

Appeals – Feb 9, 2012
Community Planning & Economic Development Standing Committee – Feb 9, 2012
Audit & Finance Standing Committee – Feb 15, 2012
Transportation Standing Committee – Feb 23, 2012
Executive Standing Committee – Feb 27, 2012
Environment & Sustainability Standing Committee – March 1, 2012

TO: Chairs and Members of HRM Standing Committees

Original Signed

SUBMITTED BY: Jennifer Church, Managing Director, Government Relations & External Affairs

DATE: January 30, 2012

SUBJECT: HRM Legislative Requests Strategy

INFORMATION REPORT

ORIGIN

- October 25, 2011 Council Information Report “2011-12 Government Relations Priority Areas”

BACKGROUND

HRM has a backlog of approximately 30 outstanding legislative amendment requests before the Provincial government, dating back as far as 2006. In an effort to increase the number of requests passed by the Legislature, HRM has been altering the way it advocates for legislative amendments by taking a more pro-active approach. In keeping with the coordinated approach to government relations outlined in the October 2011 report referenced above, HRM is focusing on amendments that achieve key strategic priorities with long-term impact – in particular, the Regional Centre and economic development, which represent two of HRM’s top government relations priorities. HRM has developed a package of related amendments, which address economic development objectives of both the HRM and Provincial governments. This will help focus attention on some of HRM’s key requests rather than pursuing a number of unrelated issues, and have a greater overall impact on municipal functions.

DISCUSSION

A comprehensive legislation package has been developed which brings together ten amendment requests that would strengthen the Regional Centre and support the objectives of both the HRM Economic Strategy and Provincial JobsHere strategy. With 42% of the population and 46% of the provincial economy, HRM has the ability to help the Province achieve its economic goals to a significant degree. Our 2011-16 Economic Strategy was developed in close consultation with the NS Department of Economic & Rural Development and Tourism and is intended to be implemented in conjunction with JobsHere in order to achieve maximum outcomes.

There have been several reports in the last two years that confirm the importance of urban centres to regional economies as a whole. This is particularly true for HRM and Nova Scotia. Both Donald Savoie and Elizabeth Beale in their 2010 and 2009 reports to the Provincial government state that Nova Scotia's economic success depends in large part on Halifax, due to its influence over the provincial economy. Furthermore, in Halifax 70% of jobs are within a 5 km radius of City Hall. Every one of our key economic sectors have a presence in the urban core: universities, finance, government, shipbuilding, medical and ocean sciences, the Port, culture, entertainment and tourism. Downtown is the very heart of our economic engine. Strengthening the downtown and Regional Centre is the focus of HRM's Economic Strategy, the Corporate Plan's Economic Prosperity outcome area, the Capital Ideas approach to development, and the Regional Plan.

The Regional Centre and economic development themes were chosen because of their alignment with HRM's 2011-12 Government Relations priorities and with provincial priority focus areas – particularly economic development. It is also an area where there were a significant number of outstanding legislative requests.

The Regional Centre and economic development are two of Council's four government relations priority areas for 2011-12. To maximize economic opportunities, HRM needs the ability to strengthen the Regional Centre. The legislative request package being put forward for the upcoming Spring session focuses on tools HRM needs to attract people, business and investment, encourage densification and sustainability, and strengthen local governance. Some of them, such as density bonusing and Capital Cost Contributions, are a key part of the Regional Plan Review currently underway. A complete list of the ten amendments is attached to this report.

