

DEVELOPMENT COST CHARGE WAIVER OR REDUCTION FOR NOT- FOR-PROFIT RENTAL HOUSING BYLAW *CONSOLIDATED*

THIS IS A CONSOLIDATION, FOR REFERENCE PURPOSES, OF:

- “Greater Vancouver Sewerage and Drainage District Development Cost Charge Waiver or Reduction for Not-for-Profit Rental Housing Bylaw No. 314, 2018”
(Adopted May 25, 2018).
- “Greater Vancouver Sewerage and Drainage District Development Cost Charge Waiver for Affordable Housing Amending Bylaw No. 322, 2018”
(Adopted October 26, 2018).

As of October 26, 2018

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BOARD AND INFORMATION SERVICES, METRO VANCOUVER

GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT

BYLAW NO. 314, 2018

Revised by Bylaw 322, 2018

**A Bylaw to Establish a Waiver or Reduction of Development Cost Charges
for Not-for-Profit Rental Housing**

WHEREAS:

- A. Pursuant to subsections 58.2(3.3) and (3.4) of the *Greater Vancouver Sewerage and Drainage District Act*, SBC 1956, c. 50, the Greater Vancouver Sewerage and Drainage District may, by bylaw, waive or reduce a development cost charge imposed by bylaw pursuant to section 58.2 of the *Greater Vancouver Sewerage and Drainage District Act* for an “eligible development”; and

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- B. It is deemed desirable to establish eligibility requirements and conditions for a waiver or reduction of development cost charges for not-for-profit rental housing, including affordable rental housing and student housing.

NOW THEREFORE the Board of the Greater Vancouver Sewerage and Drainage District, in open meeting assembled, enacts as follows:

1.0 CITATION

Revised by Bylaw 322, 2018

- 1.1 The official citation for this Bylaw is the “Greater Vancouver Sewerage and Drainage District Development Cost Charge Waiver or Reduction for Not-for-Profit Rental Housing Bylaw, No. 314, 2018”

2.0 INTERPRETATION

Revised by Bylaw 322, 2018

- 2.1 **Definitions.** In this Bylaw:

“Apartment Dwelling Unit” means a Dwelling Unit in a building or structure that consists or may consist of two or more storeys and contains or may contain four or more Dwelling Units, whereby the building or structure has a principal exterior entrance used in common for access to the Dwelling Units. Apartment Dwelling Unit does not include Dwelling Units that are Townhouse Dwelling Units;

“BC Housing” means the British Columbia Housing Management Commission;

“Building Permit” means any permit required by a Member Municipality that authorizes the construction, alteration or extension of a building or structure;

“CMHC” means Canada Mortgage and Housing Corporation;

“Combination Development” means any Development that comprises two or more of the following uses:

- (i) Apartment Dwelling Unit;
- (ii) Residential Dwelling Unit;
- (iii) Townhouse Dwelling Unit; and
- (iv) Non-Residential Use;

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“Development” means:

- (i) a Subdivision; or
- (ii) the construction, alteration or extension of a building or structure for which a Building Permit is obtained;

but does not include:

- (iii) an adjacent, separately titled parcel;

“Development Cost Charge” means a development cost charge payable by a registered owner to a Member Municipality on behalf of GVS&DD, pursuant to the *Greater Vancouver Sewerage and Drainage District Development Cost Charge Bylaw No. 254, 2010*;

“Dwelling Unit” means one or more rooms comprising a self-contained unit that is used or intended to be used for living and sleeping purposes and for which are provided cooking facilities, or the facilities for installation of cooking facilities, and one or more bathrooms having a sink or wash-basin, a water closet, and a shower or bath;

“Effective Date” means the date this Bylaw comes into force and takes effect;

“Eligibility Criteria” means criteria established by a Not-for-Profit Society, BC Housing, CMHC, a Non-Profit Municipal Housing Corporation or a Registered Charity or any authorized designate of the foregoing entities, used to determine eligibility of a person to occupy a dwelling unit within a Not-for-Profit Rental Housing development;

“GVS&DD” means the Greater Vancouver Sewerage and Drainage District;

“Group Home” means staffed residential housing for those with a level of disability that requires continual assistance to complete daily tasks of living (such as taking medication, dressing or bathing);

“Member Municipality” means a municipality that is a member of the GVSⅅ

“Non-Residential Use” means any building or structure or any portion of any building or structure that is not Apartment Dwelling Unit, Residential Dwelling Unit or Townhouse Dwelling Unit but for greater certainty, does not include any portion of any Residential Use building or structure that is not part of a Dwelling Unit and is used or is intended to be used solely for the purpose of gaining access to and from Dwelling Units, solely for the maintenance of the building or structure or solely by the occupants of the Dwelling Units in the building or structure;

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“Not-for-Profit Rental Housing” means:

(i) **“Not-for-Profit Affordable Rental Housing”** means Residential Use Development, Combination Development or Supportive Living Housing comprising housing that is:

