

Community Planning & Economic Development Standing Committee
February 14, 2013

TO: Chair and Members of Community Planning & Economic Development

Original Signed

SUBMITTED BY:

Chris Bryant, A/Managing Director, Government Relations &
External Affairs

DATE: January 23, 2013

SUBJECT: Legislative Requests – 2012 Update

ORIGIN

- Bill 160 HRM Charter, introduced to the Nova Scotia Legislature on December 4, 2012
- February 2012 report to all standing committees “HRM Legislative Requests Strategy”

LEGISLATIVE AUTHORITY

HRM Charter s. 235 (5)(k) – density bonusing
HRM Charter s. 246 (3) – site plan approval

RECOMMENDATION

It is recommended that the Community Planning & Economic Development Standing Committee forward the following recommendations to Halifax Regional Council for approval:

- Endorse the issues raised in this report in regards to Bill 160 and direct staff to work with the Province towards resolving them in time for the Spring 2013 session of the Legislature.
- Review all of HRM’s outstanding amendment requests to determine their ongoing necessity and relevance
- Authorize a joint review of the HRM Charter with Service Nova Scotia & Municipal Relations.

BACKGROUND

HRM has a list of 35 amendment requests that date back to 2006 (Appendix A). The majority of these date from 2008 onwards, after the adoption of the HRM Charter as HRM's governing legislation. The HRM Charter was intended to recognize Halifax as unique and speed up the amendment request process. This has not proven to be the case, as demonstrated by the large number of outstanding requests.

HRM's legislative requests cover a range of topics that relate to every business unit. The breadth and number of amendment requests led HRM to adopt a more coordinated approach in 2012, focusing on a small number of amendments that address key strategic priorities with long term impact. Staff identified ten amendment requests that met these objectives and presented them to Council for endorsement in February 2012 (Appendix B). The amendments were related to increasing economic development through a focus on Regional Centre development, and strengthened governance mechanisms. The Regional Centre and Economic Development themes were chosen because of their alignment with HRM's key priority focus areas as well as the Provincial priority of economic development. They also coincided with the five-year Regional Plan review and development of the Centre Plan. Similarly, the governance requests were timely in light of the October 2012 municipal elections.

HRM's package of ten amendment requests was sent to the Minister of Service Nova Scotia & Municipal Relations in March 2012, prior to the start of the Spring session of the Legislature. At the same time, HRM undertook extensive advocacy efforts aimed at getting the requests introduced to the Legislature for consideration.

DISCUSSION

Advocacy Campaign

HRM's advocacy efforts involved staff from Government Relations, Planning & Infrastructure, Communications and Legal Services, as well as the CAO's Office, Mayor's Office and Standing Committee chairs. The campaign included the following elements:

- Numerous meetings with Provincial officials from a number of departments (SNSMR, Community Services, Policy & Priorities, Premier's Office)
- Presentations to all three party caucuses
- Meetings and several letters from the Mayor to the Minister of SNSMR
- Meetings with stakeholder groups representing a large cross-section of HRM, including the HRM Alliance and Strategic Urban Partnership
- Briefing notes and follow up letters to address questions from Provincial officials and stakeholders
- Legislative requests profiled in RP+5 and Centre Plan consultations
- A webpage was added to the RP+5 website dealing with legislative amendments
- A social media campaign profiled the amendments, which in turn generated further public attention

- Stories and interviews in print and radio media on the amendment requests

While HRM's requests gained some public and media attention, SNSMR did not forward the amendments to the Legislature for consideration in the Spring sitting. Work continued throughout the summer and fall to raise the profile of HRM's requests within the Provincial government and identify issues which might be preventing them from advancing. The focus of most of HRM's work was around the density bonusing and site plan approval requests, as they are the most time-sensitive in terms of the Centre Plan development.

When the Legislature reconvened for the Fall sitting, discussions continued between HRM and the Province, particularly focusing on HRM's public consultation process and the affordable housing benefits that density bonusing could bring. On December 5, 2012, Bill 160 was given first reading in the Legislature (Appendix C). The Legislature rose the following afternoon. Bill 160 remains on the order paper as the only government Bill not dealt with throughout the course of the Fall sitting.

