*"
- Community improvement is defined as "*the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement or energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary.*"

A municipality may engage in the following actions within a designated community improvement project area:

- *Acquire, hold, clear, grade, or otherwise prepare land for community improvement (Section 28(3));*
- *Prepare a Community Improvement Plan for the project area (Section 28(4));*

- *Construct, repair, rehabilitate, or improve buildings on land acquired or held by it in conformity with the approved Community Improvement Plan (Section 28(6));*
- *Sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the approved Community Improvement Plan (Section 28(6)); and,*
- *Make grants or loans, in conformity with the approved Community Improvement Plan, to the registered owners, assessed owners, and tenants of lands and buildings, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or part of the eligible costs of the Community Improvement Plan (Section 28(7)).*

Section 28(7.1) defines eligible costs as "*costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes, or for the provision of energy efficient uses, buildings, structures, works, improvements, or facilities.*"

The maximum amount of financial assistance a municipality may offer is limited by Section 28(7.3) of the *Planning Act*. The total of the grants, loans and tax assistance provided to particular lands and buildings under the *Planning Act* (Section 28) and the *Municipal Act, 2001* (Section 365.1) shall not exceed the eligible cost of the Community Improvement Plan with respect to those lands and buildings. The financial incentive programs provided in Section 8.1 of this Plan, therefore, contain eligibility criteria and financial assistance maximum limits to ensure assistance does not exceed eligible costs.

3.3 Municipal Official Plan Authorization

Municipal authority is granted by the community improvement policies in the Rural and Urban Hamilton Official Plans. As noted in Section 3.1 of this CIP, municipalities must have provisions in their Official Plans to designate a community improvement project area and prepare a Community Improvement Plan.

3.3.1 Urban Hamilton Official Plan

The following policies enable the City to establish a Community Improvement Project Area and prepare and implement Community Improvement Plans:

- "F.1.15.1 Community Improvement shall be carried out through the designation, by Council, of Community Improvement Project Areas and through the preparation and implementation of Community Improvement Plans pursuant to the *Planning Act*, R.S.O., 1990 c. P.13. It is the intent of Council that the entire urban area or any part of the urban area as defined in this Plan, and as subsequently amended, may by by-law be designated as a Community Improvement Project Area.

F.1.15.3 Community Improvement Plans shall provide direction regarding the application of one or more of the following:

- a) allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land and/buildings.”

3.3.2 Rural Hamilton Official Plan

The following policies enable the City to establish a Community Improvement Project Area and prepare and implement Community Improvement Plans:

“F.1.15.1 Community Improvement shall be carried out through the designation, by Council, of Community Improvement Project Areas and through the preparation and implementation of Community Improvement Plans pursuant to the *Planning Act*. It is the intent of Council that the entire Rural Area or any part of the Rural Area as defined in this Plan, and as subsequently amended, may by By-law be designated as a Community Improvement Project Area. (OPA 5)

F.1.15.3 Community Improvement Plans shall provide direction regarding the application of one or more of the following:

- a) allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land and/buildings.”

4. PREVIOUS PLANS, PROGRAMS, AND INITIATIVES

This 2020 Plan repeals and replaces the Water and Wastewater Infrastructure Support Community Improvement Plan, originally adopted and approved by Hamilton City Council on March 27, 2013 (By-law 13-080).

The 2013 Water and Wastewater Infrastructure Support Community Improvement Plan was adopted to support the Residential Protective Plumbing Program, which was initially adopted by Council on September 30, 2009 Council (Report PW09082) and has been reviewed and revised several times since, most recently February 20, 2020 (Report PW11056(c)). The Residential Protective Plumbing Subsidy Program provides guidance and financial assistance to existing residential property owners in the urban area undertaking improvements to their eligible properties to reduce the potential for basement flooding due to sewer surcharge.

In October 2008, Council established a city-wide program that provided home owners of owner-occupied dwellings with the opportunity to access an interest-bearing loan to replace their private lead water service line. This program is titled Lead Water Service

Replacement Loan Program. On May 13, 2020, City Council approved extending this loan program to homeowners who owned rental properties throughout the City.

As a result, the 2013 Water and Wastewater Infrastructure Support Community Improvement Plan is being deleted and replaced. The 2020 Water and Wastewater Infrastructure Support Community Improvement Plan is broadened to include both the Residential Protective Plumbing Program and the Lead Water Service Replacement Loan Program.

5. SUPPORTING POLICIES AND STRATEGIES

The documents reviewed in this Section provide the direction and policy basis for this Plan's goals, objectives (see Section 7) and programs (see Section 8).

5.1 Provincial Policy

5.1.1 The Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (2019) provides Provincial growth management policy direction to municipalities within the Greater Golden Horseshoe, including Hamilton. It also provides a framework for infrastructure investments and planning.

5.1.2 Greenbelt Plan

There are no specific policies in the Greenbelt Plan that address housing stock or municipal infrastructure. Planning and design of sewage and water in the Greenbelt Plan area is to be carried out in accordance with the policies of the Growth Plan.

5.1.3 Provincial Policy Statement 2020

The Provincial Policy Statement (2020) sets the policy foundation for regulating the development and use of land in Ontario. Overall the Provincial Policy Statement promotes “strong, liveable, and healthy communities, protect the environment and public health and safety, and facilitate economic growth”. It also promotes efficient use of infrastructure. While not directly a planning matter, the Water and Wastewater Infrastructure Support Community Improvement Plan will be adopted under the *Planning Act* and must, therefore, be consistent with the Provincial Policy Statement.

The Water and Wastewater Infrastructure Support Community Improvement Plan is consistent with the following Provincial Policy Statement policies:

- The goal of “1.1.1 c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns*”;

- “1.6.6.1 b) 4) *Planning for sewage and water services shall: b) ensure that these systems are provided in a manner that protects human health and safety, and the natural environment.*”

The Provincial Policy Statement supports infrastructure planning, particularly sewage and water services, for health, safety, and environmental reasons. This CIP promotes improvements of infrastructure planning, promotes efficient use of infrastructure, reduces the potential for environmental contamination, and promotes improved health and safety. Installation of backflow valves and sump pumps promotes health and safety. Similarly, the replacement of lead water service lines and ensuring residential plumbing systems are maintained improves the health of Hamilton residents.

5.3 Official Plans

5.3.1 Urban Hamilton Official Plan

The Urban Hamilton Official Plan provides support of this Community Improvement Plan's goals, objectives, and programs. The promotion of healthy and safe communities is a core principle of the Official Plan . B.1 - Communities, Introduction states:

“Health and safety in our communities is essential. Policies ensure that our communities are safe and healthy. A broad interpretation of health recognizes the inter-relationships between all aspects of our environment and the impacts on the health of citizens. Policies in this section enable healthy lifestyles, promote a healthy and safe community, and promote a high quality of life.

B.3.2.4.6 The existing stock of housing shall be retained, wherever possible, and kept in a safe and adequate condition through use of the City's Demolition Control By-law, Property Standards By-law, and incentive programs financed by the City or by senior levels of government.”

The preamble to Section B.3.2.5 states:

“It is important to maintain a balance of primary rental and ownership housing stock. ... The intent of the policies in Section 3.2.5 - Rental Housing Protection Policies is to minimize the loss of primary rental housing, particularly affordable rental housing, while permitting opportunities for neighbourhood revitalization, residential intensification, and affordable home ownership when the rental housing market is strong.”

Extending the Residential Protective Plumbing Program, the Lead Water Service Replacement Loan Program (LWSRLP) and the Water Leak Adjustment Program to residential rental properties promotes the health of those living in rental dwellings and helps to maintain the quality of the City's limited rental housing units.

5.3.2 Rural Hamilton Official Plan

The Rural Hamilton Official Plan provides support of this Community Improvement Plan's goals, objectives, and programs. The promotion of healthy and safe communities is a core principle of the Official Plan that is seen in several policies, including:

- The same B.1 policy at the Urban Hamilton Official Plan; and,
- Policy B.3.2.2.2

“3.2.2.2 The existing stock of housing in the rural area shall be retained wherever possible and kept in a safe and adequate condition through use of the City’s Property Standards by-law and incentive programs financed by the City or by senior levels of government.”

Extending the Residential Protective Plumbing Program and the Lead Water Service Replacement Loan Program (LWSRLP) and the Water Leak Adjustment Program to residential rental properties promotes the health of those living in rental dwellings and helps to maintain the quality of the City’s limited rental housing units.

5.4 Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation

In December 2019, City Council approved the “Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation”

The purpose of Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation “is to lay the foundation for the first corporate-wide climate change reporting framework and areas of focus to empower City staff and enable the community to take action on climate change.” (Source: “Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation” p. 9)

There are nine Goals. Two goals apply to this CIP.

