

Authority: Item 4, Emergency & Community
Services Report 16-007
(CES16031)
CM: August 12, 2016

Bill No. 233

CITY OF HAMILTON

BY-LAW NO. 16-233

Municipal Housing Facilities By-law

WHEREAS the City is the Service Manager under the *Housing Services Act, 2011* and is authorized to operate and manage housing, including establishing, administering and funding programs for the provision of residential accommodation in its service area;

AND WHEREAS under section 110 of the *Municipal Act, 2001* the City may enter into agreements for the provision of municipal capital facilities;

AND WHEREAS Ontario Regulation No. 603/06 sets out the classes of municipal capital facilities for which the City may enter into agreements, one such class being municipal housing project facilities;

AND WHEREAS that Regulation requires that the City enact a municipal housing facilities by-law prior to entering into a municipal capital facility agreement for a municipal housing project facility;

NOW THEREFORE Council enacts as follows:

1. In this By-law:

“Act” means the *Municipal Act, 2001* and its regulations;

“affordable housing” means:

- (a) rental housing units with a rent at or below 125% of average market rent;
- (b) for affordable homeownership, housing units with a sale price of at least 10% below the median resale price of a home;

“average market rent” means:

- (a) average monthly City rent or local area rent, whichever is higher, by unit and structure type, as determined in the annual fall survey of average market rents for the prior calendar year as provided to the City by CMHC; or
- (b) average market rent for a housing unit, by unit and structure type, for the prior calendar year as determined by the General Manager.

“CMHC” means the Canada Mortgage and Housing Corporation;

“City” means the municipal corporation known as the City of Hamilton or the geographic area of the City of Hamilton, as the context requires;

“Council” means the Council of the City;

“General Manager” means the General Manager of the Community and Emergency Services Department and includes any City staff he or she may designate to on his or her behalf;

“household income” means the gross annual income from all sources for all persons who reside in a housing unit or who will reside in a housing unit;

“housing project facility” means a project or part of a project designed to provide or facilitate the provision of rented or owned residential accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto;

“housing provider” means a person with whom the City has entered into or will enter into a housing project facility agreement;

“median resale price” means the median resale price of the same housing unit and structure type for the City as reported by the Ministry of Housing or the REALTORS Association of Hamilton-Burlington, or as determined by the General Manager;

“municipal housing project facility” means the class of municipal capital facility prescribed by paragraph 2(1)18 of Ontario Regulation No. 603/06;

“municipal housing project facility agreement” means a municipal housing project facility agreement under section 110 of the *Municipal Act, 2001*;

“municipal housing project facilities by-law” means a by-law enacted by Council under subsection 7(1)(a) of Ontario Regulation 603/06;

"structure type" means the built form of a unit including an apartment, townhouse, single detached unit, etc.;

"unit" or "housing unit" means a dwelling which is rented or owned by the occupant and includes a dwelling that is a single room;

"unit type" means the type of unit determined by the number of bedrooms.

2. Council may pass a municipal housing project facilities by-law authorizing a municipal housing project facility agreement.
3. The City shall not enter into a municipal housing project facility agreement unless the General Manager determines to his or her satisfaction that the housing units to be provided fall within the section 1 definition of affordable housing.
4. The City shall not enter into a municipal housing project facilities agreement unless the General Manager determines to his or her satisfaction that the housing units to be provided will be rented or sold to households:
 - (a) with an annual household income below the 60th income percentile for renter households in the City; and
 - (b) that do not own a residential property.
5. Every municipal housing project facility agreement for rental housing units shall:
 - (a) have a term of not less than 15 years;
 - (b) require that the housing provider and any successor housing provider ensure each unit to be provided falls within the section 1 definition of affordable housing throughout the term;
 - (c) require that the housing provider and any successor housing provider ensure annually that the tenant of each affordable housing unit to be provided meets the eligibility requirements of section 4 throughout the term;
 - (d) be registered on the title of the property to which it relates;
 - (e) be binding on the heir's, successors and assigns of the housing provider;
 - (f) before the housing provider sells the housing project facility during the term, it ensure the purchaser enter into a housing project facilities agreement with the City with the same contractual provisions;

- (g) list any benefits being conveyed to the housing provider under this by-law, including their estimated present day monetary value;
 - (h) require that, if the housing provider fails or refuses to carry out its obligation under the municipal housing facility agreement, the City seek appropriate remedies; and,
 - (i) such other contractual provisions as the City Solicitor may consider necessary or advisable to protect the interests of the City or the residents of the municipal housing facility.
6. Every municipal housing project facility agreement for owned housing units shall:
- (a) have a term of not less than 15 years;
 - (b) be registered on the title of the property to which it relates;
 - (c) be binding on the heir's, successors and assigns of the housing provider or owner;
 - (d) require that the housing provider or owner ensure that subsequent owners of each unit meet the eligibility requirements of section 4;
 - (e) list any benefits being conveyed to the housing provider under this by-law, including their estimated present day monetary value;
 - (f) require that, if the housing provider fails or refuses to carry out its obligation under the municipal housing facility agreement, the City seek appropriate remedies; and,
 - (g) such other contractual provisions as the City Solicitor may consider necessary or advisable to protect the interests of the City or the residents of the municipal housing facility.
7. An Agreement may provide for one or more of the following:
- (a) assistance as provided for in subsection 110(3) of the *Municipal Act, 2001*;
or
 - (b) tax exemptions as provided for in subsection 110(6) of the *Municipal Act, 2001*.
8. This By-law may be referred to as the Hamilton Municipal Housing Facilities By-law or the Municipal Housing Facilities By-By-law.

9. By-law No. 03-148 is repealed.
10. This By-law comes into force on the day it is passed.

PASSED this 12th day of August, 2016.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk