

BILL 16 – 2024

HOUSING STATUTES AMENDMENT ACT, 2024

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Community Charter

1 *Section 63 of the Community Charter, S.B.C. 2003, c. 26, is amended by adding the following paragraph:*

- (g) without limiting paragraph (f), the protection of tenants as described in section 63.2.

2 *The following sections are added:*

Definitions in relation to tenant protection

63.1 In this section and sections 63.2 and 63.3:

“**owner**” means an owner of residential property that is the subject of a proposed redevelopment;

“**redevelopment**” means the following:

- (a) to demolish residential property for the purpose of constructing a new structure on the parcel on which the property was located;
- (b) to partially demolish residential property to the extent that one or more rental units within the residential property are completely and irreversibly destroyed;

“**rental unit**” includes

- (a) living accommodation rented or intended to be rented to a tenant, and
- (b) associated common areas, services, facilities and other amenities to which a tenant of the rental unit has access;

“**residential property**” means a building or part of a building that is or contains a rental unit;

“**tenancy agreement**” means a written agreement between a landlord and tenant respecting possession of a rental unit;

“**tenant**” means a tenant of a rental unit whose tenancy agreement is terminated in relation to a proposed redevelopment.

Protection of tenants on redevelopment

- 63.2** (1) The authority of a council under section 63 (g) includes the authority to require owners to give to tenants one or more of the following:
- (a) notices or information with respect to a redevelopment, a proposed redevelopment or a matter referred to in this section;
 - (b) financial compensation for the termination of tenancy agreements;
 - (c) financial or other assistance to find and relocate to comparable replacement units;
 - (d) the opportunity to exercise rights to enter new agreements for the rental of comparable units in property in which owners have an interest.
- (2) Bylaws made for the purposes of subsection (1) may do one or more of the following:
- (a) provide for the nature and extent of compensation and assistance, the manner in which it is determined, the manner in which it is given to tenants and the period in which it must be given;
 - (b) define the characteristics of comparable replacement units;
 - (c) require owners who have, or will have after redevelopment, new units available for rent to offer to rent those units to tenants
 - (i) in priority to other persons, and
 - (ii) at a rental rate that is less than the rate provided for under an applicable zoning bylaw or housing agreement.

Limits on tenant protection bylaws

- 63.3** (1) A bylaw made for the purposes of section 63.2 does not apply to the redevelopment of prescribed classes of property.
- (2) Despite a bylaw made for the purposes of section 63.2 of this Act, if
- (a) a tenant is entitled to receive financial compensation under the *Residential Tenancy Act* in relation to a redevelopment, and
 - (b) an owner is required to pay to the tenant an amount of financial compensation or financial assistance as described in section 63.2 (1) (b) or (c) of this Act,
- the amount of financial compensation referred to in paragraph (a) of this subsection must be deducted from the amount of financial compensation or financial assistance referred to in paragraph (b).
- (3) The Lieutenant Governor in Council may make regulations limiting the authority under section 63.2 to make bylaws, including imposing requirements and setting prohibitions, conditions and limitations in relation to the matters referred to in that section.

3 Section 188 (2) is amended by adding the following paragraphs:

- (c.1) money received under section 482.3 [*payment of money instead of meeting conditions*] of the *Local Government Act* in relation to the conservation or provision of amenities, which must be placed to the credit of a reserve fund in accordance with that section;
- (c.2) money received under section 482.3 of the *Local Government Act* in relation to the provision of affordable and special needs housing units, which must be placed to the credit of a reserve fund in accordance with that section;
- (c.3) money received under section 482.91 [*payment of money instead of providing affordable and special needs housing units*] of the *Local Government Act*, which must be placed to the credit of a reserve fund in accordance with that section;
- (d.1) money received under section 527.1 (4) [*transportation demand management*] of the *Local Government Act*, which must be placed to the credit of a reserve fund for the purpose of transportation demand management; .

4 Section 189 (5) is amended by adding the following paragraphs:

- (d) section 188 (2) (c.1) [*density benefits reserve fund for amenities*];
- (e) section 188 (2) (c.2) [*density benefits reserve fund for affordable and special needs housing*];
- (f) section 188 (2) (c.3) [*affordable and special needs housing reserve fund*];
- (g) section 188 (2) (d.1) [*transportation demand management reserve fund*].

Islands Trust Act

5 Section 29 (1) (b) of the *Islands Trust Act, R.S.B.C. 1996, c. 239*, is amended by adding the following subparagraphs:

- (i.01) section 482.7 [*zoning bylaws and affordable and special needs housing*];
- (i.02) sections 484 (f), 488 (1) (k) and 491 (11) [*development approval information and development permit areas for tenant protection purposes*];
- (i.2) sections 513.2 and 513.3 [*requirements to provide land for transportation purposes*]; .

Local Government Act

6 *Section 474 (1) of the Local Government Act, R.S.B.C. 2015, c. 1, is amended by adding the following paragraphs:*

- (e) policies of the local government relating to alternative forms of transportation under sections 513.1 and 513.3 [*requirements to provide land for transportation purposes*];
- (f) policies of the local government relating to transportation demand management under section 527.1 [*transportation demand management*].

7 *The following section is added to Division 5 of Part 14:*

Definitions in relation to this Division

478.1 In this Division:

“**affordable and special needs housing zoning bylaw**” means a zoning bylaw referred to in section 482.7 (1) [*zoning bylaws and affordable and special needs housing*];

“**conditional density rule**” means a density rule established under section 482 (1) [*density benefits for amenities, affordable housing and special needs housing*] to apply for a zone only on applicable conditions being met;

“**density benefits zoning bylaw**” means a zoning bylaw referred to in section 482 (1).

8 *Section 481.5 (1) is repealed.*

9 *Section 481.8 (1), as enacted by section 13 of the Housing Statutes (Residential Development) Amendment Act, 2023, S.B.C. 2023, c. 45, is repealed.*

10 *Section 482 is amended*

(a) in subsection (1) (a) by adding “subject to subsections (1.1) and (1.2),” before “establish different density rules”,

(b) by adding the following subsections:

(1.1) In relation to land that is in a transit-oriented area, a zoning bylaw must not establish a conditional density rule that entitles an owner to a higher density under subsection (1) (a) that is less than or equal to

- (a) the density of use, and
- (b) the density corresponding to the size and dimension of buildings and other structures

set out in the regulations made under section 585.51 (d) (i) [*regulations related to transit-oriented areas*] in relation to that land.

(1.2) A zoning bylaw must not establish a conditional density rule that entitles the owner of a development to a higher density under subsection (1) (a) that is less than or equal to any higher density provided to the development under an affordable and special needs housing zoning bylaw. ,

(c) by repealing subsection (2) (b) and substituting the following:

(b) subject to subsection (2.2), conditions relating to the provision of affordable and special needs housing units, including conditions respecting either or both of the following:

- (i) the ownership and management of the units;
- (ii) the number of bedrooms in the units; , **and**

(d) by adding the following subsections:

(2.2) If a zoning bylaw imposes conditions referred to in subsection (2) (b), the zoning bylaw must also impose conditions respecting the following:

- (a) subject to subsection (2.3), the required portion of affordable and special needs housing units in a development;
- (b) the form of tenure of the affordable and special needs housing units;
- (c) the affordability of the units, including the sales price of the units or the rent to be charged for the units;
- (d) the length of time during which the units are subject to conditions imposed under subsection (2) (b) and this subsection.

(2.3) The portion of affordable and special needs housing units referred to in subsection (2.2) (a) must be specified in the zoning bylaw as either or both of the following:

- (a) a proportion of all housing units in a development;
- (b) a percentage of the gross floor area of the residential component of a development.

(2.4) If a zoning bylaw imposes conditions referred to in subsection (2) (a) or (b), the zoning bylaw may, as an alternative to complying with those conditions and conditions under subsection (2.2), permit, in the circumstances set out in the zoning bylaw and at the option of the developer, the payment to the local government of an amount of money in accordance with section 482.3 *[payment of money instead of meeting conditions]*.

(2.5) In addition to the authority under section 479 (4) *[zoning bylaws]*, provisions of a zoning bylaw referred to in subsection (1) of this section may be different for one or more of the following:

- (a) different forms of tenure;
- (b) different areas;
- (c) different parcels of land;

- (d) different sizes or types of housing units;
- (e) different construction materials for housing units;
- (f) any other prescribed basis for difference.

11 The following sections are added:

**Consultation on density
benefits zoning bylaw**

- 482.1** (1) During the development of a density benefits zoning bylaw, or the development of an amendment to such a zoning bylaw, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, public authorities and organizations that the local government considers will be affected by the zoning bylaw.
- (2) No consultation is required to repeal a density benefits zoning bylaw.
- (3) The Lieutenant Governor in Council may make regulations respecting consultation under subsection (1), including regulations as follows:
- (a) establishing notice requirements and the process for consultation;
 - (b) prescribing persons, public authorities and organizations that must be consulted;
 - (c) prescribing circumstances in which no consultation is required.