In addition to taking a more strategic approach with regards to the amendments put forward at the Spring session, HRM is also developing an advocacy strategy that will raise the profile of its legislative requests with Provincial representatives and with community stakeholders. It includes opportunities for HRM to engage partners and advocate for HRM's amendment requests. Standing Committee chairs may want to review the package of amendment requests attached and engage their provincial counterparts to encourage their support. Briefing materials will be available to support Mayor and members of Council in supporting these efforts. Key facts that support HRM's requests for its legislative amendments that support economic development and the Regional Centre include:

- Strengthening the economy and growing the population are key priorities for both HRM and the Province.
- HRM is 42% of Nova Scotia's population and generates 46% of its economy
- HRM has a vital role to play in Nova Scotia's economic objectives and outcomes
- 70% of the jobs in HRM are within a 5 km radius of City Hall. The Regional Centre is the economic engine of our municipality and province, and measures that strengthen it will create benefits for all.
- HRM is committed to enhancing the attractiveness of the Regional Centre to both people and business through densification, sustainable growth and quality community design.
- To do this, HRM needs the tools to encourage affordable housing, beautification, utilization of existing infrastructure, diverse communities and strengthened local governance.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

An engagement strategy is being undertaken as described in this report.

ATTACHMENTS

Spring 2012 HRM Legislative Amendment Requests

Report Prepared by: Anne Totten, Corporate Policy Analyst, 490-5623

Original signed

Report Approved by: Jennifer Church, Managing Director, Government Relations & External Affairs,
490-3677

Spring 2012 HRM Legislative Amendment Requests

- 1) Density Bonusing [HRM Charter – s.235 (5)(k)]
- 2) Capital Cost Contributions [Charter - s. 104]
- 3) Design Control [HRM Charter – s.246 (3)]
- 4) Heritage Property Act [Heritage Property Act - s. 17, 18]
- 5) Senior Citizen Housing [Human Rights Act]
- 6) Community Council Powers [Charter - s. 25, 29, 30]
- 7) District Boundary Review [MGA - s.354]
- 8) Municipal Code of Conduct Enforcement Powers [Charter - s. 16A]
- 9) In-Camera Discussions of Intergovernmental Matters [Charter - S. 19(2)(h), S.19(2) (i)]
- 10) Service on Clerk [HRM Charter]

I) COMMUNITY BUILDING FOR ECONOMIC PROSPERITY

HRM will be presenting a package of legislative amendments to the fall session of the Legislature, which cumulatively will greatly enhance economic development initiatives in the municipality, and in particular the regional centre.

Strengthening the economy and growing the population are key priorities for both HRM and the Province. The 2011-12 Provincial budget positions JobsHere, Nova Scotia's economic development strategy, as second only to health care in terms of importance. HRM fully supports JobsHere and, with 42% of the population and 46% of the provincial economy, feels it has a major role in helping achieve economic development objectives. Our recently-adopted Economic Strategy was developed in close consultation with the NS Department of Economic & Rural Development and Tourism and is intended to be implemented in conjunction with JobsHere in order to achieve maximum outcomes.

There have been several reports in the last two years that confirm the importance of urban centres to regional economies as a whole. The Atlantic Provinces Economic Council's summer 2010 *Atlantic Report* states that "the future competitiveness of Atlantic Canada depends in large part on ensuring that cities are attractive places for people to live and work and companies to do business." Both Donald Savoie and Elizabeth Beale in their 2010 and 2009 reports to the Provincial government state that Nova Scotia's economic success depends in large part on Halifax, due to its influence over the provincial economy. The Conference Board of Canada's report on hub cities demonstrates that a province or region's "hub

city” - its economically leading census metropolitan area —“should be targeted for strategic investment in order to produce a truly nationwide economic impact across Canada. This investment approach would produce “win-win” gains for big cities and smaller communities alike.”

In Halifax, 70% of jobs are within a 5 km radius of City Hall. Every one of our key economic sectors have a presence in the urban core: universities, finance, government, shipbuilding, medical and ocean sciences, the Port, culture, entertainment and tourism. Downtown is the very heart of our economic engine and both the HRM and Provincial strategies aim to strengthen it, attracting more business and people.

In summer 2010 Regional Council unanimously approved *Capital Ideas*, an approach to growing our urban core that focuses on partnership, infrastructure, and “Smart Growth.” Smart Growth is a collection of land use and development principles that emphasize densification and redevelopment in areas that are already served by hard and soft infrastructure (streets, pipes, water and power connections, transit, parks, recreation facilities, etc). This is a key consideration, as the cost of providing services to high density areas is much less than constructing new infrastructure to service new developments farther from the core. Smart Growth creates sustainable communities, where there is less sprawl, fewer cars on the road, and attractive and vibrant areas where people can live, work and spend leisure time. Attracting a critical mass of people will in turn create prosperity for the municipality and the province.