Bill 160 Content and Analysis

HRM does not generally have input into the drafting of Provincial legislation. Discussions take place around the details of HRM's legislative requests prior to Provincial officials drafting legislation, and then HRM receives the final product.

Bill 160 proposed amending the HRM Charter to allow density bonusing and site plan approval in the "Regional Centre", with the following conditions:

- The ability to do incentive or bonus zoning is not extended to the entire municipality;
- It authorizes the SNSMR Minister to make regulations respecting public consultation prior to site plan approval, including in the HRMbyDesign area which already has separate site plan approval abilities through the Design Review Committee;
- It stipulates that the results of all public consultation must be submitted to and considered by the design review committee in the site plan approval process, as well as allowing for more than one design review committee;
- It mandates the inclusion of affordable housing in any incentive or bonus zoning agreement including in the HRMbyDesign Downtown Plan area where no such requirement currently exists; and
- It authorizes HRM to accept money in lieu of contributions for affordable housing.

HRM has some concerns with the Bill as drafted:

- One of the most significant issues in the proposed Bill is the ability for the Minister to make regulations prescribing additional public consultation requirements. This runs contrary to existing legislation (HRM Charter and the Municipal Government Act) which gives municipalities primary authority over planning, including the public consultation process.
- Density bonusing as laid out in the Bill will require an affordable housing component.

HRM supports efforts to increase the supply of affordable housing. However requiring density bonusing to include an affordable housing component is not the case anywhere else in Nova Scotia. Nor is it currently required under HRMbyDesign. Bill 160 therefore places an additional restriction where none currently exists. The Bill does not define “affordable housing” but states that the Minister may make regulations relating to it. As such it acts as a framework for affordable housing while being silent on the nature and extent of it.

- The concerns relating to public consultation and affordable housing raise an additional concern about the way in which the Province makes changes to municipal governing legislation. Usually the Province imposes new requirements through amendments to legislation, which is a public process and allows municipalities to have input. By imposing requirements through regulation, the Province has removed the opportunity for public/municipal comment prior to Cabinet issuing the regulation.
- The Design Review Committee was set up as a standing committee of experts in architecture and planning with citizen representation, not a public hearing/consultation body. Requiring the Design Review Committee to receive and review public consultation does not use the technical expertise of the Committee.
- The amendments are limited to the “Regional Centre” rather than applicable HRM-wide.

HRM will work with the Province to consider clarifications to the legislation in anticipation of the spring session of the Legislature.

Next Steps

The Legislature was adjourned on December 6, 2012 with Bill 160 remaining on the order paper. In addition to the density bonusing and site plan approval amendment requests now introduced as draft legislation, HRM also received an answer to its request for seniors housing to be exempted from the Human Rights Act. The Minister of Justice declined the amendment after reviewing a report the Law Reform Commission of Nova Scotia issued on the issue which concluded an exemption was not warranted. HRM has also seen progress on its Heritage Property Act request to address clerical and procedural errors. The Minister of Communities, Culture and Heritage has agreed to consider the request and the implications it might have on the broader policy around procedural errors in heritage property registration.

HRM Charter Review:

Apart from the four requests outlined in the paragraph above, there remain 31 outstanding requests. The majority of these were made after the HRM Charter was adopted. The lack of success in achieving these requests, or even having them presented to the Legislature, indicates that the current process is not working very well. One contributing factor is the absence of any mechanism for Council to review outstanding legislative requests and determine if they are still relevant and desired. Requests not dealt with by the Provincial government remain on the status

sheet indefinitely. It is recommended that Council direct Legal Services and the appropriate business units to undertake a review of existing legislative requests to determine their current need and relevance to HRM priorities and operations. It is further suggested that this practice continue at regular intervals in the future.