**Analysis and considerations for
density benefits zoning bylaw**

- 482.2** (1) In adopting or amending a density benefits zoning bylaw, a local government must do the following:
- (a) have a financial feasibility analysis undertaken in accordance with subsection (2) and consider that analysis;
 - (b) meet any other prescribed requirements.
- (2) The financial feasibility analysis referred to in subsection (1) (a) must take into consideration any relevant matters and information, including the following:
- (a) the conditions of the local housing market;
 - (b) the costs of residential construction;
 - (c) the degree to which different factors affect the feasibility of meeting the conditions imposed under section 482 (2) (a) and (b) and (2.2);
 - (d) the amount of density required to ensure the feasibility of meeting the conditions imposed under section 482 (2) (a) and (b) and (2.2);
 - (e) any other prescribed matters or information.

- (3) A local government must make available to the public, on request, the considerations, information and analysis used to adopt or amend a density benefits zoning bylaw, but any information respecting the contemplated acquisition costs of specific properties need not be provided.
- (4) The Lieutenant Governor in Council may make regulations requiring that the financial feasibility analysis referred to in subsection (1) (a) be undertaken by an individual with a professional designation specified in the regulation.

Payment of money instead of meeting conditions

- 482.3** (1) In this section, “**capital costs**” includes
- (a) planning, engineering and legal costs, and
 - (b) interest costs
- directly related to meeting the conditions imposed under section 482 (2) (a) and (b) and (2.2).
- (2) If a developer exercises the option, referred to in section 482 (2.4), to pay money to a local government in respect of a development, the amount of money to be paid is equal to the estimated capital costs that the developer would otherwise incur to meet the conditions imposed under section 482 (2) (a) and (b) and (2.2) in respect of the development.
 - (3) The method for determining the estimated capital costs referred to in subsection (2) of this section must be specified in the density benefits zoning bylaw.
 - (4) Money referred to in section 482 (2.4) is payable at the time the building permit is issued in relation to property to which the conditions imposed under section 482 (2) (a) and (b) and (2.2) apply.
 - (5) If money is received by a local government under subsection (4) of this section in relation to the conservation or provision of amenities, the local government must
 - (a) establish a density benefits reserve fund for amenities for the purpose of conserving or providing amenities, and
 - (b) place the money to the credit of the density benefits reserve fund for amenities.
 - (6) Money in a density benefits reserve fund for amenities, together with interest on it, may be used only for the following:
 - (a) to pay the capital costs of conserving or providing amenities;
 - (b) to pay principal and interest on a debt incurred by a local government as a result of an expenditure under paragraph (a);

- (c) to pay a person or public authority under a partnering agreement in order to pay capital costs incurred by the person or public authority to conserve or provide amenities in accordance with the density benefits zoning bylaw.
- (7) If money is received by a local government under subsection (4) in relation to the provision of affordable and special needs housing units, the local government must
- (a) establish a density benefits reserve fund for affordable and special needs housing for the purpose of providing, constructing, altering or expanding affordable and special needs housing units, and
 - (b) place the money to the credit of the density benefits reserve fund for affordable and special needs housing.
- (8) Money in a density benefits reserve fund for affordable and special needs housing, together with interest on it, may be used only for the following:
- (a) to pay the capital costs of providing, constructing, altering or expanding affordable and special needs housing units;
 - (b) to pay principal and interest on a debt incurred by a local government as a result of an expenditure under paragraph (a);
 - (c) to pay any of the following for the purpose of providing, constructing, altering or expanding affordable and special needs housing units:
 - (i) a corporation incorporated by, or in which shares have been acquired by, a municipality or regional district for a purpose that includes providing affordable housing;
 - (ii) a society, other than a member-funded society as defined in section 190 of the *Societies Act*;
 - (iii) a housing cooperative, within the meaning of the *Cooperative Association Act*, that is not-for-profit;
 - (iv) a board within the meaning of the *Health Authorities Act*;
 - (v) an agent of the government or the government of Canada;
 - (vi) a registered charity as defined in section 248 (1) of the *Income Tax Act* (Canada);
 - (vii) a body within a prescribed class of bodies.
- (9) Authority to make payments under subsections (6) and (8) must be authorized by bylaw.

Providing affordable and special needs housing units elsewhere

- 482.4** (1) Despite a density benefits zoning bylaw, a local government may, by bylaw and in accordance with this section, enter into an agreement with a person under which some or all of the affordable and special needs housing units that the person is required to provide under the zoning bylaw on a parcel of land are instead provided on one or more other parcels of land.
- (2) In an agreement under subsection (1), the requirements in relation to affordable and special needs housing units must meet or exceed the requirements under the density benefits zoning bylaw.
- (3) Without limiting the matters that may be dealt with in an agreement under subsection (1), the agreement must specify the following:
- (a) the parcels of land on which the affordable and special needs housing units will be located;
 - (b) who is to provide the affordable and special needs housing units on each parcel of land;
 - (c) when the affordable and special needs housing units are to be provided on each parcel of land;
 - (d) how the provision of affordable and special needs housing units under the agreement will meet or exceed the requirements under the affordable and special needs housing zoning bylaw;
 - (e) any other prescribed information.

Effect of bylaws adopted after application for rezoning, development permit or building permit submitted

- 482.5** (1) In this section, “**in-stream**” and “**precursor application**” have the same meaning as in section 568 (1).
- (2) Subject to subsection (3), a density benefits zoning bylaw that would otherwise be applicable to the construction, alteration or extension of a building or structure has no effect with respect to that construction, alteration or extension if a precursor application to that building permit is in-stream on the date the bylaw is adopted.
- (3) Subsection (2) does not apply if the applicant for that building permit agrees in writing that the density benefits zoning bylaw should have effect.

Annual report respecting density benefits zoning bylaw

- 482.6** (1) Before June 30 in each year, a local government must prepare and consider a report that includes the following information:
- (a) any amenities conserved or provided under the density benefits zoning bylaw or section 482.3 (6);

- (b) the number of affordable and special needs housing units that are required by the density benefits zoning bylaw and for which a building permit has been issued during the previous year;
 - (c) in relation to a density benefits reserve fund for amenities required under section 482.3 (5),
 - (i) the amounts received under section 482.3 (4) in the applicable year in relation to the conservation or provision of amenities,
 - (ii) the expenditures from the density benefits reserve fund for amenities in the applicable year, and
 - (iii) the balance in the density benefits reserve fund for amenities at the start and at the end of the applicable year;
 - (d) in relation to a density benefits reserve fund for affordable and special needs housing required under section 482.3 (7),
 - (i) the amounts received under section 482.3 (4) in the applicable year in relation to the provision of affordable and special needs housing units,
 - (ii) the expenditures from the density benefits reserve fund for affordable and special needs housing in the applicable year, and
 - (iii) the balance in the density benefits reserve fund for affordable and special needs housing at the start and at the end of the applicable year;
 - (e) any other prescribed information.
- (2) The local government must make the report available to the public from the time it considers the report until June 30 in the following year.

Zoning bylaws and affordable and special needs housing

- 482.7** (1) Subject to subsection (7) and the regulations made under subsection (8), a zoning bylaw may do the following:
- (a) subject to subsection (2), require developments within a zone that are, in whole or in part, residential developments to include the portion of affordable and special needs housing units that is specified in the zoning bylaw in accordance with subsection (3);
 - (b) establish requirements in relation to the affordable and special needs housing units, including requirements respecting either or both of the following:
 - (i) the ownership and management of the units;
 - (ii) the number of bedrooms in the units;
 - (c) provide higher density to developments that are subject to requirements under paragraphs (a) and (b) and subsection (2);

- (d) as an alternative to complying with the requirements under paragraphs (a) and (b) and subsection (2), permit, in the circumstances set out in the zoning bylaw and at the option of the developer, the payment to the local government of an amount of money in accordance with section 482.91 [*payment of money instead of providing affordable and special needs housing units*].
- (2) A zoning bylaw referred to in subsection (1) must, in accordance with any regulations made under subsection (8), establish requirements respecting the following:
 - (a) the form of tenure of the affordable and special needs housing units;
 - (b) the affordability of the units, including the sales price of the units or the rent to be charged for the units;
 - (c) the length of time during which the units are subject to requirements under subsection (1) (b) and this subsection.
- (3) The portion of affordable and special needs housing units referred to in subsection (1) (a) must be specified in the zoning bylaw as either or both of the following:
 - (a) a proportion of all housing units in a development;
 - (b) a percentage of the gross floor area of the residential component of a development.
- (4) In addition to the authority under section 479 (4) [*zoning bylaws*], provisions of a zoning bylaw referred to in subsection (1) of this section may be different for one or more of the following:
 - (a) different forms of tenure;
 - (b) different areas;
 - (c) different parcels of land;
 - (d) different sizes or types of housing units;
 - (e) different construction materials for housing units;
 - (f) any other prescribed basis for difference.
- (5) A local government must, before a building permit is issued in relation to property that is subject to requirements under subsections (1) and (2), enter into a housing agreement under section 483 with the owner of the property.
- (6) In relation to land that is in a transit-oriented area, a zoning bylaw may, under subsection (1) (c), provide a development with higher density that is less than, equal to or greater than
 - (a) the density of use, and

- (b) the density corresponding to the size and dimension of buildings and other structures

set out in the regulations made under section 585.51 (d) (i) [*regulations related to transit-oriented areas*] in relation to that land.

- (7) An affordable and special needs housing zoning bylaw does not apply to a development in which all of the housing units will be owned by any of the following:
 - (a) a corporation incorporated by, or in which shares have been acquired by, a municipality or regional district for a purpose that includes providing affordable housing;
 - (b) a society, other than a member-funded society as defined in section 190 of the *Societies Act*;
 - (c) a housing cooperative, within the meaning of the *Cooperative Association Act*, that is not-for-profit;
 - (d) a board within the meaning of the *Health Authorities Act*;
 - (e) an agent of the government or the government of Canada;
 - (f) a registered charity as defined in section 248 (1) of the *Income Tax Act* (Canada);
 - (g) a body within a prescribed class of bodies.
- (8) The Lieutenant Governor in Council may make regulations respecting affordable and special needs housing zoning bylaws, including regulations as follows:
 - (a) prohibiting specified local governments from making affordable and special needs housing zoning bylaws;
 - (b) establishing a maximum portion of affordable and special needs housing units that may be specified in zoning bylaws under subsection (1) (a);
 - (c) prohibiting or restricting forms of tenure of affordable and special needs housing units;
 - (d) establishing requirements respecting the affordability of affordable and special needs housing units, including the sales price of the units or the rent to be charged for the units;
 - (e) establishing requirements respecting the length of time during which affordable and special needs housing units are subject to requirements under subsections (1) (b) and (2);
 - (f) making provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in relation to affordable and special needs housing zoning bylaws.

Consultation on affordable and special needs housing zoning bylaw

- 482.8** (1) During the development of an affordable and special needs housing zoning bylaw, or the development of an amendment to such a zoning bylaw, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, public authorities and organizations that the local government considers will be affected by the zoning bylaw.
- (2) No consultation is required to repeal an affordable and special needs housing zoning bylaw.
- (3) The Lieutenant Governor in Council may make regulations respecting consultation under subsection (1), including regulations as follows:
- (a) establishing notice requirements and the process for consultation;
 - (b) prescribing persons, public authorities and organizations that must be consulted;
 - (c) prescribing circumstances in which no consultation is required.

Analysis and considerations for affordable and special needs housing zoning bylaw

- 482.9** (1) In adopting or amending an affordable and special needs housing zoning bylaw, a local government must do the following:
- (a) have a financial feasibility analysis undertaken in accordance with subsection (2) and consider that analysis;
 - (b) consider the most recent housing needs report received by the local government under section 585.31 [*when and how housing needs report must be received*], and the housing information on which the report is based;
 - (c) consider whether the zoning bylaw would deter development;
 - (d) meet any other prescribed requirements.
- (2) The financial feasibility analysis referred to in subsection (1) (a) must take into consideration any relevant matters and information, including the following:
- (a) the conditions of the local housing market;
 - (b) the costs of residential construction;
 - (c) the degree to which different factors affect the feasibility of meeting the requirements under section 482.7 (1) and (2);
 - (d) the amount of density required to ensure the feasibility of constructing affordable and special needs housing units and not deter development;
 - (e) any other prescribed matters or information.

- (3) A local government must make available to the public, on request, the considerations, information and analysis used to adopt or amend an affordable and special needs housing zoning bylaw, but any information respecting the contemplated acquisition costs of specific properties need not be provided.
- (4) The Lieutenant Governor in Council may make regulations requiring that the financial feasibility analysis referred to in subsection (1) (a) be undertaken by an individual with a professional designation specified in the regulation.

**Payment of money instead of providing
affordable and special needs housing units**

- 482.91** (1) In this section, “**capital costs**” includes
- (a) planning, engineering and legal costs, and
 - (b) interest costs
- directly related to providing, constructing, altering or expanding affordable and special needs housing units.
- (2) If a developer exercises the option, referred to in section 482.7 (1) (d) [*zoning bylaws and affordable and special needs housing*], to pay money to a local government in respect of a development, the amount of money to be paid is equal to the estimated capital costs that the developer would otherwise incur to comply with the requirements under section 482.7 (1) (a) and (b) and (2) in respect of the development.
 - (3) The method for determining the estimated capital costs referred to in subsection (2) of this section must be specified in the affordable and special needs housing zoning bylaw.
 - (4) Money referred to in section 482.7 (1) (d) is payable at the time the building permit is issued for the development.
 - (5) If money is received by a local government under subsection (4) of this section, the local government must
 - (a) establish an affordable and special needs housing reserve fund for the purpose of providing, constructing, altering or expanding affordable and special needs housing units, and
 - (b) place the money to the credit of the affordable and special needs housing reserve fund.
 - (6) Money in an affordable and special needs housing reserve fund, together with interest on it, may be used only for the following:
 - (a) to pay the capital costs of providing, constructing, altering or expanding affordable and special needs housing units;
 - (b) to pay principal and interest on a debt incurred by a local government as a result of an expenditure under paragraph (a);

- (c) to pay any of the following for the purpose of providing, constructing, altering or expanding affordable and special needs housing units:
 - (i) a corporation incorporated by, or in which shares have been acquired by, a municipality or regional district for a purpose that includes providing affordable housing;
 - (ii) a society, other than a member-funded society as defined in section 190 of the *Societies Act*;
 - (iii) a housing cooperative, within the meaning of the *Cooperative Association Act*, that is not-for-profit;
 - (iv) a board within the meaning of the *Health Authorities Act*;
 - (v) an agent of the government or the government of Canada;
 - (vi) a registered charity as defined in section 248 (1) of the *Income Tax Act* (Canada);
 - (vii) a body within a prescribed class of bodies.
- (7) Authority to make payments under subsection (6) must be authorized by bylaw.

Providing affordable and special needs housing units elsewhere

- 482.92** (1) Despite an affordable and special needs housing zoning bylaw, a local government may, by bylaw and in accordance with this section, enter into an agreement with a person under which some or all of the affordable and special needs housing units that the person is required to provide under the zoning bylaw on a parcel of land are instead provided on one or more other parcels of land.
- (2) In an agreement under subsection (1), the requirements in relation to affordable and special needs housing units must meet or exceed the requirements under the affordable and special needs housing zoning bylaw.
 - (3) Without limiting the matters that may be dealt with in an agreement under subsection (1), the agreement must specify the following:
 - (a) the parcels of land on which the affordable and special needs housing units will be located;
 - (b) who is to provide the affordable and special needs housing units on each parcel of land;
 - (c) when the affordable and special needs housing units are to be provided on each parcel of land;
 - (d) how the provision of affordable and special needs housing units under the agreement will meet or exceed the requirements under the affordable and special needs housing zoning bylaw;
 - (e) any other prescribed information.

Effect of bylaws adopted after application for rezoning, development permit or building permit submitted

- 482.93** (1) In this section, “**in-stream**” and “**precursor application**” have the same meaning as in section 568 (1).
- (2) Subject to subsection (3), an affordable and special needs housing zoning bylaw that would otherwise be applicable to the construction, alteration or extension of a building or structure has no effect with respect to that construction, alteration or extension if a precursor application to that building permit is in-stream on the date the bylaw is adopted.
- (3) Subsection (2) does not apply if the applicant for that building permit agrees in writing that the affordable and special needs housing zoning bylaw should have effect.

Annual report respecting affordable and special needs housing zoning bylaw

- 482.94** (1) Before June 30 in each year, a local government must prepare and consider a report that includes the following information:
- (a) the number of affordable and special needs housing units that are required by the affordable and special needs housing zoning bylaw and for which a building permit has been issued during the previous year;
- (b) in relation to an affordable and special needs housing reserve fund required under section 482.91 (5),
- (i) the amounts received under section 482.91 (4) in the applicable year,
- (ii) the expenditures from the affordable and special needs housing reserve fund in the applicable year, and
- (iii) the balance in the affordable and special needs housing reserve fund at the start and at the end of the applicable year;
- (c) any other prescribed information.
- (2) The local government must make the report available to the public from the time it considers the report until June 30 in the following year.

Information requested by inspector

- 482.95** As requested by the inspector, a local government must provide the inspector with any information respecting requirements established in an affordable and special needs housing zoning bylaw, including information respecting the following:
- (a) the setting of the portion of affordable and special needs housing units that is specified in the zoning bylaw;
- (b) the establishment of requirements in relation to the affordable and special needs housing units;

- (c) the setting of higher density for developments that are subject to the requirements;
- (d) the development of the zoning bylaw and of any amendments to it, including consultations undertaken in that development.