To enhance HRM’s capacity to promote Smart Growth and densification, the Municipality is requesting that its ability to implement Capital Cost Contributions (CCCs) be expanded. CCCs are rates paid by developers to help recover the cost of future infrastructure needed to support growth – in essence, a form of user pay for future users. The amount is determined based on the level of benefit received by the new development. HRM currently has the ability to require CCCs for two services region-wide: water and waste resources; and a third similar “Charge Area” to fund transportation in specific developments. HRM would like to expand CCC eligibility to include costs related to Fire Services, Recreation Facilities, Libraries and growth related studies. The benefit of these charges is the incentive they provide to increase density, reduce sprawl, and utilize existing services. They ease the burden on governments to build new infrastructure, allowing them to focus more on maintaining and improving existing services. Without CCCs, all residents must foot the bill for services to new developments, either through tax increases or reduced services.

Increasing density and creating sustainable neighbourhoods means bringing more people onto the peninsula and creating “growth nodes” in developed areas. To do this, HRM needs to build upon the principles of the HRMbyDesign downtown planning strategy. There are two such amendments that are absolutely critical to achieving this. They are both tools which are allowed in all other Nova Scotia municipalities and the Halifax downtown core (the area under HRMbyDesign legislation), but not throughout the rest of HRM:

- Bonus Zoning. Having the ability to grant bonus zoning throughout the entire municipality is imperative to addressing issues of affordability and beautification needed to attract people.

Bonus zoning is the ability to grant extra density to developers in return for a public benefit to their site – for example, a set number of units reserved for affordable housing, or green space reserved for resident/public use. These kinds of mixed use developments are required to build the kind of integrated communities that attract people and businesses. However currently only the downtown Halifax core is permitted to undertake bonus zoning. HRM wishes to put the entire municipality on a level playing field regarding planning and development regulations by extending bonus zoning throughout the municipality, allowing each area the opportunity to create green, attractive communities.

- Design Control. The ability to ensure a minimum level of architectural design and beautification through a more efficient process is essential to encouraging higher quality design. The aim is to focus on “red carpet, not red tape” by streamlining the development process to encourage investment and development, using the same rules throughout the entire municipality.

Halifax’s historic and unique urban core is one of its main strengths in attracting people and tourist/convention dollars. Downtown Halifax is one of the oldest urban centres in Canada and it has been able to maintain its character and appeal through far-sighted legislation that dates back several decades, beginning with the protection of the Historic Properties in the 1970’s. HRM wants to maintain this tradition & enhance our downtown economics by strengthening the protection of registered municipal heritage properties. Clerical errors from early heritage registrations in particular have defeated the intent of heritage designations. HRM is seeking a sunset clause of 90 days following registration for clerical errors.

Integrated communities include people of all backgrounds and ages living within easy distance of shops and services. One of the fastest growing segments of our population in HRM and in Nova Scotia is senior citizens. Accordingly, the demand for housing that meets the specific needs of seniors is expected to grow. There are many benefits to creating housing options that accommodate those needs while keeping senior citizens within the broader community – particularly in areas where they have easy access to transit, medical services, shops, recreation and social opportunities. If there was the ability to designate housing specifically for senior citizens, it is likely that many people would be able to remain active and part of the community while having their accommodation needs met.

Seniors only housing is quite widespread in Nova Scotia in spite of the fact that the N.S. Human Rights Act prohibits housing restricted on the basis of age. Other provinces have dealt with this by exempting seniors’ housing from human rights legislation. HRM urges the Province to do the same. The April 2011 Seniors-only Housing Final Report appears to fail to take sufficient account of the need for seniors-only housing as part of the mainstream housing options that need to be available. Regardless the fact that the lack of suitability of standard housing options forces a move to assisted living which otherwise might not be necessary, the report appears to place a priority in ensuring that the seniors only housing is available to those who have other options, unlike the seniors. Given the high economic and social costs of assisted living, it appears unfortunate that the support systems inherently present in seniors-only housing were to be denied to seniors for this reason. Enabling seniors-only housing would not only support strong community building, it would also assist with demand for continuing and long-term care

facilities managed by the Province. Changing the Human Rights Act would enable developers to design a project for seniors without facing additional hurdles such as getting clearance from the Human Rights Commission.