The Charter was intended to streamline HRM's legislative request process by removing any impact on other Nova Scotian municipalities. However there has not been any improvement in getting HRM amendments approved by the Legislature, or even forwarded to the Legislature for debate. As described in the February 2012 information report on Legislative Requests Strategy, HRM undertook a coordinated approach to legislative amendments in 2012 that focused on priority objectives for both HRM and the Provincial government. This reduced the number of amendments HRM forwarded from 35 down to 10. Of these 10, three were the main focus of attention during discussions with the Province. Two of the three made it into draft legislation (Bill 160).

It is fair to say that a coordinated approach focusing on mutual priorities has not been successful. The HRM Charter in its current form, with the current process for changing it, is not meeting the needs of HRM, Nova Scotia's largest and most economically diverse municipality. Other Canadian municipalities have received Charters in recent years. Toronto, Montreal, Winnipeg, and Vancouver all have their own city charters which recognize the unique contributions they make to their provincial economies, and which seek to let them maximize their potential through increased autonomy. Edmonton and Calgary signed an MOU with the Alberta Ministry of Municipal Affairs, committing to develop a new legislative framework for the two cities that recognizes their evolving needs and responsibilities.

All these city charters set the tone for a new relationship of mutual respect between the municipal and provincial governments, explicitly recognizing that these cities need more autonomy to maximize their economic potential. The legislative powers HRM received for HRMbyDesign have proven that HRM can encourage increased economic activity, if given the tools to do so. Much of the current growth in Nova Scotia's economy is attributed to Halifax. As the shipbuilding contract gets underway and the Centre Plan and Regional Plan reviews proceed, HRM will likely be asking for more amendments that allow the Municipality to achieve growth and density targets and to plan sustainably for the future. HRM's governing legislation will also impact how commercial tax reform is approached.

The HRM Charter is now four years old and is well-placed for a review that would update it and bring it in line with other municipal charters across Canada, to make it a more useful and relevant legislative framework for Halifax. HRM staff is recommending that a review of the HRM Charter be pursued with SNSMR as a collaborative initiative.

FINANCIAL IMPLICATIONS

None.

COMMUNITY ENGAGEMENT

N/a

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

Council could accept Bill 160 and advocate for it as written. This is not recommended due to its conflict with existing legislation and its impact on municipal planning authority.

Council could direct staff to pursue additional legislative requests.

ATTACHMENTS

Appendix I: List of HRM outstanding legislative requests

Appendix II: February 2012 Information report “HRM Legislative Requests Strategy”

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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

Original Signed

Report Approved by:

Chris Bryant, A/Managing Director, Government Relations & External Affairs, 490-3677

AMENDMENT TRACKING SPREADSHEET
September 2012

Year Requested	Particulars of Request	Section(s) to be amended/ added
1. 2011	Capital Cost Charges for recreation, libraries and growth studies	Charter - s. 104
2. 2010	Power for UARB to conduct Municipal Boundary Review	MGA - s.354
3. 2010	Motor Vehicle Act fines	Motor Vehicle Act
4. 2010, 2009	Community council power to (1) set area rates, (2) have authority over local matters, (3) to amend MPS.	Charter - s.25, 29, 30
5. 2009	Density Bonus Zoning The HRM Charter currently limits the application of the HRM by Design provisions to "in the HRM by Design Downtown Plan Area" and therefore prevents incentive or bonus zoning anywhere outside the HRM by Design Downtown Plan Area, and, is more restrictive than the current 220 (5)(k) of the MGA which allows incentive or bonus zoning anywhere in the municipality. Staff are recommending that this restriction be removed from the HRM Charter.	Charter - s. 235(5)(k)
6. 2009	Code of Conduct for Municipal Elected Officials	Charter - s. 16A
7. 2009	Geothermal Exemption Exempt small thermal projects with 10 customers or less from UARB utility oversight.	Public Utilities Act
8. 2009	Ban on the Importation and Sale of Alien Invasive Species	Charter
9. 2009	Site Plan Approval Regulate external appearances outside HRM by Design areas through site	Charter