12 Section 484 is amended by adding the following paragraph:

- (f) tenants who are or may be displaced by a redevelopment, as those terms are defined in section 63.1 of the *Community Charter [definitions in relation to tenant protection]*.

13 Section 488 (1) is amended by adding the following paragraph:

- (k) mitigation of the effects of displacement on tenants who will be or have been displaced from their rental units in relation to a redevelopment or proposed redevelopment, as those terms are defined under section 63.1 of the *Community Charter [definitions in relation to tenant protection]*.

14 Section 491 is amended by adding the following subsection:

- (11) For land within a development permit area designated under section 488 (1) (k), a development permit issued by a municipality may include requirements to comply with all or part of a bylaw made for the purposes of section 63.2 of the *Community Charter [protection of tenants on redevelopment]*.

15 Section 506 is repealed and the following substituted:

Works and services requirements

- 506** (1) A local government may, by bylaw, regulate and require the provision of works and services in respect of the development of land, and for that purpose may, by bylaw, do one or more of the following:
- (a) regulate and prescribe minimum standards for the dimensions, locations, alignment and gradient of highways in connection with the development of land;
 - (b) require that a water distribution system, a fire hydrant system, a sewage collection system, a sewage disposal system, a drainage collection system or a drainage disposal system be provided, located and constructed in accordance with the standards established in the bylaw;
 - (c) regulate and require that the following be provided, located and constructed in accordance with the standards established by the bylaw:
 - (i) highways, sidewalks, boulevards, boulevard crossings, street lighting, transit bays or underground wiring;
 - (ii) amenities, including benches, bollards, bicycle parking facilities, directional signage, parklets, street lamps, street signs, transit shelters or waste disposal and recycling containers;

- (iii) transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation, including traffic calming measures;
 - (iv) sustainable design features that provide for energy and water conservation, reduction of greenhouse gas emissions and climate resilience;
 - (v) any other thing, or classes of things, prescribed by regulation.
- (2) A bylaw under subsection (1) must not be used to prevent the development of land to the density allowed in respect of that permitted use under the applicable zoning bylaw.
- (3) A bylaw under subsection (1) may be different in relation to one or more of the following:
- (a) different circumstances;
 - (b) different areas;
 - (c) different land uses;
 - (d) different zones;
 - (e) different classes of highways.
- (4) A local government's authority under subsection (1) (b) or (c) may be exercised only in accordance with the regulations made under subsection (5).
- (5) The Lieutenant Governor in Council may make regulations
- (a) prescribing the local governments, or classes of local governments, that may make bylaws described in subsection (1) (b) or (c), and
 - (b) prescribing the dimensions, location or number of works and services referred to in subsection (1) (b) or (c).
- (6) A local government must not impose a requirement under subsection (1) (b) or (c) in respect of a subdivision under the *Strata Property Act*.

16 The following sections are added:

Required approval for certain bylaws

- 506.01** (1) The minister responsible for the administration of the *Transportation Act* may make regulations requiring approval of that minister before the adoption of a bylaw under section 506 (1) (a) or (c) [*works and services requirements*] that establishes standards or requirements in relation to highways in an area outside a municipality.
- (2) A regulation under subsection (1) may be different in relation to one or more of the following:
- (a) different bylaws;
 - (b) different classes of bylaws;

- (c) different regional districts;
- (d) different areas;
- (e) different circumstances.

Requirements in respect of certain systems

- 506.02** (1) If a local government, an improvement district or greater board operates
- (a) a community water or sewer system, or
 - (b) a drainage collection or disposal system,
- the local government may, by bylaw, require that a system referred to in section 506 (1) (b) [*works and services requirements*] be connected to the local government, improvement district or greater board system, in accordance with standards established in the bylaw.
- (2) If there is no community water system, the local government may, by bylaw, require each parcel created by the subdivision to have a source of potable water with a flow capacity at a rate established in the bylaw.

Conditions for subdivision and building permits

- 506.03** (1) As a condition of the approval of a subdivision, a local government may require the owner of the land to provide works and services, in accordance with the standards established in a bylaw under section 506 [*works and services requirements*] or 506.02, on that portion of a highway immediately adjacent to the site being subdivided, up to the centre line of the highway.
- (2) As a condition of the issue of a building permit, a local government may require the owner of the land to provide the following:
- (a) works and services, in accordance with the standards established in a bylaw under section 506 or 506.02, on the site being developed;
 - (b) works and services, in accordance with the standards established in a bylaw under section 506 or 506.02, on that portion of a highway immediately adjacent to the site being developed, up to the centre line of the highway.
- (3) Requirements under subsections (1) and (2)
- (a) may be made only to the extent that they are directly attributable to the development of land, and
 - (b) must not include specific services that are included in the calculations used to determine the amount of a development cost charge, unless the owner agrees to provide the services.
- (4) If the owner agrees to provide the services referred to in subsection (3) (b), the calculation of the development cost charge is subject to section 565 (2) to (5) [*deductions from development cost charges*].

17 Section 509 is amended

- (a) in subsection (1) by striking out “section 506 [subdivision servicing requirements]” and substituting “section 506 or 506.02 [works and services requirements]”, and**
- (b) in subsection (2) (a) (i) by striking out “section 506” and substituting “section 506 or 506.02”.**

18 Section 513 is amended

- (a) in subsection (2) by striking out “subsection (3)” and substituting “subsections (3) and (4)”, and**
- (b) by adding the following subsection:**
 - (4) The Lieutenant Governor in Council may make regulations specifying a different amount of land under subsection (2) or (3) for different local governments and different classes of local governments.

19 The following sections are added:

Requirement to provide land for alternative forms of transportation in respect of subdivisions

- 513.1** (1) In addition to any land required under section 513, an approving officer may require that the owner of the land being subdivided provide, without compensation, a portion of land for the purposes of constructing and installing sustainable design features and transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.
- (2) The land required under this section must not be greater than 5 metres in depth.
- (3) For certainty, the land required under this section and under section 513 may be used for the purposes of constructing and installing sustainable design features and transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.
- (4) The Lieutenant Governor in Council may make regulations specifying a different amount of land under subsection (2) for different local governments and different classes of local governments.

Requirement to provide land for new highway or widening existing highway in respect of building permits

- 513.2** (1) A servicing officer of a local government may require the owner of the land to provide, as a condition of issuing a building permit, without compensation, a portion of that land for highway use as referred to in subsection (2).

- (2) Subject to subsections (3), (4) and (5), the land required under this section must not be greater than the following:
 - (a) for a highway within the subdivision, 20 metres in depth;
 - (b) for widening an existing local highway that borders or is within the subdivision, the lesser of
 - (i) 10 metres in depth, and
 - (ii) the difference between the current width of a local highway and 20 metres.
- (3) If the servicing officer of a local government considers that, due to terrain and soil conditions, a roadway of a width of 8 metres cannot, within the 20-metre limit referred to in subsection (2), be adequately supported, protected or drained, the servicing officer may determine that the owner provide, without compensation, land of a greater width than that referred to in subsection (2) (a) or (b) that, in the servicing officer's opinion, would permit the local highway to be supported, protected or drained.
- (4) A local government may, by bylaw, designate as a servicing officer a person who comes within a class of persons prescribed by regulation.
- (5) The Lieutenant Governor in Council may make regulations
 - (a) specifying a different amount of land under subsection (2) or (3) for different local governments and different classes of local governments, and
 - (b) prescribing classes of persons for the purpose of subsection (4).

Requirement to provide land for alternative forms of transportation in respect of building permits

- 513.3**
- (1) In addition to any land required under section 513.2, a servicing officer of a local government may require the owner of the land to provide, as a condition of issuing a building permit, without compensation, a portion of the land for the purposes of constructing and installing sustainable design features and transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.
 - (2) The land required under this section must not be greater than 5 metres in depth.
 - (3) For certainty, the land required under this section and under section 513.2 may be used for the purposes of constructing and installing sustainable design features and transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.
 - (4) The Lieutenant Governor in Council may make regulations specifying a different amount of land under subsection (2) for different local governments and different classes of local governments.

