

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 49-2020

A by-law to govern the provision of municipal housing project facilities and to repeal By-law 41-2003.

WHEREAS The Regional Municipality of Peel (hereinafter referred to as the "Region") is a service manager under the *Housing Services Act, 2011*, S.O. 2011, c. 6, Sched. 1;

AND WHEREAS, the Region has adopted a Housing and Homelessness Plan pursuant to the *Housing Services Act, 2011* (hereinafter referred to as the "HHP") for the purposes of making affordable housing available and to prevent homelessness for all Peel residents;

AND WHEREAS, section 110 of the *Municipal Act, 2001*, S.O. 2001 c. 25 grants municipalities the authority to enter into agreements with private and non-profit sector entities for the provision of Municipal Capital Facilities and to provide financial and other forms of assistance to such entities;

AND WHEREAS, pursuant to Ontario Regulation 603/06, in order to enter into a Municipal Housing Project Facilities Agreement under section 110 of the *Municipal Act, 2001*, council of a municipality must enact a Municipal Housing Facility By-law;

AND WHEREAS, Council passed By-law 41-2003 being the Municipal Housing Facility By-law on July 10, 2003;

AND WHEREAS, Council now wishes to repeal By-law 41-2003 and replace it with a new and updated Municipal Housing Facility By-law in order to facilitate the provision of Affordable Housing in the Region;

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

Definitions:

1.

- a) "Act" means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and its regulations;
- b) "Affordable Housing" or "Affordable Housing Unit" means affordable housing as described in section 2 of this By-law;
- c) "CMHC" means the Canada Mortgage and Housing Corporation;
- d) "Arm's Length" means arm's length as defined under s. 251 (1) of the *Income Tax Act*, R.S.C. 1985 (5th Supp.) c. 1, as amended;
- e) "Household" means a person or group of persons who occupy the same dwelling and do not have a usual place of residence elsewhere in Canada or abroad. The dwelling may be either a collective dwelling or a private dwelling. The household may consist of a family group such as a census

- family, of two or more families sharing a dwelling, of a group of unrelated persons or of a person living alone;
- f) "Household Income" means the annual income from all sources of all persons who comprise a Household;
 - g) "Housing Project Facility" means a project or part of a project designed to provide or facilitate the provision of residential accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto as may be determined in a Housing Project Facility Agreement;
 - h) "Housing Provider" means a person with whom the Region has entered into or will enter into a Municipal Housing Project Facilities Agreement;
 - i) "Housing Unit" includes a unit in a Housing Project Facility owned or rented by an occupant;
 - j) "Local Municipality" means any one of The Corporation of the Town of Caledon, The Corporation of the City of Mississauga or The Corporation of the City of Brampton;
 - k) "Median Market Rent" means the median monthly rents by unit type as determined in the annual fall survey of rents for the prior calendar year published by the CMHC. If median market rents are not made available, the average market rents may be used or other rents as determined by the Region;
 - l) "Municipal Housing Project Facility" means the class of municipal capital facilities prescribed by paragraph 18 of section 2 of Ontario Regulation 603/06;
 - m) "Municipal Housing Project Facility Agreement" means an agreement as set out in section 3 of this By-law and described in section 110 of the Act;
 - n) "Rent Supplement Agreement" means an operating agreement under a rent supplement program established or administered by the Region;
 - o) "Unit Type" means the type of Housing Unit by number of bedrooms; and
 - p) "Waiting List" means the Peel Access to Housing centralized waiting list or such other waiting list as may be adopted by the Region for the purposes of implementing the HHP.

Affordable Housing

2. Affordable Housing for the purpose of this By-law and all Municipal Housing Project Facility agreements means either of:
- a) Housing Units offered for rent, for which the monthly rent, which may or may not be inclusive of utilities but which shall be exclusive of parking, telephone, cable and other similar fees, is at or below 170% of the Median Market Rent for the Region of Peel, City of Brampton, Town of Caledon, or City of Mississauga; or
 - b) Housing Units offered for sale, for which the sale price is at or below the maximum house price limit provided annually by the Ministry of Municipal Affairs and Housing (MMAH) for the Region (hereinafter referred to as the "Maximum House Price"). If MMAH does not provide a maximum house price limit for the Region, then the Maximum House Price shall be determined in accordance with a by-law enacted pursuant to section 3 of this By-law.

Municipal Housing Project Facility Agreements

3. Subject to section 4 of this By-law, and in accordance with section 110 of the Act, Council may pass by-laws permitting the Region to enter into Municipal Housing Project Facility Agreements with Housing Providers allowing for the provision of assistance despite section 106 of the Act and to allow for tax and development charge exemptions.