AMENDMENT TRACKING SPREADSHEET
September 2012

Year Requested	Particulars of Request	Section(s) to be amended/ added
	development process.	
10. 2009	Water Fowl - enabling legislation to allow regulation of feeding of waterfowl from lakes	Charter
11. 2009	Surveys for Expropriation Ensuring <i>Expropriation Act</i> and HRM Charter are consistent making surveys optional (currently mandatory for HRM expropriation).	s. 65(2)(a) of HRM Charter
12. 2009	Service on Clerk Reinstate requirement for service on municipal clerk, requirement changed by 2008 Civil Procedure Rules.	Charter
13. 2009, 2006	Vacant Building Management (1) Section 536C grants the municipality the power to expropriate boarded up vacant buildings; however, a clarification is required to ensure that the dangerous and unsightly powers in the Charter also apply to vacant buildings. (2) To provide feasibility to existing option to acquire vacant buildings through certainty of an affordable acquisition cost by fixing acquisition cost at assessed value less demolition costs where demolition is undertaken.	Charter - 3(r)(xiii)(a) 3(r)(ix)
14. 2008	In Camera Discussion re Intergovernmental Affairs Facilitate In Camera negotiations of intergovernmental initiatives prior to government (federal/provincial) public announcements.	Charter - S. 19(2)(h), S.19(2) (i)
15. 2008	Search Warrants	SS. 27(4), 352(3), 367(3)(c)

AMENDMENT TRACKING SPREADSHEET
September 2012

Year Requested	Particulars of Request	Section(s) to be amended/ added
	Allow a Justice of the Peace to issue a search warrant under the Charter mirroring provision in Summary Proceedings Act.	
16. 2008	Acceptance of Public Streets Clarify that a street does not become a "public street" until the street is accepted by Council or the street is part of an approved subdivision.	Charter - s. 318(3)
17. 2008	Fine Collections Amend the Summary Proceedings Act so a fine imposed by a court is deemed a judgment of the NSSC - avoids an application to the Supreme Court which is effectively an administrative rather than judicial exercise. Enhance HRM's ability to collect fines by amending the Charter to make fines imposed by a Provincial Court: (1) relating to specific properties, first liens against real property and collectable in the same manner as taxes; (2) relating to two or more convictions for noise violations first liens against the property from where the noisy activity originates.	Summary Proceeding Act S. 4(2) Charter - 369A, 369B
18. 2008	Local Improvement Charges re Nova Scotia Power. Clarify LICs may be charged to NSPI.	Charter - s.104A
19. 2008	Charges for Future Use Allow Council the ability to impose charges against persons who will benefit, in the future, from a service (ie water & sewer).	Charter - ss. 96(1), 102, s.104(3)(f)

AMENDMENT TRACKING SPREADSHEET
September 2012

Year Requested	Particulars of Request	Section(s) to be amended/ added
20. 2008	<p>Heritage Property Act Requesting sunset clause of 90 days for impact clerical errors have on heritage registration</p>	Heritage Property Act – s.17, 18
21. 2008	<p>Waterton Decision Lack of clarity around power of UARB in the event of an appeal from decision of DO.</p>	Charter -265 & 267 of Charter
22. 2008	<p>Spending Power for Special Events The MGA permits Regional Council to spend money on advertising opportunities for the municipality for business, industrial and tourism purposes and to promote and attract institutions, industries and businesses. For greater clarity, it is recommended that the MGA be amended to clarify that Regional Council may expend funds on special events such as cultural, musical, social, recreation or sporting events.</p>	Charter – 57(1) [80(1)]
23. 2008	<p>Summary Offence Tickets Grant Regional Council the authority to designate wording to make an offence SOT-table.</p>	Charter - s. 183(7)
24. 2007	<p>Seniors Housing Amend the Human Rights Act to exempt seniors' housing from the prohibition on housing restricted on the basis of age.</p>	Human Rights Act
25. 2007	<p>Obstructions on Streets Clarify that the owner is required to pay for the costs of remedying an obstruction on a street for which that abutting property owner is responsible. For example, private fencing obstructing a public street.</p>	Charter - s. 328(7)