20 *The following section is added to Division 13 of Part 14:*

Transportation demand management

527.1 (1) In this section:

“transportation demand management” means improving the movement of people and goods, reducing motor vehicle dependence and increasing sustainable transportation;

“transportation demand management measure” includes, without limitation, the following:

- (a) electric vehicle charging stations, end-of-trip facilities, secure bicycle parking facilities and secure scooter parking facilities;
 - (b) any other measure or thing to advance transportation demand management as prescribed by regulation.
- (2) Subject to subsection (3), a local government may, by bylaw, advance transportation demand management in respect of the development of land, and for that purpose may, by bylaw, do one or more of the following:
- (a) require owners or occupiers of any land, or of any building or other structure, to provide one or more transportation demand management measures;
 - (b) establish design standards for transportation demand management measures required under paragraph (a);
 - (c) as an alternative to complying with a requirement to provide transportation demand management measures under paragraph (a), permit, at the option of the owner or occupier of the land or the building or other structure, the payment to the local government of an amount of money specified in the bylaw;
 - (d) authorize the payment of money out of the reserve fund established in subsection (7).
- (3) A local government’s authority under subsection (2) may be exercised only in accordance with the regulations made under subsection (12).
- (4) Money referred to in subsection (2) (c) is payable
- (a) at the time the building permit is issued for the applicable building or other structure, or
 - (b) at the time of occupancy, if no building permit is required.
- (5) A bylaw under this section may make different provisions for one or more of the following:
- (a) different areas;
 - (b) different classes of density, density of use, tenure and use;
 - (c) different uses within a zone;

- (d) different zones.
- (6) A bylaw under this section may exempt one or more of the following from any provisions of such a bylaw:
 - (a) a class of use, or of buildings or other structures, as established by the bylaw;
 - (b) an activity or circumstance relevant to transportation demand management that is related to
 - (i) a use,
 - (ii) a building or other structure, or
 - (iii) a class of use or of buildings or other structures as established by the bylaw;
 - (c) a use, or a building or other structure, existing at the time of the adoption of a bylaw under this section.
- (7) If money is received by a local government under subsection (4), the local government must
 - (a) establish a reserve fund for the purpose of providing new and existing transportation demand management measures, and
 - (b) place the money to the credit of the reserve fund.
- (8) Money in the reserve fund, together with interest on it, may be used only for the following:
 - (a) to pay the capital costs of constructing and installing transportation demand management measures in accordance with the bylaw;
 - (b) to pay principal and interest on a debt incurred by a local government as a result of an expenditure under paragraph (a);
 - (c) to pay a person or public authority under a partnering agreement in order to pay capital costs incurred by the person or public authority to construct and install transportation demand management measures in accordance with the bylaw.
- (9) Authority to make payments under subsection (8) must be authorized by bylaw.
- (10) Before June 30 in each year, a local government must prepare and consider a report respecting the previous year in relation to the reserve fund required under this section, including the following information:
 - (a) the amounts received under subsection (4) in the applicable year;
 - (b) the expenditures from the reserve fund in the applicable year;
 - (c) the balance in the reserve fund at the start and at the end of the applicable year;

- (d) the projected timeline for future projects to be funded from the reserve fund.
 - (11) The local government must make a report under subsection (10) available to the public from the time it considers the report until June 30 in the following year.
 - (12) The Lieutenant Governor in Council may make regulations
 - (a) prescribing the local governments or classes of local governments that may make bylaws described in subsection (2), and
 - (b) prescribing the following in respect of the transportation demand measures to be provided by an owner or occupier in subsection (2) (a):
 - (i) classes of buildings or other structures;
 - (ii) design standards.
- 21 Section 540 (b) is amended by striking out “section 506 (1) (c)” and substituting “section 506 (1) (b) [works and services requirements]”.**
- 22 Section 570.4 is amended by adding the following subsection:**
- (1.1) An amenity cost charge is not payable in relation to affordable and special needs housing units that are required under an affordable and special needs housing zoning bylaw as defined in section 478.1.
- 23 Section 570.6 is amended**
- (a) in subsection (1) by striking out “one or both” and substituting “any or all”,**
 - (b) in subsection (1) by adding the following paragraph:**
 - (c) housing that is subject to requirements under an affordable and special needs housing zoning bylaw as defined in section 478.1. , **and**
 - (c) by adding the following subsection:**
 - (3.1) In making a bylaw under subsection (3) in relation to housing referred to in subsection (1) (c), the local government must consider the most recent financial feasibility analysis undertaken under section 482.9 (1) (a) [analysis and considerations for affordable and special needs housing zoning bylaw].
- 24 The following Division is added to Part 20:**

Division 5 – Density Benefits

Transition – density benefits zoning bylaws

- 797** (1) In this section, “**density benefits zoning bylaw**” has the same meaning as in section 478.1 [definitions in relation to Division 5 of Part 14].

- (2) If a local government has a density benefits zoning bylaw on the date this section comes into force, the local government must, on or before the prescribed date, amend that zoning bylaw in accordance with the following provisions:
 - (a) section 482 (1.1) [*density in transit-oriented area*];
 - (b) section 482 (2.2) and (2.3) [*mandatory conditions for affordable and special needs housing units*];
 - (c) section 482 (2.4) [*permit payment of money instead of meeting conditions*] if the amended zoning bylaw permits payments described in that provision;
 - (d) section 482.1 (1) [*consultation on density benefits zoning bylaw*];
 - (e) section 482.2 [*analysis and considerations for density benefits zoning bylaw*].
- (3) If a local government has a proposed density benefits zoning bylaw that, on the date this section comes into force, has been given first reading and the proposed zoning bylaw is subsequently adopted, the local government must, on or before the prescribed date, amend that zoning bylaw in accordance with the provisions referred to in subsection (2) (a) to (e).
- (4) Section 482.6 [*annual report respecting density benefits zoning bylaw*] does not apply to a local government before the prescribed date.
- (5) A local government is not required to have a financial feasibility analysis undertaken under section 482.2 (1) (a) [*analysis and considerations for density benefits zoning bylaw*] if
 - (a) on the date this section comes into force, a local government has had, or is having, an analysis undertaken that is equivalent to a financial feasibility analysis, and
 - (b) the analysis that is undertaken meets the requirements of section 482.2 (2) in relation to the density benefits zoning bylaw that the local government is adopting or amending.
- (6) For the purposes of this section, the Lieutenant Governor in Council may, by regulation, prescribe a date that is on or after June 30, 2025.

Vancouver Charter

- 25** *Section 193D (10) of the Vancouver Charter, S.B.C. 1953, c. 55, is amended by striking out “section 565A” and substituting “section 565A (1)”.*
- 26** *Section 199.02 (2) is amended by striking out “565A (f)” and substituting “565A (1) (f)”.*

27 Section 304 is amended by adding the following definitions:

“**transportation demand management**” has the same meaning as in section 527.1 of the *Local Government Act*;

“**transportation demand management measure**” has the same meaning as in section 527.1 of the *Local Government Act*.

28 Section 306 is amended

(a) in subsection (1) (r) by striking out “and bicycles”,

(b) in subsection (1) by adding the following paragraph:

Transportation demand management

(r.1) with respect to transportation demand management to

- (i) require owners or occupiers of any land, or of any building, to provide one or more transportation demand management measures,
- (ii) establish design standards for transportation demand management measures required under subparagraph (i) in respect of the construction, development and implementation of the measures, and
- (iii) as an alternative to complying with a requirement to provide transportation demand management measures under subparagraph (i), permit, at the option of the owner or occupier of the land or the building, the payment to the city of an amount of money specified in the by-law; , **and**

(c) by adding the following subsections:

- (11) Money referred to in subsection (1) (r.1) (iii) is payable
 - (a) at the time the building permit is issued for the applicable building, or
 - (b) at the time of occupancy, if no building permit is required.
- (12) A by-law under subsection (1) (r.1) may make different provisions for one or more of the following:
 - (a) different classes of uses or of buildings as established by the by-law;
 - (b) different activities and circumstances relevant to transportation demand management that are related to
 - (i) a use,
 - (ii) a building, or
 - (iii) a class of use or of buildingsas established by the by-law;

- (c) different areas;
 - (d) different zones;
 - (e) different uses within a zone.
- (13) A by-law under subsection (1) (r.1) may exempt one or more of the following from any provision of such a by-law:
- (a) a class of use, or of buildings, as established by the by-law;
 - (b) an activity or circumstance relevant to transportation demand management that is related to
 - (i) a use,
 - (ii) a building, or
 - (iii) a class of use or of buildingsas established by the by-law;
 - (c) a use or building existing at the time of the adoption of a by-law under this paragraph;
 - (d) residential, cultural or recreational uses of a building that is designated as a heritage site under the *Heritage Conservation Act*.
- (14) If money is received by the city under subsection (11), the city must
- (a) establish a transportation demand management measures reserve fund for the purpose of providing new and existing transportation demand management measures, and
 - (b) place the money to the credit of the transportation demand management measures reserve fund.
- (15) Money in the transportation demand management measures reserve fund, together with interest on it, may be used only for the following:
- (a) to pay the capital costs of constructing and installing transportation demand management measures in accordance with the by-law;
 - (b) to pay principal and interest on a debt incurred by Council as a result of an expenditure under paragraph (a);
 - (c) to pay a person or public authority under a partnering agreement in order to pay capital costs incurred by the person or public authority to construct and install transportation demand management measures in accordance with the by-law.
- (16) Authority to make payments under subsection (15) must be authorized by by-law.
- (17) In each year the Director of Finance must prepare and submit to the Council a report for the previous year that includes the following:
- (a) the amounts received under subsection (11) in the applicable year;

- (b) the expenditures from the transportation demand management measures reserve fund in the applicable year;
- (c) the balance in the transportation demand management measures reserve fund at the start and at the end of the applicable year;
- (d) the projected timeline for future projects to be funded from the transportation demand management measures reserve fund.