Conditions for a Municipal Housing Project Facility Agreement

4. Notwithstanding anything else in this By-law, prior to entering into a Municipal Housing Project Facility Agreement, the following conditions must be met:
 - a) Council has enacted a By-law authorizing the entering into of the Municipal Housing Project Facility Agreement for the provision of the Municipal Housing Project Facility;
 - b) The Region continues to be designated as a service manager under the *Housing Services Act, 2011*;
 - c) The Municipal Housing Project Facilities Agreement meets the requirements set out in section 8.

Notice

5. Upon passing a By-law referred to in section 3, the Clerk shall give written notice of the By-law to the Minister of Finance pursuant to section 110 (5) of the Act and to persons under section 110 (8) of the Act, if applicable.

Housing Unit Household Eligibility

6. Eligible Households for Housing Units to be provided as part of a Municipal Housing Project Facility will be selected by the Housing Provider through a process consistent with the HHP and all applicable legislation.

Waiting List

7. Unless otherwise provided by a By-law enacted pursuant to section 3 of this By-law, where the Median Market Rent is under 120%, available Affordable Housing Units subject to a Municipal Housing Project Facilities Agreement shall be made available first to eligible Households on the Waiting List. If there are no eligible Households on the Waiting List, a Housing Unit may be made available to an eligible Household that is not on the Waiting List.

Municipal Housing Project Facility Agreement Requirements

8. Municipal Housing Project Facility Agreements for Affordable Housing shall include but shall not be limited to the following terms and conditions:
 - a) A definition of Affordable Housing as found in section 2;
 - b) That all of the Housing Units to be provided as part of the Municipal Housing Project Facility meet the applicable definition of Affordable Housing as set out in section 2;
 - c) A requirement that each unit in the Municipal Housing Project Facility shall fall within the definition of Affordable Housing in section 2;
 - d) The term of the agreement, which shall not be less than twenty (20) years in the case of rental Affordable Housing Units;
 - e) The number of Affordable Housing Units to be provided, which shall not be less than 5;

- f) That public eligibility for the Housing Units to be provided as part of the Municipal Housing Project Facility shall be determined in accordance with section 6;
- g) That each Housing Unit shall be made available to Households in accordance with section 7 of this By-law, if applicable;
- h) A list of the benefits accruing to the Housing Provider under the Municipal Housing Project Facility Agreement, including the monetary value of such benefits;
- i) That the Housing Provider shall only provide Affordable Housing Units to individuals who are at Arm's Length to the Housing Provider, its shareholders, officers, directors and employees;
- j) For Affordable Housing Units offered for rent, the rents to be charged per unit, the method by which the rents may be increased during the term of the agreement and the limits on such increases;
- k) For Affordable Housing Units offered for sale, the sale price;
- l) That the Region may register the Municipal Housing Project Facilities Agreement on title;
- m) Any conditions attached to financial or other assistance given to the Housing Provider, including any such condition or requirements set forth as part of arrangements or obligations assumed by the Region with the federal or provincial government to provide Affordable Housing;
- n) The conditions respecting the sale, transfer, mortgage, encumbrance, or assignment, of any interest in the Municipal Housing Project Facility;
- o) That the Housing Provider shall be required to report annually and submit documentation therefor to the satisfaction of the Commissioner of Human Services for the Region, in the manner specified in the Municipal Housing Project Facilities Agreement;
- p) The consequences if the Housing Provider fails to comply with the terms and conditions of the Municipal Housing Project Facilities Agreement, which may include that the Housing Provider pay to the Region the financial assistance that has been provided to the Housing Provider; and
- q) Other terms and conditions satisfactory to the Region, which may include, but which are not limited to any and all forms of property transactions together with any and all general or specific security as the Region consider necessary and desirable.

Delegated Authority

- 9. Upon Regional Council enacting a By-law in accordance with section 3 of this By-law, and subject to the requirements of any such By-law, authority is delegated to the Commissioner of Human Services for the Region to:
 - a) apply for and enter into agreements with the federal and provincial governments to receive provincial and/or federal financial or other support for the Municipal Housing Project Facility; and
 - b) enter into agreements with Local Municipalities for the purposes of funding, which may include financial or other assistance, from the Local Municipality to the Region to facilitate the delivery of the Municipal Housing Project Facility

on terms consistent with the requirements of this By-law and in a form satisfactory to the Regional Solicitor.

Severability

10. If for any reason any provision, section, sub-section or paragraph of this By-law is held invalid, it is hereby declared to be the intention of Regional Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended.

Short Title

11. This By-law may be cited as the Municipal Housing Facility By-law, 2020.

Former By-law repealed

12. By-law 41-2003 is hereby repealed.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 9th day of July, 2020.

Regional Clerk

Regional Chair