Goal 4 – Building: identifies a specific action to “ensure future land use and development supports climate change mitigation and resiliency”. One of the methods is applying Low Impact Development guidelines within the City’s Comprehensive Engineering Guidelines, Site Plan guidelines and zoning standards.

Goal 7 – Climate Change Adaptation: aims “to improve Hamilton’s climate resiliency by decreasing our vulnerability to extreme weather, minimizing future damages, take advantage of opportunities, and better recover from future damages.

These goals, among other City Initiatives, are intended to reduce the impact of extreme weather.

5.5 Our Future Hamilton Community Vision (2016)

Our Future Hamilton Community Vision, adopted in 2016, articulates six community priorities, two of which are based on environmental responsibility and built infrastructure.

Under the priority of Built Environment and Infrastructure, two of the key directions under Modern Infrastructure include:

- Build and adapt public infrastructure and buildings to withstand extreme weather events; and,
- Construct and renovate buildings to meet environmental standards.

5.6 City of Hamilton Corporate Strategic Plan 2016 - 2025

The Corporate Strategic Plan developed by Council identifies strategic priorities for 2016 to 2025, that include the following themes and focus areas:

Our Mission

To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner”

Priority - Built Environment and Infrastructure

“Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic city.”

This priority means the City contributes to achieving the Our Future Hamilton vision by providing services that ensure its infrastructure assets (roads, sewers, municipal buildings, etc.) and overall built form are planned, constructed, rehabilitated and maintained in a manner that incorporates best practices, innovative features and are designed to be resilient to the effects of climate change. One of the focus areas for this priority is water, wastewater and stormwater systems.

5.7 The Public Works Business Plan, Innovate Now and the Water and Wastewater Strategic Business Plan for 2010 - 2012

The documents reviewed in this Section provide the direction and policy basis for this Plan's goals. Implementing the recommendations of this report will assist the City in meeting the following priorities contained within the Corporate Strategic Plan 2016-2025:

Our Mission

To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner”

Built Environment and Infrastructure

“Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic city.”

This priority means the City contributes to achieving the Our Future Hamilton vision by providing services that ensure its infrastructure assets (roads, sewers, municipal buildings, etc.) and overall built form are planned, constructed, rehabilitated and maintained in a manner that incorporates best practices, innovative features and are designed to be resilient to the effects of climate change.

The actions of this Community Improvement Plan support the corporate strategic goals of “*clean and green*” and “*healthy and safe communities*,” through the provision of the Residential Protective Plumbing Program and Substandard Water Service Replacement Program.

Clean and Green

The extension of the Residential Protective Plumbing Program to owners of residential rental properties has improved access to the program and helped maintain the quality of the City’s valuable rental housing stock. The Residential Protective Plumbing Program continues to be a key element of the City’s climate change adaptation strategy. The City has taken further action to improve climate change adaption by working with Planning and Economic Development to mandate that all homes built after January 1, 2012 require a backwater valve.

Healthy and Safe Communities

The lead service line replacement component of the Substandard Water Service Replacement Program reduces exposure of vulnerable populations to the potential for adverse health impacts due to the presence of lead within private plumbing. This particular function of the Water and Wastewater Infrastructure Support Community Improvement Plan is in direct alignment with the City’s desired outcome of making Hamilton a safe and supportive city where people are active, healthy, and have a high quality of life.

6. WATER AND WASTEWATER INFRASTRUCTURE SUPPORT COMMUNITY IMPROVEMENT PROJECT AREA

This Water and Wastewater Infrastructure Support Community Improvement Plan applies to all lands, which includes the urban and rural areas, in the City of Hamilton. The project area is designated by By-law 20-171, approved by Council on August 21, 2020.

7. GOALS AND OBJECTIVES

With consideration of the broader policy context outlined in Section 5 of this Plan, the goals of the Water and Wastewater Infrastructure Support Community Improvement Plan are to:

- Improve the quality of life for Hamilton residents;
- Improve Hamilton's image as a good place to live;
- Improve the health and safety of citizens through such programs that
 - Reduce basement sewer back-ups as a result of extreme storms;
 - Reduce exposure to lead or other environmental hazards; and,
 - Promote maintenance of residential plumbing systems;
- Facilitate ongoing rehabilitation and upgrading of Hamilton's aging infrastructure and housing stock;
- Improve Hamilton's ability to adapt to the extreme weather patterns that are the result of climate change; and,
- Protect the environment by reducing the release of untreated effluent as a result of extreme storms.