(18) As soon as practicable after receiving the report under subsection (17), the Council must consider the report and make it available to the public.

29 Section 523I is amended by adding the following subsection:

- (1.2) An amenity cost charge is not payable in relation to affordable and special needs housing units that are required under an affordable and special needs housing zoning by-law as defined in section 564B.

30 Section 523J is amended

(a) by repealing subsection (1) and substituting the following:

- (1) In this section, “**eligible development**” means a development that is eligible in accordance with an applicable by-law or regulation under this section as being for one or both of the following categories:
 - (a) for-profit affordable rental housing;
 - (b) housing that is subject to requirements under an affordable and special needs housing zoning by-law as defined in section 564B. ,

(b) by repealing subsection (3) (a) and (b) and substituting the following:

- (a) must establish what constitutes an eligible development or a class of eligible development for the purposes of one or more categories of eligible development described in subsection (1),
- (b) must establish the amount or rates of reduction for an eligible development, which may be different for different categories of eligible development described in subsection (1) or different classes of eligible development established in the by-law, and ,

(c) by adding the following subsection:

- (3.1) In making a by-law under subsection (3) in relation to housing referred to in subsection (1) (b), the Council must consider the most recent financial feasibility analysis undertaken under section 565.19 (1) (a) [*analysis and considerations for affordable and special needs housing zoning by-law*]. , **and**

(d) in subsection (5) by striking out everything after paragraph (c) and substituting the following:

what constitutes an eligible development or a class of eligible development for the purposes of one or more categories of eligible development described in subsection (1).

31 The following section is added to Division (3) of Part XXVII:

Definitions for this Division

564B. In this Division:

“affordable and special needs housing zoning by-law” means a zoning by-law referred to in section 565.17 (1) [*zoning by-laws and affordable and special needs housing*];

“conditional density rule” means a density regulation established under section 565.1 (1) [*zoning for amenities and affordable housing*] to apply for a district or zone only on applicable conditions being met;

“density benefits zoning by-law” means a zoning by-law referred to in section 565.1 (1).

32 Section 565.05 (1) is repealed.

33 Section 565.09 (1), as enacted by section 33 of the Housing Statutes (Residential Development) Amendment Act, 2023, S.B.C. 2023, c. 45, is repealed.

34 Section 565.1 is amended

(a) in subsection (1) (a) by adding “subject to subsections (1.1) and (1.2),” before “establish different density regulations”,

(b) by adding the following subsections:

(1.1) In relation to land that is in a transit-oriented area, a zoning by-law must not establish a conditional density rule that entitles an owner to a higher density under subsection (1) (a) that is less than or equal to

(a) the density of use, and

(b) the density corresponding to the height, bulk, size and floor area of buildings

set out in the regulations made under section 574.62 (e) (i) [*regulations related to transit-oriented areas*] in relation to that land.

(1.2) A zoning by-law must not establish a conditional density rule that entitles the owner of a development to a higher density under subsection (1) (a) that is less than or equal to any higher density provided to the development under an affordable and special needs housing zoning by-law. ,

(c) by repealing subsection (2) (b) and substituting the following:

- (b) subject to subsection (2.2), conditions relating to the provision of affordable and special needs housing units, including conditions respecting either or both of the following:
 - (i) the ownership and management of the units;
 - (ii) the number of bedrooms in the units; , ***and***

(d) by adding the following subsections:

- (2.2) If a zoning by-law imposes conditions referred to in subsection (2) (b), the zoning by-law must also impose conditions respecting the following:
 - (a) subject to subsection (2.3), the required portion of affordable and special needs housing units in a development;
 - (b) the form of tenure of the affordable and special needs housing units;
 - (c) the affordability of the units, including the sales price of the units or the rent to be charged for the units;
 - (d) the length of time during which the units are subject to conditions imposed under subsection (2) (b) and this subsection.
- (2.3) The portion of affordable and special needs housing units referred to in subsection (2.2) (a) must be specified in the zoning by-law as either or both of the following:
 - (a) a proportion of all housing units in a development;
 - (b) a percentage of the gross floor area of the residential component of a development.
- (2.4) If a zoning by-law imposes conditions referred to in subsection (2) (a) or (b), the zoning by-law may, as an alternative to complying with those conditions and conditions under subsection (2.2), permit, in the circumstances set out in the zoning by-law and at the option of the developer, the payment to the city of an amount of money in accordance with section 565.13 [*payment of money instead of meeting conditions*].
- (2.5) Provisions of a zoning by-law referred to in subsection (1) may be different for one or more of the following:
 - (a) different forms of tenure;
 - (b) different areas;
 - (c) different parcels of land;
 - (d) different sizes or types of housing units;
 - (e) different construction materials for housing units;
 - (f) any other prescribed basis for difference.

35 *The following sections are added:*

**Consultation on density
benefits zoning by-law**

- 565.11** (1) During the development of a density benefits zoning by-law, or the development of an amendment to such a zoning by-law, the Council must provide one or more opportunities it considers appropriate for consultation with persons, public authorities and organizations that the Council considers will be affected by the zoning by-law.
- (2) No consultation is required to repeal a density benefits zoning by-law.
- (3) The Lieutenant Governor in Council may make regulations respecting consultation under subsection (1), including regulations as follows:
- (a) establishing notice requirements and the process for consultation;
 - (b) prescribing persons, public authorities and organizations that must be consulted;
 - (c) prescribing circumstances in which no consultation is required.

**Analysis and considerations for
density benefits zoning by-law**

- 565.12** (1) In adopting or amending a density benefits zoning by-law, the Council must do the following:
- (a) have a financial feasibility analysis undertaken in accordance with subsection (2) and consider that analysis;
 - (b) meet any other prescribed requirements.
- (2) The financial feasibility analysis referred to in subsection (1) (a) must take into consideration any relevant matters and information, including the following:
- (a) the conditions of the local housing market;
 - (b) the costs of residential construction;
 - (c) the degree to which different factors affect the feasibility of meeting the conditions imposed under section 565.1 (2) (a) and (b) and (2.2);
 - (d) the amount of density required to ensure the feasibility of meeting the conditions imposed under section 565.1 (2) (a) and (b) and (2.2);
 - (e) any other prescribed matters or information.
- (3) The Council must make available to the public, on request, the considerations, information and analysis used to adopt or amend a density benefits zoning by-law, but any information respecting the contemplated acquisition costs of specific properties need not be provided.

- (4) The Lieutenant Governor in Council may make regulations requiring that the financial feasibility analysis referred to in subsection (1) (a) be undertaken by an individual with a professional designation specified in the regulation.

Payment of money instead of meeting conditions

- 565.13** (1) In this section, “**capital costs**” includes
- (a) planning, architectural, engineering and legal costs, and
 - (b) the principal and interest
- directly related to meeting the conditions imposed under section 565.1 (2) (a) and (b) and (2.2).
- (2) If a developer exercises the option, referred to in section 565.1 (2.4), to pay money to the city in respect of a development, the amount of money to be paid is equal to the estimated capital costs that the developer would otherwise incur to meet the conditions imposed under section 565.1 (2) (a) and (b) and (2.2) in respect of the development.
 - (3) The method for determining the estimated capital costs referred to in subsection (2) of this section must be specified in the density benefits zoning by-law.
 - (4) Money referred to in section 565.1 (2.4) is payable at the time the building permit is issued in relation to property to which the conditions imposed under section 565.1 (2) (a) and (b) and (2.2) apply.
 - (5) If money is received by the city under subsection (4) of this section in relation to the conservation or provision of amenities, the Council must
 - (a) establish a density benefits reserve fund for amenities for the purpose of conserving or providing amenities, and
 - (b) place the money to the credit of the density benefits reserve fund for amenities.
 - (6) Money in a density benefits reserve fund for amenities, together with interest on it, may be used only for the following:
 - (a) to pay the capital costs of conserving or providing amenities;
 - (b) to pay a person or public authority, pursuant to an agreement under which the person or public authority agrees to provide a service on behalf of the city, in order to pay capital costs incurred by the person or public authority to conserve or provide amenities in accordance with the density benefits zoning by-law.
 - (7) Payments out of a density benefits reserve fund for amenities must be authorized by a resolution of the Council, and one resolution may authorize a series of payments in respect of any amenity.