1. Owned, leased or otherwise held by a Not-for-Profit Society, BC Housing, CMHC, a Non-Profit Municipal Housing Corporation or a Registered Charity at the time of any application for, or issuance of, a waiver of Development Cost Charges;
2. Operated as rental housing for people who meet Eligibility Criteria; and
3. Governed by the terms of an agreement and/or covenant with the Province of British Columbia, BC Housing, CMHC or a municipality regarding the operation of the housing and stipulating how the Dwelling Units will be occupied and managed;

but not including:

4. a community care facility under the *Community Care and Assisted Living Act*, SBC 2002, c. 75;
5. a continuing care facility under the *Continuing Care Act*, RSBC 1996, c. 70;
6. a public or private hospital under the *Hospital Act*, RSBC 1996, c. 200;
7. a Provincial mental health facility, an observation unit or a psychiatric unit designated under the *Mental Health Act*, RSBC 1996, c. 288; or
8. a housing based health facility that provides hospitality support services and personal health care;

and

(ii) **“Not-for-Profit Student Housing”** which means Residential Use Development or Combination Development that is:

9. Owned and operated by a Post-Secondary Institution at the time of any application for, or issuance of, a reduction of Development Cost Charges;
10. Purpose built to provide rental housing for students attending that institution;
11. Operated on a cost recovery basis; and
12. Governed by the terms of a covenant with the Greater Vancouver Sewerage and Drainage District confirming the use of the Development is restricted for a period of 60 years to the purpose of providing rental housing for students attending that

institution, that the housing will be operated by the Post-Secondary Institution or its designated agent, and will be operated on a cost recovery basis;

“Not-for-Profit Society” means a society registered under the *Societies Act*, SBC 2015, c. 18, in respect of which:

- (i) The society’s bylaws or constitution’s stated purpose is to provide affordable housing for low (or low and moderate) income households, or another similar purpose consistent with the type of services being provided;
- (ii) The society’s bylaws provide that the society’s directors may not be remunerated in any capacity, nor may the directors serve as employees;
- (iii) The society’s bylaws provide that upon dissolution or wind up of the society, the society’s assets will be disposed to an organization(s) with a similar not-for-profit purpose of providing affordable housing;
- (iv) Items addressed in subsections (i), (ii) and (iii) must be unalterable or otherwise restricted in accordance with the applicable legislation or regulation, or require the prior written consent of GVS&DD to alter; and
- (v) The society’s rules of conduct must be in accordance with the society’s purposes and applicable legislation;

“Non-Profit Municipal Housing Corporation” means a non-profit housing corporation established at the initiative of a municipality or regional district;

“On-Site Support Services” means services to support independent daily living that are physically offered in the building’s office or common areas, and include but are not limited to:

- (i) Health and mental health services;
- (ii) Health and community support referrals;
- (iii) Addiction services;
- (iv) Employment and education services;
- (v) Job and life skills training;
- (vi) Assistance with meal preparation or housekeeping; and
- (vii) Counselling and outreach services;

but not including personal continual assistance services such as bathing, dressing or medication assistance, as offered in a Group Home;

Added by Bylaw 322, 2018

“Post-Secondary Institution” means a college, university, special purpose university or institution as enabled pursuant to the *College and Institute Act*, RSBC 1996, c. 52;

“Registered Charity” means a charitable foundation or a charitable organization as defined in the *Income Tax Act*, R.S.C. 1985, c. 1;

- (i) The registered charity's bylaws or constitution's stated purpose is to provide affordable housing for low (or low and moderate) income households, or another similar purpose consistent with the type of services being provided;
- (ii) The registered charity's bylaws provide that the society's directors may not be remunerated in any capacity, nor may the directors serve as employees;
- (iii) The registered charity's bylaws provide that upon dissolution or wind up of the society, the society's assets will be disposed to an organization(s) with a similar charitable purpose;
- (iv) Items addressed in subsections (i), (ii) and (iii) must be unalterable or otherwise restricted in accordance with the applicable legislation or regulation, or require the prior written consent of GVS&DD to alter; and
- (v) The registered charity's rules of conduct must be in accordance with the charity's purposes and applicable legislation;

“Rent” means money paid or agreed to be paid, or value or a right given or agreed to be given, by or on behalf of a tenant to a landlord in return for the right to rent a Dwelling Unit, for the use of common areas and for services or facilities and includes any and all strata fees, regardless of whether such fees are paid directly to the landlord, but does not include any of the following:

- (vi) a security deposit;
- (vii) a pet damage deposit;
- (viii) a fee prescribed under section 97 (2) (k) of the *Residential Tenancy Act*, SBC 2002, c. 78;

“Residential Dwelling Unit” means a Dwelling Unit in a building or structure that contains or may contain up to three Dwelling Units;