8. PROGRAMS AND INITIATIVES

This section outlines programs and initiatives that may foster and support climate change adaptation and mitigation and the protection of human health within the designated Community Improvement Project Area.

8.1 Provision of Loans and Grants

Through its financial incentive programs, the City of Hamilton will provide grants and/or loans to registered/assessed owners of residential land and buildings including rental properties, to pay for the whole or part of the eligible costs of a project, as described in this Community Improvement Plan to mitigate and/or adapt to the impacts of climate change and to improve the health of City residents.

Approval of all loan or grant program applications is at the absolute discretion of the City, and subject to the availability of funds.

Project costs that may be eligible for financial assistance relate to:

- Assessment of a building's drainage system, including a closed-circuit television (CCTV) inspection;

- Installation of an approved backwater valve (replacement of existing sump pumps is not eligible);
- Disconnection of downspouts;
- Replacement of a private water service line that is confirmed by the City to be substantially composed of lead; and,
- Unusually high water bills due to failure of residential plumbing systems.

Projects will contribute to the achievement of this Plan's goals and objectives as described in Section 7.

In addition to the following program summaries, Council shall adopt, by resolution, implementation measures and procedures to allow for the efficient administration of each financial incentive program. The details of the programs are contained in ~~Appendix '1' and Appendix '2'~~ appendices to this Plan, Program Guidelines ~~for the Residential Protective Plumbing Subsidy Program and Lead Water Service Replacement Loan Program~~ respectively, which provides detailed program descriptions, terms, and administration processes.

8.1.1 Residential Protective Plumbing Program

The Residential Protective Plumbing Subsidy Program was initially adopted by Council on September 30, 2009, (Report PW09082), and has been reviewed and revised several times, most recently July 4, 2016 (Report PW11056(i)). The Residential Protective Plumbing Subsidy Program provides guidance and financial assistance to existing residential property owners in the urban area seeking to undertake improvements to their eligible properties that will reduce the potential for basement flooding due to sewer surcharge. Residential properties that are owner-occupied or rented and attached to the municipal sewer system are eligible for the program provided the proposed works conform to the Ontario Building Code. The Program provides grants of up to \$2 K, and an additional loan of up to \$2 K for works that exceed the grant amount. The Program covers the following works:

- Works which are eligible for the grant under this Program are limited to the following items:
 - Assessment of the building's drainage system, including a closed-circuit television (CCTV) inspection;
 - Installation of a new approved backwater valve (replacements are not eligible);
 - Installation of a new sump pit and pump when installed in conjunction with an approved backwater valve (replacement of existing sump pumps is not eligible); and,

- Disconnection of downspouts.

This Program is a key element of the City's climate change adaptation strategy and applies to basement flooding caused by sewer surcharge only. It does not provide relief or assistance for flooding due to any other condition such as overland flooding. Appendix "A" to this Plan, formally adopted through a resolution of City Council and amended from time to time, provides the detailed program description, terms, and administration processes for the Residential Protective Plumbing Subsidy Program.

The purpose of including this program in this CIP is to extend the \$2.5 K interest bearing loan, currently available to owner-occupied residential properties, to owners of rental residential properties. The objective is to provide owners of rental residential properties with the financial support to replace their lead water service line to reduce exposure to lead for their tenants.

8.1.2 Lead Water Service Replacement Loan Program

The City's Lead Water Service Replacement Loan Program was approved by Council in October 2008 as an ongoing program following its inception as a pilot program in October 2007 (refer to Report FCS07087(a)/PW07121(a)). The purpose of the Program is to provide homeowners with the continued opportunity to access funding, through an interest-bearing loan from the City, to assist homeowners to reduce their potential risk of exposure to lead in tap water that could be coming from their private lead water service line.

Works which are eligible for the loan under this Program are limited to the replacement of a private water service line that is confirmed by the City to be substantially composed of lead.

This Program is a significant component of the City's multi-pronged proactive approach to minimize customers' exposure to lead. Appendix "B" to this Plan, formally adopted through a resolution of City Council and amended from time to time, provides the detailed program description, terms, and administration processes for the Lead Water Service Replacement Loan Program.