- (8) If money is received by the city under subsection (4) in relation to the provision of affordable and special needs housing units, the Council must
 - (a) establish a density benefits reserve fund for affordable and special needs housing for the purpose of providing, constructing, altering or expanding affordable and special needs housing units, and
 - (b) place the money to the credit of the density benefits reserve fund for affordable and special needs housing.
- (9) Money in a density benefits reserve fund for affordable and special needs housing, together with interest on it, may be used only for the following:
 - (a) to pay the capital costs of providing, constructing, altering or expanding affordable and special needs housing units;
 - (b) to pay any of the following for the purpose of providing, constructing, altering or expanding affordable and special needs housing units:
 - (i) a corporation incorporated by, or in which shares have been acquired by, the city or the Metro Vancouver Regional District for a purpose that includes providing affordable housing;
 - (ii) a society, other than a member-funded society as defined in section 190 of the *Societies Act*;
 - (iii) a housing cooperative, within the meaning of the *Cooperative Association Act*, that is not for profit;
 - (iv) a board within the meaning of the *Health Authorities Act*;
 - (v) an agent of the government or the government of Canada;
 - (vi) a registered charity as defined in section 248 (1) of the *Income Tax Act (Canada)*;
 - (vii) a body within a prescribed class of bodies.
- (10) Payments out of a density benefits reserve fund for affordable and special needs housing must be authorized by a resolution of the Council, and one resolution may authorize a series of payments in respect of any housing project.

Providing affordable and special needs housing units elsewhere

- 565.14** (1) Despite a density benefits zoning by-law, the Council may, by by-law and in accordance with this section, enter into an agreement with a person under which some or all of the affordable and special needs housing units that the person is required to provide under the zoning by-law on a parcel of land are instead provided on one or more other parcels of land.
- (2) In an agreement under subsection (1), the requirements in relation to affordable and special needs housing units must meet or exceed the requirements under the density benefits zoning by-law.

- (3) Without limiting the matters that may be dealt with in an agreement under subsection (1), the agreement must specify the following:
 - (a) the parcels of land on which the affordable and special needs housing units will be located;
 - (b) who is to provide the affordable and special needs housing units on each parcel of land;
 - (c) when the affordable and special needs housing units are to be provided on each parcel of land;
 - (d) how the provision of affordable and special needs housing units under the agreement will meet or exceed the requirements under the affordable and special needs housing zoning by-law;
 - (e) any other prescribed information.

Effect of by-laws adopted after application for rezoning, development permit or building permit submitted

- 565.15** (1) In this section, “**in-stream**” and “**precursor application**” have the same meaning as in section 523D (8.3) [*development cost levies*].
- (2) Subject to subsection (3), a density benefits zoning by-law that would otherwise be applicable to the construction, alteration or extension of a building or structure has no effect with respect to that construction, alteration or extension if a precursor application to that building permit is in-stream on the date the by-law is adopted.
 - (3) Subsection (2) does not apply if the applicant for that building permit agrees in writing that the density benefits zoning by-law should have effect.

Annual report respecting density benefits zoning by-law

- 565.16** (1) In each year, the Director of Finance must prepare and submit to Council a report that includes the following information:
- (a) any amenities conserved or provided under the density benefits zoning by-law or section 565.13 (6);
 - (b) the number of affordable and special needs housing units that are required by the density benefits zoning by-law and for which a building permit has been issued during the previous year;
 - (c) in relation to a density benefits reserve fund for amenities required under section 565.13 (5),
 - (i) the amounts received under section 565.13 (4) in the applicable year in relation to the conservation or provision of amenities,
 - (ii) the expenditures from the density benefits reserve fund for amenities in the applicable year, and

- (iii) the balance in the density benefits reserve fund for amenities at the start and at the end of the applicable year;
 - (d) in relation to a density benefits reserve fund for affordable and special needs housing required under section 565.13 (8),
 - (i) the amounts received under section 565.13 (4) in the applicable year in relation to the provision of affordable and special needs housing units,
 - (ii) the expenditures from the density benefits reserve fund for affordable and special needs housing in the applicable year, and
 - (iii) the balance in the density benefits reserve fund for affordable and special needs housing at the start and at the end of the applicable year;
 - (e) any other prescribed information.
- (2) As soon as practicable after receiving the report, the Council must consider the report and make it available to the public.

Zoning by-laws and affordable and special needs housing

- 565.17** (1) Subject to subsection (7) and the regulations made under subsection (8), a zoning by-law may do the following:
- (a) subject to subsection (2), require developments within a zone that are, in whole or in part, residential developments to include the portion of affordable and special needs housing units that is specified in the zoning by-law in accordance with subsection (3);
 - (b) establish requirements in relation to the affordable and special needs housing units, including requirements respecting either or both of the following:
 - (i) the ownership and management of the units;
 - (ii) the number of bedrooms in the units;
 - (c) provide higher density to developments that are subject to requirements under paragraphs (a) and (b) and subsection (2);
 - (d) as an alternative to complying with the requirements under paragraphs (a) and (b) and subsection (2), permit, in the circumstances set out in the zoning by-law and at the option of the developer, the payment to the city of an amount of money in accordance with section 565.191 [*payment of money instead of providing affordable and special needs housing units*].
- (2) A zoning by-law referred to in subsection (1) must, in accordance with any regulations made under subsection (8), establish requirements respecting the following:
- (a) the form of tenure of the affordable and special needs housing units;

- (b) the affordability of the units, including the sales price of the units or the rent to be charged for the units;
 - (c) the length of time during which the units are subject to requirements under subsection (1) (b) and this subsection.
- (3) The portion of affordable and special needs housing units referred to in subsection (1) (a) must be specified in the zoning by-law as either or both of the following:
- (a) a proportion of all housing units in a development;
 - (b) a percentage of the gross floor area of the residential component of a development.
- (4) Provisions of a zoning by-law referred to in subsection (1) may be different for one or more of the following:
- (a) different forms of tenure;
 - (b) different areas;
 - (c) different parcels of land;
 - (d) different sizes or types of housing units;
 - (e) different construction materials for housing units;
 - (f) any other prescribed basis for difference.
- (5) The Council must, before a building permit is issued in relation to property that is subject to requirements under subsections (1) and (2), enter into a housing agreement under section 565.2 with the owner of the property.
- (6) In relation to land that is in a transit-oriented area, a zoning by-law may, under subsection (1) (c), provide a development with higher density that is less than, equal to or greater than
- (a) the density of use, and
 - (b) the density corresponding to the height, bulk, size and floor area of buildings
- set out in the regulations made under section 574.62 (e) (i) [*regulations related to transit-oriented areas*] in relation to that land.
- (7) An affordable and special needs housing zoning by-law does not apply to a development in which all of the housing units will be owned by any of the following:
- (a) a corporation incorporated by, or in which shares have been acquired by, the city or the Metro Vancouver Regional District for a purpose that includes providing affordable housing;
 - (b) a society, other than a member-funded society as defined in section 190 of the *Societies Act*;
 - (c) a housing cooperative, within the meaning of the *Cooperative Association Act*, that is not for profit;

- (d) a board within the meaning of the *Health Authorities Act*;
 - (e) an agent of the government or the government of Canada;
 - (f) a registered charity as defined in section 248 (1) of the *Income Tax Act* (Canada);
 - (g) a body within a prescribed class of bodies.
- (8) The Lieutenant Governor in Council may make regulations respecting affordable and special needs housing zoning by-laws, including regulations as follows:
- (a) establishing a maximum portion of affordable and special needs housing units that may be specified in zoning by-laws under subsection (1) (a);
 - (b) prohibiting or restricting forms of tenure of affordable and special needs housing units;
 - (c) establishing requirements respecting the affordability of affordable and special needs housing units, including the sales price of the units or the rent to be charged for the units;
 - (d) establishing requirements respecting the length of time during which affordable and special needs housing units are subject to requirements under subsections (1) (b) and (2);
 - (e) making provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in relation to affordable and special needs housing zoning by-laws.

Consultation on affordable and special needs housing zoning by-law

- 565.18** (1) During the development of an affordable and special needs housing zoning by-law, or the development of an amendment to such a zoning by-law, the Council must provide one or more opportunities it considers appropriate for consultation with persons, public authorities and organizations that the Council considers will be affected by the zoning by-law.
- (2) No consultation is required to repeal an affordable and special needs housing zoning by-law.
- (3) The Lieutenant Governor in Council may make regulations respecting consultation under subsection (1), including regulations as follows:
- (a) establishing notice requirements and the process for consultation;
 - (b) prescribing persons, public authorities and organizations that must be consulted;
 - (c) prescribing circumstances in which no consultation is required.

**Analysis and considerations for
affordable and special needs housing zoning by-law**

- 565.19** (1) In adopting or amending an affordable and special needs housing zoning by-law, the Council must do the following:
- (a) have a financial feasibility analysis undertaken in accordance with subsection (2) and consider that analysis;
 - (b) consider the most recent housing needs report received by the Council under section 574.4 [*when and how housing needs report must be received*], and the housing information on which the report is based;
 - (c) consider whether the zoning by-law would deter development;
 - (d) meet any other prescribed requirements.
- (2) The financial feasibility analysis referred to in subsection (1) (a) must take into consideration any relevant matters and information, including the following:
- (a) the conditions of the local housing market;
 - (b) the costs of residential construction;
 - (c) the degree to which different factors affect the feasibility of meeting the requirements under section 565.17 (1) and (2);
 - (d) the amount of density required to ensure the feasibility of constructing affordable and special needs housing units and not deter development;
 - (e) any other prescribed matters or information.
- (3) The Council must make available to the public, on request, the considerations, information and analysis used to adopt or amend an affordable and special needs housing zoning by-law, but any information respecting the contemplated acquisition costs of specific properties need not be provided.
- (4) The Lieutenant Governor in Council may make regulations requiring that the financial feasibility analysis referred to in subsection (1) (a) be undertaken by an individual with a professional designation specified in the regulation.

**Payment of money instead of providing
affordable and special needs housing units**

- 565.191** (1) In this section, “**capital costs**” includes
- (a) planning, architectural, engineering and legal costs, and
 - (b) the principal and interest
- directly related to providing, constructing, altering or expanding affordable and special needs housing units.

- (2) If a developer exercises the option, referred to in section 565.17 (1) (d) [*zoning by-laws and affordable and special needs housing*], to pay money to the city in respect of a development, the amount of money to be paid is equal to the estimated capital costs that the developer would otherwise incur to comply with the requirements under section 565.17 (1) (a) and (b) and (2) in respect of the development.
- (3) The method for determining the estimated capital costs referred to in subsection (2) of this section must be specified in the affordable and special needs housing zoning by-law.
- (4) Money referred to in section 565.17 (1) (d) is payable at the time the building permit is issued for the development.
- (5) If money is received by the city under subsection (4) of this section, the Council must
 - (a) establish an affordable and special needs housing reserve fund for the purpose of providing, constructing, altering or expanding affordable and special needs housing units, and
 - (b) place the money to the credit of the affordable and special needs housing reserve fund.
- (6) Money in an affordable and special needs housing reserve fund, together with interest on it, may be used only for the following:
 - (a) to pay the capital costs of providing, constructing, altering or expanding affordable and special needs housing units;
 - (b) to pay any of the following for the purpose of providing, constructing, altering or expanding affordable and special needs housing units:
 - (i) a corporation incorporated by, or in which shares have been acquired by, the city or the Metro Vancouver Regional District for a purpose that includes providing affordable housing;
 - (ii) a society, other than a member-funded society as defined in section 190 of the *Societies Act*;
 - (iii) a housing cooperative, within the meaning of the *Cooperative Association Act*, that is not for profit;
 - (iv) a board within the meaning of the *Health Authorities Act*;
 - (v) an agent of the government or the government of Canada;
 - (vi) a registered charity as defined in section 248 (1) of the *Income Tax Act* (Canada);
 - (vii) a body within a prescribed class of bodies.
- (7) Payments out of an affordable and special needs housing reserve fund must be authorized by a resolution of the Council, and one resolution may authorize a series of payments in respect of any housing project.

Providing affordable and special needs housing units elsewhere

- 565.192** (1) Despite an affordable and special needs housing zoning by-law, the Council may, by by-law and in accordance with this section, enter into an agreement with a person under which some or all of the affordable and special needs housing units that the person is required to provide under the zoning by-law on a parcel of land are instead provided on one or more other parcels of land.
- (2) In an agreement under subsection (1), the requirements in relation to affordable and special needs housing units must meet or exceed the requirements under the affordable and special needs housing zoning by-law.
- (3) Without limiting the matters that may be dealt with in an agreement under subsection (1), the agreement must specify the following:
- (a) the parcels of land on which the affordable and special needs housing units will be located;
 - (b) who is to provide the affordable and special needs housing units on each parcel of land;
 - (c) when the affordable and special needs housing units are to be provided on each parcel of land;
 - (d) how the provision of affordable and special needs housing units under the agreement will meet or exceed the requirements under the affordable and special needs housing zoning by-law;
 - (e) any other prescribed information.

Effect of by-laws adopted after application for rezoning, development permit or building permit submitted

- 565.193** (1) In this section, “**in-stream**” and “**precursor application**” have the same meaning as in section 523D (8.3) [*development cost levies*].
- (2) Subject to subsection (3), an affordable and special needs housing zoning by-law that would otherwise be applicable to the construction, alteration or extension of a building or structure has no effect with respect to that construction, alteration or extension if a precursor application to that building permit is in-stream on the date the by-law is adopted.
- (3) Subsection (2) does not apply if the applicant for that building permit agrees in writing that the affordable and special needs housing zoning by-law should have effect.

Annual report respecting affordable and special needs housing zoning by-law

- 565.194** (1) In each year, the Director of Finance must prepare and submit to Council a report that includes the following information:
- (a) the number of affordable and special needs housing units that are required by the affordable and special needs housing zoning by-law and for which a building permit has been issued during the previous year;
 - (b) in relation to an affordable and special needs housing reserve fund required under section 565.191 (5),
 - (i) the amounts received under section 565.191 (4) in the applicable year,
 - (ii) the expenditures from the affordable and special needs housing reserve fund in the applicable year, and
 - (iii) the balance in the affordable and special needs housing reserve fund at the start and at the end of the applicable year;
 - (c) any other prescribed information.
- (2) As soon as practicable after receiving the report, the Council must consider the report and make it available to the public.

Information requested by minister

- 565.195** As requested by the minister, Council must provide the minister with any information respecting requirements established in an affordable and special needs housing zoning by-law, including information respecting the following:
- (a) the setting of the portion of affordable and special needs housing units that is specified in the zoning by-law;
 - (b) the establishment of requirements in relation to the affordable and special needs housing units;
 - (c) the setting of higher density for developments that are subject to the requirements;
 - (d) the development of the zoning by-law and of any amendments to it, including consultations undertaken in that development.

36 Section 565A is amended

(a) by renumbering the section as section 565A (1),

(b) in subsection (1) by adding the following paragraph:

- (a.1) requiring that, as a condition of approving a development, a person provide public amenities, facilities or utilities or provide land for such purposes or require that the person retain and enhance natural physical features of a parcel being developed; , **and**

(c) by adding the following subsection:

- (2) A by-law under subsection (1) (a.1) must not be used to prevent the development of land to a density of use permitted under the applicable zoning by-law.

37 Section 571E is amended by adding the following subsections:

- (3) The Lieutenant Governor in Council may make regulations prescribing the dimensions, location or number of public amenities, facilities or utilities, or land required as part of a development referred to in section 565A (1) (a.1).
- (4) The Lieutenant Governor in Council may make regulations respecting any matter for which regulations are contemplated by this Division.

38 Section 578 (2) is amended by striking out “section 565A (d.1)” and substituting “section 565A (1) (d.1)”.

39 Section 579 is amended

(a) in subsection (1) by striking out “section 565A (d) or (d.1)” and substituting “section 565A (1) (d) or (d.1)”, and

(b) in subsection (2) by striking out “section 565A (d.1)” and substituting “section 565A (1) (d.1)”.

40 Section 595A (2) (b) is amended by striking out “section 565A (d)” and substituting “section 565A (1) (d)”.

41 The following Division is added to Part XXXI:

Division (5) — Density Benefits

Transition – density benefits zoning by-laws

- 634** (1) In this section, “**density benefits zoning by-law**” has the same meaning as in section 564B [*definitions for Division (3) of Part XXVII*].
- (2) The Council must, on or before the prescribed date, amend its density benefits zoning by-law in accordance with the following provisions:
 - (a) section 565.1 (1.1) [*density in transit-oriented area*];
 - (b) section 565.1 (2.2) and (2.3) [*mandatory conditions for affordable and special needs housing units*];
 - (c) section 565.1 (2.4) [*permit payment of money instead of meeting conditions*] if the amended zoning by-law permits payments described in that provision;

- (d) section 565.11 (1) *[consultation on density benefits zoning by-law]*;
 - (e) section 565.12 *[analysis and considerations for density benefits zoning by-law]*.
- (3) If the Council has a proposed density benefits zoning by-law that, on the date this section comes into force, has been given first reading and the proposed zoning by-law is subsequently adopted, the Council must, on or before the prescribed date, amend that zoning by-law in accordance with the provisions referred to in subsection (2) (a) to (e).
 - (4) Section 565.16 *[annual report respecting density benefits zoning by-law]* does not apply before the prescribed date.
 - (5) The Council is not required to have a financial feasibility analysis undertaken under section 565.12 (1) (a) *[analysis and considerations for density benefits zoning by-law]* if
 - (a) on the date this section comes into force, the Council has had, or is having, an analysis undertaken that is equivalent to a financial feasibility analysis, and
 - (b) the analysis that is undertaken meets the requirements of section 565.12 (2) in relation to the density benefits zoning by-law that the Council is adopting or amending.
 - (6) For the purposes of this section, the Lieutenant Governor in Council may, by regulation, prescribe a date that is on or after June 30, 2025.

Commencement

- 42** This Act comes into force on the date of Royal Assent.