AMENDMENT TRACKING SPREADSHEET
September 2012

Year Requested	Particulars of Request	Section(s) to be amended/ added
26. 2007	<p>Noise</p> <ol style="list-style-type: none"> 1. Address excessive noise and make the owner responsible for the noise of an occupier. 2. Empower peace officer to demand from the owner, within 48 hours, the name and the address of the person occupying the premises or a copy of the lease. 3. Provide landlord redress for noisy tenants. 	<p>Charter - s. 369</p> <p>Charter - s. 369</p> <p>Residential Tenancies Act, s 9(10)</p>
27. 2007	<p>Notice of Claims</p> <p>Add a 21 day limitation period in the <i>Charter</i> for transit and snow and ice claims to allow gathering and preservation of the necessary evidence.</p>	<p>Charter - s. 376(4)(a), 376(4)(b)</p>
32. 2007	<p>CCC Charges for (1) active transportation.</p>	<p>Charter - definitions, s. 104(1)(h)</p>
28. 2007	<p>Accident Benefits (Section "B") and Unidentified Motorist (Section "D") Payments on Metro Transit Buses</p> <p>Priority for payment be sought requiring an occupant of a bus, who is insured under his or her own automobile insurance, to claim, in the first instance, section B and section D benefits against his or her own policy rather than against HRM. This still allows recovery from HRM if the occupant does not have his or her own insurance.</p>	<p>Insurance Act - s. 139 (8), 143(1)</p>
29. 2007	<p>Increasing Building Requirements Near Nuisances</p> <p>To facilitate greater proximity of residential uses to commercial and</p>	<p>Building Code Act - s. 7(1A)</p>

AMENDMENT TRACKING SPREADSHEET
September 2012

Year Requested	Particulars of Request	Section(s) to be amended/ added
	industrial developments, allow HRM to impose more stringent construction standards for residential development near nuisances than are contained in the N.S. <i>Building Code Act</i> .	
30. 2006	<p>Heritage</p> <p>1) Clarify the incentives a municipality may provide to municipal heritage property or a property in a conservation district.</p> <p>2) Provide municipalities the power to regulate the demolition or removal of municipal heritage property.</p> <p>3) Heritage registrations need to be deemed to be in compliance with procedural requirements where (similar to adoption of bylaws) not challenged within 90 days of adoption by Council.</p>	Heritage Property Act - s. 3(aa), 20(1), 22(1)(2), 18, Heritage Property Act, 17(4)(a), 17(7)
31. 2006	<p>Maximum Tax Rate and Flexibility</p> <p>Seek powers to: (a) set a maximum tax rate; and (b) to impose charges, in lieu of taxes, for rural area, urban area on: (1) taxable assessed property or (2) dwelling unit based on acreage or frontage.</p>	Charter - s. 94; 94A
33. 2006	<p>Provide flexibility to provide tax credits to tax payers with excessive assessments.</p>	Charter - s. 97
34. 2006	<p>Repair of Buildings - allow access to neighbours property to effect repair</p>	Charter - MGA s. 277A
35. 2006	Parks management powers	Charter - s. 66A

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

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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

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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.

BILL NO. 160

(as introduced)



*4th Session, 61st General Assembly
Nova Scotia
61 Elizabeth II, 2012*

Government Bill

Halifax Regional Municipality Charter (amended)

The Honourable John MacDonell
Minister of Service Nova Scotia and Municipal Relations

First Reading: December 5, 2012

(Explanatory Note)

Second Reading:

Third Reading:



Explanatory Note

This Bill amends the Halifax Regional Municipality Charter to

- (a) permit incentive or bonus zoning agreements in the central area of the Halifax Regional Municipality on both sides of Halifax Harbour;
- (b) authorize the Minister to make regulations respecting public consultation prior to site-plan approvals in the central area of the Municipality, including the existing HRM by Design Downtown Plan Area; and
- (c) authorize the Municipality to accept money in lieu of contributions for incentive or bonus zoning in the central area of the Municipality, including the existing HRM by Design Downtown Plan Area.