At 5600 square kilometres, HRM has a large number of communities each with diverse priorities and needs. In recognition of this, the HRM Charter and MGA before it enabled HRM to establish Community Councils as a link between residents and the broader Regional Council. Community Councils play an important role in understanding the issues before communities in their area and advocating for them at Regional Council. Because of their closer connection to their respective regions of HRM, Regional Council is requesting it be able to delegate authority to Community Councils on local matters. This could include the authority to amend Municipal Planning Strategies when they are of a local, site-specific nature, and setting local area rates for enhanced services that Regional Council deems to be local. Approval timelines will be shorter, thus supporting economic development, and HRM as a whole will be stronger if Councillors and the governing body most familiar with specific areas can undertake improvements and community-building initiatives.

As a leading member of the Strategic Urban Partnership, the Province of Nova Scotia has demonstrated its support for the Capital Ideas approach. The amendment requests above all build on that approach and enhance HRM's ability to attract people, build businesses, grow the economy and create a more sustainable region – all without any funding requirements. Allowing HRM as the economic engine of Nova Scotia to position itself as a prosperous, attractive and dynamic place to be will create economic benefits that reverberate throughout the province.

II) ADMINISTRATIVE ISSUES

There are other matters which fall more within issues that generally arise under the ordinary course of business which HRM would like to see move forward. As a large, mature and complex organization, HRM is asking for some changes which would streamline business processes and allow it to function more efficiently. For example, the requirement to effect service on a municipality appears to have inadvertently been changed as a result of the modernization of the Civil Procedure Rules in 2008. Given the complexity of a large municipality, a clear and unambiguous process for effecting service needs to be articulated. HRM is recommending that service on the clerk of a municipality be reinstated as the means of effecting service on the municipality.

Under the MGA municipalities have the ability to meet In-Camera to discuss matters relating to personnel, litigation and real estate. The types of discussions needed in these three areas are similar to those the Municipality sometimes has with the Provincial and Federal governments. Negotiations on proposals, funding agreements and joint initiatives all take place during intergovernmental discussions. However, the MGA does not permit Council or Committees of Council to have closed meetings to discuss proposals to or from the provincial or federal government prior to a public announcement. It is recommended that the MGA be amended to expressly allow an In-Camera meeting for matters relating to intergovernmental affairs that are not yet public.

Throughout the past year HRM has been going through the District Boundary Review process mandated to occur every eight years by the MGA. A regular review of boundaries allows municipalities to track their growth and ensure adequate and equitable representation for all residents. District boundary adjustments lead to a nimble, responsive and strategic governance body. To develop a fairer process that will strengthen the outcome, Halifax Regional Council has requested that future determination of council size and boundary locations be made by an independent body such as the UARB, rather than Council itself. Cape Breton Regional Council has passed a similar motion and the Union of Nova Scotia Municipalities endorsed a resolution supporting both requests.

Both HRM and UNSM have requested one other change regarding Municipal Council governance. UNSM has drafted proposed amendments to the Municipal Government Act regarding Code of Conduct for Municipal Elected Officials. HRM supports the work UNSM has undertaken on this issue to date, and has developed and adopted its own Code of Conduct using the UNSM Code as a basis and making slight modifications to reflect some of HRM's unique circumstances. However, currently the MGA and HRM Charter do not enable municipalities to bring sanctions against a member who chooses not to sign the Code of Conduct. Halifax Regional Council supports making the required changes to the MGA and HRM Charter that would allow Municipal Councils to enforce their codes of conduct and implement sanctions against any members who do not sign.