“Residential Use” means Apartment Dwelling Unit, Residential Dwelling Unit, Townhouse Dwelling Unit and Townhouse Dwelling Unit;

“Sewerage Area” means any of the GVS&DD's four sewerage areas, being the Vancouver Sewerage Area, the North Shore Sewerage Area, the Lulu Island West Sewerage Area and the Fraser Sewerage Area;

“Subdivision” includes a division of land into two or more Parcels, whether by plan, apt descriptive words or otherwise under the *Land Title Act*, RSBC 1996, c. 250 or the *Strata Property Act*, SBC 1998, c. 43, the consolidation of two or more Parcels of land, and phased strata plans;

“Supportive Living Housing” means housing, not including a Group Home, that integrates Dwelling Units for persons who were previously homeless or who are at risk of homelessness, who may also

- (i) have a mental illness;

- (ii) have or be recovering from drug or alcohol addictions; or
- (iii) experience other barriers to housing;

with On-Site Support Services that are available to the residents of the Dwelling Units, where occupancy is not restricted to less than 90 days;

“Townhouse Dwelling Unit” means a Dwelling Unit in a building or structure that contains or may contain four or more Dwelling Units, whereby each Dwelling Unit has a direct exterior entrance.

- 2.2 Same Meaning.** Terms defined in the Greater Vancouver Sewerage and Drainage District Development Cost Charge Bylaw No. 254, 2010, or incorporated by reference into that Bylaw have the same meaning in this Bylaw.
- 2.3 References to an Enactment Include Its Amendments.** References in this Bylaw to an enactment include the enactment as it may be amended or replaced from time to time.

Revised by Bylaw 322, 2018

3.0 WAIVER OR REDUCTION OF DEVELOPMENT COST CHARGES

Revised by Bylaw 322, 2018

- 3..1 Waiver of Development Cost Charges for Eligible Not-for-Profit Affordable Rental Housing Development.** Notwithstanding section 4.1 of the Greater Vancouver Sewerage and Drainage District Development Cost Charge Bylaw No. 254, 2010, and subject to section 3.3 of this Bylaw, the GVS&DD will, for the following eligible development, waive to the applicable Member Municipality on behalf of the Not-for-Profit Society, BC Housing, CMHC, Non-Profit Municipal Housing Corporation or Registered Charity that is the registered owner at the time of the application for and issuance of a waiver of Development Cost Charges, Development Cost Charges that are otherwise payable:

- (i) All Dwelling Units within a Not-for-Profit Affordable Rental Housing Development, if at least thirty percent of the Dwelling Units are to be occupied by households with incomes at or below housing income limits for the corresponding size of housing unit, as set out in the current “Housing Income Limits” (HILs) table published by the BC Housing, or equivalent publication; or
- (ii) Only those Dwelling Units within a Not-for-Profit Affordable Rental Housing Development that are to be occupied by households with incomes at or below housing income limits for the corresponding size of housing unit, as set out in the current HILs table, or equivalent publication, if less than thirty percent of all of the Dwelling Units are to be occupied by such households;

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3.2 Reduction of Development Cost Charges for Eligible Not-for-Profit Student Housing Development. Notwithstanding section 4.1 of the Greater Vancouver Sewerage and Drainage District Development Cost Charge Bylaw No. 254, 2010, and subject to section 3.3 of this Bylaw, the GVS&DD will, for the following eligible development, for a Post-Secondary Institution that is the registered owner at the time of the application for and issuance of a reduction of Development Cost Charges, reduce by 50% the Development Cost Charges that are otherwise payable for:

- (i) All Dwelling Units within a Not-for-Profit Student Housing Development that are to be occupied by students attending the Post-Secondary Institution;

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3.3 No waiver pursuant to section 3.1 and no reduction pursuant to section 3.2 shall be granted unless a registered owner's application for a waiver or a reduction of Development Cost Charges in respect of Dwelling Units in a Not-for-Profit Rental Housing Development has been submitted to, and approved by the GVS&DD as fulfilling all of this Bylaw's eligibility requirements and conditions for a waiver or a reduction of Development Cost Charges;

4.0 RECORD KEEPING AND REPORTING

Revised by Bylaw 322, 2018

4.1 **Statements.** Each Member Municipality must provide statements to GVS&DD, in respect of each Sewerage Area within the Member Municipality, for every 12-month period comprising January 1 to December 31, and this will include:

- (i) the registered owner or lessee; and
- (ii) number and type of use

of all Dwelling Units (calculated in accordance with the Rate Schedules set out in the Greater Vancouver Sewerage and Drainage District Development Cost Charge Bylaw, No. 254, 2010) in respect of which building permits were required where Development Cost Charges were waived or reduced under this Bylaw;

4.2 **Reports.** GVS&DD staff will report annually to the GVS&DD Board of Directors, and any time upon the request of the Board, the number and cost of GVS&DD Development Cost Charge waivers or reductions granted under this Bylaw.