An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter

Be it enacted by the Governor and Assembly as follows:

1 Section 3 of Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter, as enacted by Chapter 41 of the Acts of 2008, is amended by

(a) adding immediately after clause (aj) the following clause:

(aja) "HRM by Design Downtown Plan Area" means the area delineated in the map in Schedule B;

and

(b) adding immediately after clause (ba) the following clause::

(baa) "Regional Centre" means the area delineated in the map in Schedule C, excluding the HRM by Design Downtown Plan Area;

2 Subsection 31A(1) of Chapter 39, as enacted by Chapter 41 of the Acts of 2008, is amended by adding "and the Regional Centre" immediately after "Area" in the second line.

3 Clause 209(fa) of Chapter 39 is repealed.

4 (1) Clause 235(5)(k) of Chapter 39, as amended by Chapter 41 of the Acts of 2008 and Chapter 16 of the Acts of 2009, is further amended by adding "and the Regional Centre" immediately after "Area".

(2) Section 235, as amended by Chapter 41 of the Acts of 2008, Chapter 16 of the Acts of 2009 and Chapter 16 of the Acts of 2010, is further amended by adding immediately after subsection (5) the following subsection:

(6) Where the land-use by-law provides for incentive or bonus zoning within the Regional Centre, the land-use by-law must require the inclusion of affordable housing in a development, as the contribution for any incentive or bonus zoning applicable to the development.

5 (1) Subsection 245A(1) of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by adding "and the Regional Centre" immediately after "Area" in the third line.

(2) Section 245A, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by adding immediately after subsection (3) the following subsection:

(4) Where the land-use by-law provides for incentive or bonus zoning within the Regional Centre, the land-use by-law must require the inclusion of affordable housing in a development, as the contribution for any incentive or bonus zoning provided for in a development agreement.

(5) Notwithstanding subsection (4), the land-use by-law may provide that the Council may accept money instead of a contribution under this Section.

(6) The Municipality shall use any money accepted under subsection (5) for the purpose for which the money was accepted instead of a contribution.

6 (1) Clause 246(1)(h) of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by adding "and the Regional Centre" immediately after "Area" in the second line.

(2) Clause 246(3)(l) of Chapter 39, as amended by Chapter 41 of the Acts of 2008 and Chapter 16 of the Acts of 2009, is further amended by adding "and the Regional Centre" immediately after "Area".

7 (1) Subsection 246A(1) of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by

(a) striking out "a design review committee" in the first and second lines and substituting "one or more design review committees"; and

(b) adding "and the Regional Centre" immediately after "Area" in the second line.

(2) Section 246A of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by adding immediately after subsection (6) the following subsection:

(6A) The results of all public consultation pursuant to clause 246(1)(h) or regulations made pursuant to clause 383(1)(ab) must be submitted to and considered by the design review committee.

8 Subsection 247(7) of Chapter 39, as enacted by Chapter 41 of the Acts of 2008 and amended by Chapter 16 of the Acts of 2009, is further amended by adding "and the Regional Centre" immediately after "Area".

9 Clause 250(2)(d) of Chapter 39, as amended by Chapter 41 of the Acts of 2008 and Chapter 16 of the Acts of 2009, is further amended by adding "and the Regional Centre" immediately after "Area".

10 Subsection 383(1) of Chapter 39 is amended by adding immediately after clause (a) the following clauses:

(aa) respecting the nature and extent of affordable housing to be required by subsections 235(6) and 245A(4);

(ab) with respect to the HRM by Design Downtown Plan Area or the Regional Centre, prescribing additional requirements for public consultation that must take place prior to an application for site-plan approval being submitted to the Municipality ;

11 Chapter 39 is further amended by adding immediately after Schedule B the following Schedule:

SCHEDULE C