The purpose of including this Program in this CIP is to allow owners of rental residential properties, as well as owner-occupied residential properties, to access an interest-bearing loan further promoting the replacement of lead service lines with the potential to reduce the total lead exposure to residents of the City of Hamilton.

8.1.3 Water Leak Adjustment Program

The City's Water Leak Protection Policy was approved by Council in October 13, 2021 (refer to Report FCS21087/LS21037). The purpose of the Program is to provide limited financial relief to owners of metered rental and owner-occupied residential properties to address abnormally high water bills associated with water

leaks due to plumbing failures. This program supports this Plan's objective of promotion of health and safety of citizens, and it facilitates on-going rehabilitation and upgrading of water and wastewater infrastructure.

This Program supports the City's climate change mitigation and adaptation efforts by conserving water and reducing unanticipated flows to wastewater treatment system due to leaks. Appendix "C" to this Plan provides the detailed program description, terms, and administration processes for the Water Leak Adjustment Program.

The purpose of including this Program in this CIP is to allow owners of rental residential properties, as well as owner-occupied residential properties, to access financial assistance up to \$2.5 K once every twenty-four months to pay unexpected high water bills due to plumbing leaks and to ensure those leaks are fixed. Providing assistance also supports housing affordability challenges that arise due to unexpected repair and sudden water bill increases.

9. MONITORING

Weekly monitoring of the Residential Protective Plumbing Subsidy Program is conducted by the Public Works Department. This monitoring includes weekly reports on the number and costs of:

- Backwater valve installations;
- Downspout disconnections;
- Installations of new sump pumps; and,
- Building Permit fee reimbursements.

Compassionate Grants, given through the Residential Municipal Disaster Relief Assistance Program, are also tracked, providing a very rough estimate of the reduction of basement sewer back-ups. Overall program reports are presented to Council annually as part of the Water, Wastewater and Storm Rate Budget review process.

10. APPROVAL AND AMENDMENT PROCESS

This Community Improvement Plan will be reviewed from time-to-time to ensure that it is current and adequately reflects existing City policies and priorities, as well as Provincial policies. Monitoring and applicant feedback regarding the Community Improvement Plan and its programs may also lead to amendments and/or minor revisions to the financial incentive program descriptions and terms, included as Appendices to this Plan.

10.1 Formal Amendments

A formal amendment to this Community Improvement Plan is required in the following instances:

- To introduce any new financial incentive programs, to be added to Section 8;

- To increase the amount of financial assistance that may be provided to registered owners and assessed owners of residential properties, as described in Section 8;
- To change who may receive the financial assistance under existing or any new financial incentive programs, such as tenants and any person to whom a registered owner, assessed owner or tenant has assigned the right to receive a grant or loan, to be added to Section 8; or,
- To change the boundaries of the Community Improvement Project Area, as described in Section 6.

Formal amendments shall require approval by Council and shall be undertaken in accordance with Section 28 of the *Planning Act* and the City's Public Participation and Notification Policies contained in the Official Plans. Notification of the required Public Meeting for Community Improvement Plan Amendments shall be given at least 17 days prior to the date of the meeting. The notice shall be given in accordance with the applicable requirements of the *Planning Act* regulations.

10.2 Other Changes

Council has adopted, by resolution, detailed implementation measures to allow for the efficient administration of the financial incentive program. These administration procedures are contained in the program guidelines provided in appendices to this Community Improvement Plan. Council may discontinue the programs contained in this Plan without amendment to the Plan. Formal amendments, in accordance with Section 10.1 of this Plan, shall not be required for minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors, and policy number changes. Changes to the program guidelines not requiring a formal amendment will be adopted by City Council by resolution.

10.3 Transition

Program applications will be processed under the terms of the program in effect at the time the application was approved by Council. When program terms are revised, applications submitted and approved under the former terms of the program will be processed under the former terms unless the City receives a formal cancellation of the application.

11. APPENDICES

Appendix "A" - Residential Protective Plumbing Program Guidelines.

Appendix "B" - Lead Water Service Replacement Loan Program Guidelines

Appendix "C" - Water Leak Adjustment Program Guidelines

Schedule “B” to By-Law 21-246

Appendix “C” to Water and Wastewater Infrastructure Support Community Improvement Plan

Water Leak Adjustment Program Guidelines

1.0 Purpose

- 1.1 The following description provides details relating to eligibility for Program participation, scope of eligible works, maximum protection details and other requirements related to the Water Leak Adjustment Program (WLAP). The financial assistance available under the WLAP promotes the timely repair of house piping that has failed resulting in increased water and wastewater bills for property owners.

Water leaks can lead to serious damages to properties and can have large impacts on the environment. Water leaks typically contribute to increased wastewater directed to treatment plants, overburdening of the sanitary storm system, and contribute to increased direct discharge to the environment. Therefore, it is imperative to repair leaks as soon as possible.

2.0 City and Residential Customers Responsibilities

As outlined by the City of Hamilton (City) Waterworks By-law, the City's ownership and maintenance obligations for the water distribution system includes the public water mains and the portion of the water service line up to and including the water curb valve located at the property line. The water meter is owned and maintained by the City.

The property owner is responsible for the water service line from the water curb valve to the structure, as well as the premise plumbing and fixtures. It is the customer's responsibility to keep their water lines and plumbing system in good working order. However, water leaks do occur from time to time resulting in unexpectedly high water and wastewater bills.

3.0 Eligibility

- 3.1 All residential customers who have an individual water meter up to 50mm in size are eligible for the coverage that provides payment of unexpectedly high water and wastewater bills due to qualifying leaks. A leak is defined as an unintentional water loss caused by broken plumbing fixtures and/or pipes within a residence or building. Evidence of plumbing repair(s) must be provided for payment to occur.

The following conditions, provisions and limitations apply:

(a) Qualifying Leaks

Any leak, other than those non-qualifying leaks listed below, that generates a minimum additional charge resulting in a City water utility bill that is twice the average water bill of that customer calculated over a 12-month period, up to a maximum amount of \$2.5 K during any 24-month period. For water customers who have been on the City's water system for less than 12 months, a water leak adjustment payment will not be made until at least three months of average usage has been established.

(b) Non-Qualifying Leaks or Usage

The following leaks or use of water do not qualify for a water leak adjustment under this Program:

1. Residential customers who do not have an individual water meter and / or the meter is greater than 50mm in size;
2. Main-metered Multi-habitational;
3. Industrial, Commercial and Institutional customers;
4. Leaks associated with structures that have been left or abandoned without reasonable care for the plumbing system (i.e. unattended homes that have not had the building control water valve turned off inside the structure and water drained from plumbing system or homes that have been left for any period of time without heat);
5. Leaks on water service lines, irrigation systems or irrigation lines;
6. Filling of water features, fountains or fish ponds or leaks associated with water features;
7. Filling of, leaks associated with, and / or general water usage associated with outdoor recreational activities such as, but not limited to, hot tubs, pools, slip-n-slides and sprinklers;
8. Watering of lawns or gardens and washing or pressure-washing driveways, cars, windows or siding of any structure;
9. Negligent or intentional acts such as leaving water running (i.e. failing to winterize outside water faucets, leaving the outside faucet on, interior faucets left running, and / or any other water left on in the home without a faulty plumbing issue), meaning there must be an actual break and repair for leak reimbursement, neglect of private property;
10. Leaks in any structure other than the primary residential structure, such as, but not limited to, detached garages or storage buildings;
11. Water loss due to theft, vandalism or construction damage; and,
12. Leaks associated with water using equipment prohibited by the City's Waterworks By-law (for example, municipal water-powered backup sump pumps).

4.0 Water Leak Adjustment Protection Details

As of January 1, 2022, ServLine by HomeServe (ServLine) administers the City's Water Leak Adjustment Program. Residential water customers may claim one adjustment of up to \$2.5 K for eligible leaks on the customer's premises during any 24-month rolling period.

5.0 Submission of Claims

- 5.1 Claims must be submitted to the City's Program administrator, ServLine within 60 days from the billing date.
- 5.2 Claims must be accompanied by proof that the leak has been repaired before an adjustment will be made (i.e. copy of invoice for materials, bill from plumber, receipt for repair parts utilized by the homeowner for repair).

6.0 Limitations

- 6.1 A leak adjustment can encompass no more than four billing cycles. No customer shall receive more than one leak adjustment during any 24-month period.
- 6.2 Water leak adjustment coverage assists with the payment of high water bills due to qualifying water leaks but does not provide any reimbursement for the repair or replacement of water lines or plumbing fixtures.
- 6.3 Customers who qualify for leak adjustments will be responsible for paying their four-month average bill. ServLine will pay up to \$2.5 K of an excess water bill resulting from a qualifying leak. Amounts in excess of \$2.5 K will continue to be the responsibility of the Customer.